

**Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on minority issues and the Special Rapporteur on freedom of religion or belief**

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on minority issues and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 43/24, 43/14, 43/8 and 40/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **alleged systematic violations of property and housing rights of members of the Baha'i religious minority, through raids, confiscations, demolitions and a series of court proceedings that deem their property as "illegitimate"**.

Allegations about violations of civil, political, economic, social and cultural rights of individuals belonging to the Baha'i religious minority have been raised by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran in his reports to the Human Rights Council and General Assembly and in several joint communications by Special Procedures, including on 29 May 2017 (IRN 18/2017); 22 July 2016 (IRN 21/2016); 3 June 2016 (IRN 15/2016); and on 19 February 2016 (IRN 5/2016). Concerns at the specific situation of Mr. Shahrokh Taef and Mr. Afif Naimi were raised in a joint communication on 26 January 2009 (IRN 4/2009). We thank your Excellency's Government for the responses sent to these communications, but remain concerned that the violations continue and appear to have increased.

General concerns at the patterns of property confiscations, demolitions and lack of security of tenure in Iran and its impact on different groups in society were raised by the Special Rapporteur on the right to housing following his country visit to the Islamic Republic of Iran in 2005 (E/CN.4/2006/41/Add.2). The report highlighted discriminatory laws and practices particularly targeting members of religious and ethnic minorities, including Baha'is, and noted that at least 640 documented cases of confiscation of Baha'i property had taken place since 1980.

According to information received:

*Raids on 22 November 2020*

On 22 November 2020, plain-clothes agents from intelligence services raided the shops and homes of Baha'is in seven cities across Iran, and demanded that they hand over their property deeds. The raids took place in Tehran, Karaj, Isfahan, Mashhad, Kerman, Shahin-Shahr and Baharestan.

The raids involved the private homes of at least 25 individuals and the work place of two individuals

In Alborz Province: Mr. **Jamshid Shahmohammadi**; Mr. **Shahrokh Taef**; Mr. **Taher Safajou**; Mr. **Shahram Safajou**; Mr. **Afif Naimi**; Ms. **Elaheh Khodadadeh**; Mr. **Alasti**; Ms. **Fahimeh Adeli Abbasi**; Mr. **Sirous Misaghieh**. In addition, the workplace of Mr. **Anis Safajou**; Mr. **Shahram Safajou** and Mr. **Taher Safajou** were also raided.

In Isfahan Province: Mr. **Khosrow Shafieezadeh**; Mr. **Bahador Motearefi**; Mr. **Ehsan Mokari**; Mr. **Abbas Eshraghi** and Ms. **Elham Amiri**.

In Kerman Province: Mr. **Naser Nabili**.

In Mazandaran Province: Mr. **Borzoo Motearefi**.

In Razavi Khorasan Province: Ms. **Paymaneh Namdar** and the home of her mother.

In Tehran Province: Mr. **Riaz Sobhani**; Mr. **Niki Khanjani**; Mr. **Ataollah Ashrafi**; Ms. **Homa Etemadi**; Ms. **Shahla Hekmatshoar**; and Mr. **Daryoush Dayyani**.

A warrant was presented in 23 of the cases. The basis for the warrants rest on accusations of membership in “a perverse sect” and action against national security. In at least one of the cases, an arrest warrant was also presented. The raids took place without prior notice and were in some instances conducted by up to seven agents in each raid. Some of the raids lasted up to seven hours. The individuals were also ordered to report to Iran’s Bureau of Investigation.

The agents confiscated a range of items, including smartphones, computers, tablets, books, including Baha’i religious texts and other items. Several of the homes that were raided belong to Baha’is who have previously been targeted by the authorities.

On 23 and 24 November 2020, several of the individuals reported to the Bureau of Investigation for interrogation. Others were told that they would be informed at a later stage about the date of their appearance before the Bureau of Investigation. Subsequently, Ms. Namdar was charged with action against national security through management of the Baha’i community. Ms. Hekmat-Shoar, Mr. Ashrafi, Mr. Dayyani, Ms. Dayyani, Ms. Nikoukar, Mr. Khanjani, Mr. Riaz Sobhani and Ms. Etemadi have been charged with “membership in a perverse sect” and action against national security.

The raids took place shortly after the imposition of a lock-down due to COVID-19, and it has been reported that the agents did not respect the government’s health protocols while conducting the raids.

#### *Confiscation of properties held by Baha’is in Ivel village*

As a separate development, we would like to highlight the confiscation of properties belonging to Baha’i families in Ivel village, Mazandaran Province,

on decision of the Special Court for article 49 of the Constitution of the Islamic Republic of Iran. Article 49 refers to the Government's responsibility for confiscating wealth considered as "illegitimate" resulting from usurpation among other acts. The Special Court for article 49 was established as a court with jurisdiction over the investigation and adjudication on the legitimacy of properties and decide upon these properties in the form of orders and governmental ordinances. The Special Court for article 49 of the Constitution is one of the divisions of the Islamic Revolutionary Court. In addition to the expropriation of properties belonging to members of the Bahai community, Article 49 has been applied to justify expropriations of properties belonging to amongst others individuals deemed to be affiliated with the pre-1979 Government, and of Iranians leaving the country. The village of Ivel, located in Mazandaran Province, has been populated by the Baha'i community in the last 160 years. In 1983, Baha'is of Ivel village were expelled and displaced from their home. Most were not allowed by the authorities to return.

In June 2010, homes belonging to around 50 Baha'i families who had returned to Ivel were destroyed and the land was cleared, reportedly to erase any evidence of settlement and leading to new round of internal displacements. The families continued to seek legal redress and returned each summer to farm their land and harvest their crops.

On 4 November 2019, Judge Seyed Morteza Mousavi of the Special Court for article 49 of the Constitution issued a decision to confiscate all remaining properties – a combination of farm land and private homes - belonging to 27 Bahai's in Ivel village. In the ruling, the Court accuses the Bahai community for colluding with authorities and the secret police under the previous monarchy as well as with international actors,, and held that the property was "illegitimate". The ruling furthermore holds that "the perverse sect" of Baha'ism is confirmed as heretical and *nejasat* ("unclean" under Islamic law) ; there is no legitimacy in their ownership, and it is incumbent upon the fervent believers to confront the deception and corruption of this perverse sect and prevent the deviation and attraction of others towards them, and any contact with them has been declared *haram* ("forbidden" under Islamic law). "

On 1 August 2020, Judge Hasan Babaie of Branch 54 of the Court of Appeal in Tehran rejected the appeal and issued a final and binding order of the decision of 4 November 2019, which determined that the ownership of the lands belonging to the Baha'i community in Ivel to be illegal. The rationale provided in the decision was that the Baha'is had allegedly "moved and settled here [in Ivel] with intent to spread the ideologies of this sect, and usurped these lands".

The Baha'i community has over the years made repeated visits to the various authorities, including the judiciary at local and provincial levels as well as to the executive. However, their lawyers have not been granted access to the files in order to prepare a statement in defense and produce the necessary documents.

In a decision of 13 October 2020, Judge Mohammad Sadegh Savadkouhi of Branch 8 of the Court of Appeal of Mazandaran, citing the 1 August 2020 decision by the Special Court for article 49 of the Constitution, also ruled

that the ownership of the lands of 27 Baha'is of Ivel village were illegal, and that there was no error made in law. As a result, the court issued a decision allowing Setad Ijrai Farman Imam (the implementation of Imam Khomeini's order) to forcibly confiscate and sell the lands owned by the Baha'is.

We express serious concern at the reported violations perpetrated against Iranians belonging to the Baha'i religious minority throughout the country, including through raids on their homes, property and land confiscations, as well as judicial harassment. We deplore the systematic nature of these violations which represent a continuous pattern of targeted discrimination and persecution of this community, as well as a disregard of human rights law, including in the area of economic, social and cultural rights.

In this respect we would like to express our concern that the raids on the homes and work places of the Baha'i religious minority on 22 November 2020 appear to have been undertaken with the aim to intimidate the individuals to hand over their property deeds.

We are furthermore concerned at the court decisions that deem that housing, wealth and property held by Baha'is are "illegitimate", and that this may legitimize further confiscation of Baha'i owned property and the internal displacement of the minority group. Furthermore, we express concerns at the failure to protect the right to adequate housing of Baha'is, their right to return to their place of habitual residence, their rights to land and property as well as the non-recognition of their religious freedom under the Constitution. We reiterate our concerns at decades of violations of property rights of Baha'is in Iran, the lack of protection against their commercial and private interests, and the detrimental impact on the community's ability to exist in the country. We are concerned at what appears to be a systematic undermining of the ability of Baha'is to seek effective remedies, compensation and reparation for previous violations of their human rights and an undermining of their ability to reclaim their land.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 about the factual reasons and legal basis for the raids conducted on 22 November 2020.
3. Please provide statistics on the Baha'i families, whose homes were affected by raids on 22 November, including the number of women, men, and children.

3. Please provide information about the status of any legal proceedings against the above-mentioned individuals whose property (homes and shops) were raided, and personal items confiscated on 22 November 2020. In addition, please clarify whether property deeds were confiscated and the reasons thereof.
4. Please provide information on the compatibility of article 49 of the Constitution with international human rights law, in particular the right to adequate housing, and on measures taken to bring the domestic legal framework into compliance with international standards in this area.
5. Please provide information on the number of cases adjudicated by the Special Court for article 49 of the Constitution, which resulted in the confiscation of homes or property and the number of such cases affecting Baha'is. In addition, please provide information on the number of Baha'i families – women, men and children - who have been evicted from their homes as a result of a decision of the Special Court.
6. Please provide any information whether the former residents of the village of Ivel were provided with any alternative housing or compensation after their forced eviction and the destruction of their homes, following confiscations, evictions and demolitions carried out since 1983.
7. Please provide information on measures taken to ensure that Iranians belonging to the Baha'i faith are able to enjoy their right to freedom of religion or belief and that they can enjoy security of tenure and property rights without discrimination in accordance with their rights under international law.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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(s) responsible for the alleged violations.

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

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Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Balakrishnan Rajagopal  
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

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Ahmed Shaheed  
Special Rapporteur on freedom of religion or belief

## **Annex**

### **Reference to international human rights law**

We would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), ratified by the Islamic Republic of Iran on 24 June 1975, and in particular articles 2, 17, 18, 26 and 27 guaranteeing the principle of non-discrimination, the right to an effective remedy by the competent national tribunals for acts violating their fundamental rights, the protection from unlawful interference with privacy and home, freedom of thought, conscience, religion or belief, and the right to equality before the law and the right of minorities to enjoy and practice their culture.

In addition, we wish to recall that article 5 (1) of the ICCPR reiterates that "Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant." Furthermore, article 26 of the ICCPR also provides that "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as [...] religion [...]."

We would also like to draw your Excellency's attention to article 11(1) of the International Covenant on Economic, Social and Cultural Rights, ratified by the Islamic Republic of Iran on 24 June 1975, which states that "[t]he States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right [...]". It is also the obligation of States Parties to guarantee that such rights will be exercised "without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status", pursuant to article 2(2) of the Covenant.

We further recall general comments No. 4 and 7 of the Committee on Economic Social and Cultural Rights (CESCR), which stress the need to provide adequate legal protection from forced eviction, as well as to guarantee due process, alternative accommodation, and access to an effective remedy of those that may be affected by eviction orders. In its General Comment No. 4, the CESCR clarified that the right to housing should be seen as the right to live in security, peace and dignity. It indicates that the right to housing includes, among others, legal security of tenure guaranteeing legal protection against forced evictions, harassment and other threats. States parties should furthermore consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection in genuine consultation with affected persons and groups.

We also recall the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), which protect persons from arbitrary displacement from their homes or places of habitual residence (Principle 6). Of particular relevance are Principle 21 regarding the protection of property and possessions left behind by internally displaced persons including the prohibition of destruction or arbitrary and illegal appropriation and use of their property and possessions; Principle 28

concerning the right to return; and Principle 29 concerning their right to appropriate compensation and just reparation.

We also would like to alert your Excellency's Government, that deportation or persecution against any identifiable group or collectivity on cultural or religious grounds may amount to an international crime under international law, if such acts are committed as part of a widespread or systemic attack against any civilian population.

Finally, we wish to refer to the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted in General Assembly resolution 47/135, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt measures to that end (article 1) as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4). Article 2 further establishes that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without any interference or any form of discrimination and provides for the effective participation of minorities in cultural, religious, social, economic and public life, as well as in decision-making processes on matters affecting them.