

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the right to education; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 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

REFERENCE:
UA IRN 18/2017

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Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on the right to education; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 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 33/30, 26/17, 34/18, 31/16 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 arrest, detention and conviction of members of the **Bahá'í community in Iran as well as attacks on their property, sealing of their shops, exclusion from universities and threats.**

Article 13 of the Iranian Constitution lists Zoroastrianism, Judaism and Christianity as the only recognized religious minorities in Iran. The Bahá'í faith is not recognized under the Iranian legal system.

The systematic persecution and discriminatory policies against members of the Bahá'í community in Iran has been the subject of several communications by special procedures, including communication sent on 3 June 2016 (IRN 15/2016); 19 February 2016 (IRN 5/2016). 20 August 2016 (IRN 17/2014); and 8 May 2016 (IRN 8/2014). We thank your Excellency's Government for the replies of 15 January 2015 and 26 May 2016, but regret that these replies did not address the substance of the concerns.

Arrest and detention of members of the Bahá'í community

According to the information received:

In January 2017, seven members of the Bahá'í community in Yazd were arrested by the Ministry of Intelligence. The individuals included Mr. [REDACTED], Mr. [REDACTED], Mr. [REDACTED], Mr. [REDACTED], Ms. [REDACTED], Mr. [REDACTED], and Mr. [REDACTED].

Mr. [REDACTED] is reported to be the only one who was released on bail of 180 million tuman (approximately US\$55,550) on 5 February 2017.

On 2 January 2017, Mr. [REDACTED] and Ms. [REDACTED] were arrested and continue to be detained in the city of Borazjan.

On 3 January 2017, Mr. [REDACTED] and his wife, Ms. [REDACTED], from Kerman were arrested and their house was also searched by authorities.

On 22 January 2017, Mr. [REDACTED], who had been arrested on 1 June 2016, was tried by a revolutionary court on a charge of “membership in the Bahá’í Administration”. On 27 February, his sentence to five years in prison was announced.

On 25 January 2017, the Ministry of Intelligence agents in Isfahan simultaneously went to the homes of Mr. [REDACTED] and Mr. [REDACTED], arrested and detained them. Mr. [REDACTED]’s wife visited Branch 13 of the Revolutionary Court in Isfahan to follow up on her husband’s case and met with her husband’s interrogator, who happened to also be present during the house raids. The interrogator indicated that they had planned to summon her for questioning and that she should be interrogated now that she was with him. Her interrogation lasted for about one hour and she was asked questions which indicated that there had been strict surveillance of their home and telephone conversations.

On 27 January 2017, Mr. [REDACTED] was arrested and detained in Tehran.

On 28 January and 13 February 2017, three members of the Bahá’í community residing in Mashad, Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED] were tried by Branch 8 of the Islamic Revolutionary Court on a charge of “propaganda against the regime through the Bahá’í propaganda”. The lawyer of the three individuals was not given an opportunity to defend his clients. The outcome of the trial is not known.

On 29 January 2017, Ms. [REDACTED] was arrested in Tehran.

On 1 February 2017, Mr. [REDACTED] and his wife, Ms. [REDACTED], were arrested in Zahedan and their house and workplace were searched.

On 8 February 2017, Mr. [REDACTED], Mr. [REDACTED], and Mr. [REDACTED] were arrested and detained in Kerman after their houses were searched and items related to the Bahá’í Faith were confiscated. Mr. [REDACTED]

was among the Bahá'í shop owners whose shops were sealed in April 2015 by authorities in Kerman for being temporarily closed on a Bahá'í holy day.

On 12 February 2017, Mr. [REDACTED] was arrested in Tehran and sent to Evin Prison for detention; his house was searched and items related to the Bahá'í Faith were confiscated. He was released on bail on 26 February and is presently awaiting his court hearing.

On 21 February 2017, Ms. [REDACTED], was arrested in Tehran by a judicial order from Yazd and was sent to Evin Prison for detention.

On 18 April 2017, a court in Kerman sentenced Mr. [REDACTED] and his wife, Ms. [REDACTED] to 5 years discretionary imprisonment. Following an appeal, the case was referred to the court of appeals. The court hearing of Mr. [REDACTED], Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED] has not yet taken place.

Closure of shops belonging to the Bahá'í community and other confiscation of property:

According to the information received:

In February 2017, 14 members of the Bahá'í community in Rowshankouh, Sari, were summoned for illegal construction on lands belonging to the Department of Natural Resources of Mazandaran. The illegal construction refers to the already existing houses in the village of Rowshankouh, which have existed for over 70 years. The Department has requested the demolition of these buildings by stating that the village is in a forest zone and that the land has been occupied and built upon illegally. The Department of Natural Resources has reportedly refused to accept relevant aerial pictures from the 1960s and 70s, showing that the buildings were existing already at that time, as evidence in the legal proceedings.

In February 2017, three business premises were sealed in Karaj. Of these three shops, the optical shops belonging to Mr. [REDACTED] and Mr. [REDACTED] were sealed in Hashtgerd, Karaj.

In March 2017, three businesses owned by members of the Bahá'í community, Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED] were shut down in Karaj, west of Tehran on the basis of smuggling charges. Even though they presented receipts proving their property is not smuggled, the authorities seized their businesses.

Following the sealing of a number of optical business premises belonging to members of the Bahá'í community in Karaj, sentences have been issued for some of the business owners on the grounds of possession of smuggled goods. They have also been sentenced to one year of imprisonment and payment of a substantial monetary fine, in addition to having their possessions confiscated. In one case, the stock of spectacles in a store, valued at 110 million tuman (approximately US\$33,950), was confiscated, and the owner was sentenced to one year of imprisonment under *Ta'zir* provisions of the Criminal Code.

Bahá'í shop-keepers in Mazandaran have reportedly continued to follow-up with various government officials about their shop closures. However, their letters addressed to the Governor General, the Governor, the Public Places Supervision Commander, the Office of the President of the Islamic Republic in regard to citizens' rights, the Vice President in regard to minorities at the Office of the President (Mr. Ali Younesi), the chief of the police force in Mazandaran so far have proved unsuccessful.

After Bahá'í-owned businesses in Amol, Bahnemir, Sari Nowshahr, Tonekabon, Ghaemshahr, and Fereidoun-Kenar were temporarily closed by their owners on 1 and 2 November 2016 for the observance of a Bahá'í holy day, Iranian authorities sealed 90 of these shops. Five business owners in Ghaemshahr issued a complaint to Branch Number 5 of the Court of Administrative Justice. Families of business owners in Sari held several meetings with the Office of the President, the Ministry of the Interior, the Commission for Article 90, and members of parliament, both in the capital of the province as well as in Tehran. None of these efforts have yielded any results and the shops that were forcibly closed are still unable to operate.

Expulsion of students

According to information received, the following students were expelled from universities because of their belonging to the Baha'i community:

In January 2017, Ms. [REDACTED], who was a fifth-term student of midwifery and who had already completed 80 courses in her programme, was expelled from university.

On 16 January 2017, two Bahá'í students, Ms. [REDACTED] and Ms. [REDACTED] were expelled from their universities in Isfahan and Shiraz.

On 19 March 2017, it was also reported that Ms. [REDACTED], a Bahá'í student from the University of Mashad, was excluded from the final exams after having attended five semesters studying Urban Engineering. She was not given clear answer as to why she was expelled from university.

In March 2017, Mr. [REDACTED], resident in Shiraz and student in computer engineering, was expelled from university

Ms. [REDACTED] and **seven other Bahá'í students** were expelled from their university in Isfahan because of an “incomplete file” after completing the National University Entrance Examination and selecting their courses. Ms. [REDACTED] and the seven other students went from Isfahan to Karaj to meet with the office of the National Education Measurement and Evaluation Organization, and they each wrote a letter asking for follow up on their case. The students then went to the National Education Measurement and Evaluation Organization office in Tehran, where they learned that the office had received instructions from the Ministry of Intelligence to suspend candidates who were not members of the official religions.

Mr. [REDACTED], who had been studying civil engineering at Rodehen University, was expelled from the university. He was admitted to Rodehen University in the 2016-2017 school term. Five weeks later he was called to the university security office and questioned about his religion; he declared himself to be a Bahá'í. Initially, the academic authorities told him that they would support him to finish his studies, but before the end of the first term, he was denied access to take exams and was expelled.

Threats and incitement to hatred against members of the Baha'i community

According to information received:

In February 2017, Mr. [REDACTED], a Bahá'í from Miandoab, was reportedly asked by the Ministry of Intelligence in Miandoab to collaborate with them, but he declined to do so. Following this experience, he was subjected to harassment by unknown individuals and has been suffering mental anguish since then. Unknown individuals wrote “Death to Bahá'í” on Mr. Kalamati's father's vehicle several times and slashed the four tires of the car. They also distributed false announcements throughout the city stating that there would be a memorial for Mr. Kalamati's wife and daughter, who were killed in a vehicle accident.

Concern is expressed at the arrest, detention, conviction, harassment and confiscation of property of members of the Bahá'í community in Iran. We express concern that this amounts to systematic persecution based on the religious affiliation of individuals, and we reiterate our concern at the lack of legal protection for all religious minorities in Iran, and at the discriminatory policies on religious grounds.

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 rights of these persons not to be deprived arbitrarily of their liberty and the exercise of

their rights to freedom of religion, expression, and association as enshrined in articles 1, 9, 18, 19, 22, and 26 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975, and the right to have access to education and economic opportunity pursuant to article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Iran on 24 June 1975.

Furthermore, 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 being subjected to discrimination by any State, institution, group of persons or person, as set forth in ICCPR and the United Nations 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55).

Recognizing that those individuals affected are members of religious minorities in Iran, we would like to bring to your Excellency's Government attention the international standards regarding the protection of the rights of persons belonging to religious minorities, in particular to article 27 of the ICCPR, that guarantees minorities, inter alia, the right to profess and practice their own religion. Moreover, the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities requires States to protect the existence and identity of religious minorities within their territories, to adopt appropriate legislative and other measures to achieve those ends (article 1) and to ensure that persons belonging to minorities may exercise their human rights without discrimination and in full equality before the law (article 4.1).

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 persons 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 information on the legal grounds for the arrest and detention of the above-mentioned members of the Bahá'í community and explain how these measures are compatible with article 9 of the ICCPR

3. Please provide the details of the proceedings against the Bahá'ís identified above, and the legal basis and evidence used in court to convict and sentence them.
4. Please provide information concerning the legal grounds and reasoning for the expulsions of the aforementioned students from their universities and how the admissions rule requiring Islamic faith is compatible with article 13 of the ICESCR.
5. Please provide information concerning the legal grounds and reasoning for the closing down of Bahá'í-owned stores and how these closings are compatible with the principles and norms contained, including article 1 of the ICCPR.
6. Please provide information about measures taken to repeal article 13 of the Constitution and discriminatory legislation.

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.

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

We would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

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

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