

Mandates of 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

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Excellency,

We have the honour to address you in our capacity as 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 22/20 and 28/21.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning growing **incitement of hatred against the Baha'i citizens in Iran and multiple human rights violations apparently targetting the religious practices of the Baha'i community.**

According to the information received:

Incitement to hatred

On 13 May 2016, Ms. Faezeh Hashemi, daughter of the former president of Iran, Mr. Akbar Hashemi Rafsanjani, visited the home of Ms. **Fariba Kamalabadi**, one of the seven former Baha'i leaders who have been in prison since 2008.

On 18 May 2016, the spokesman of the Judiciary, Mr. Gholamanshosein Mohseni Ejei, stated at a press conference that there would be charges pursued against Ms. Hashemi because of this visit deemed as a "very ugly and obscene act".

On 20 May 2016, Ayatollah Imami Kashini, one of the most senior clerics in Iran, referred to Baha'is as a "polluted sect" and "the enemy" in a sermon addressed to many members of the public. Members/Local branches of the Association of Friday Prayer Leaders followed by condemning the Baha'i sect with similar, hateful language in twenty-five of the thirty-one provinces of Iran. The sermons labelled the Baha'i faith as a fabricated political party masqueraded as a religion and ideological belief.

The Kayhan newspaper referred to each and every member of the Baha'i community as "a member of [the] Zionist party". This was one of the hundreds of pieces inciting to religious hatred published in the month of May 2016 following the sermons of the prayer leaders.

Fatwas issued decades ago, along with new ones, forbidding Muslims from consorting with "infidel" Baha'is have been republished. Article 167 of the Iranian Constitution states that judges have to deliver judgement on the basis of

authoritative Islamic sources and authentic fatwas in the absence of a codified law to apply in the case. Ms. Hashemi's critics are referring to fatwas against Baha'is, including some issued by the Supreme Leader, to persecute her for her meeting.

On 24 January 2016, at midnight, agents of the Ministry of Intelligence Office in Shiraz raided the home of Ms. **Shiva Akhlaghi** and Mr. **Varqa Mehdizadeh** and searched the house for four hours. They arrested the couple, confiscated materials related to the Bahá'í faith, and closed down the photography studio they own, which is their source of income.

Expulsion of students

On 29 January 2016, it was reported that three Baha'is students, Mr. **Ali Kholghi**, Mr. **Farhang Rouhi**, and Mr. **Nabil Zeinali**, were expelled from the Open University of Kerman. Access to education at the technical and vocational university and non-governmental education institutions is restricted for non-Muslims, with the admissions guide citing that "belief in the religion of Islam or one of the divine religions specified in the Constitution of the Islamic Republic of Iran" is an essential requirement for enrollment. This requirement is often used to excluded Baha'i from attending universities.

Closure of businesses

Bahá'í-owned shops were shut down by authorities and vandalized in a number of Iranian cities, after their owners closed their businesses to observe Bahá'í holidays. In January 2016, four stores owned by the Bahá'ís in Tonekabon and two stores in Motel-Ghoo remained closed by the authorities after being raided and documents and computers confiscated. The owners were summoned to police station and asked to sign an undertaking that they had closed their store illegally on 13 November 2015. When the Baha'is declined to sign the statement, believing it to be untrue, their stores remained sealed. When the shop owners and their representatives met with parliamentary and judicial officers in Tehran, they were told they had to sign the undertaking form if they wished to reopen.

Concern is expressed for the negative and discriminatory rhetoric spread by Iranian political and religious leaders, news media, and government-sponsored websites against the Baha'i community. Hate-speech, along with arbitrary arrests, detention, and imprisonment of Baha'i individuals, expulsions and rejection of Baha'i as students to universities, as well as arbitrary interference with businesses owned by Baha'i individuals, appears to show a systematic policy aimed at preventing the Baha'i from exercising their religious freedom within Iran and increasing difficulties for the enjoyment of human rights by members of the Baha'i community.

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 to not be subject to arbitrary interference with their privacy and liberty, to have access to education, economic opportunity, and to exercise their rights to freedom of religion, freedom of expression, and freedom of association as

enshrined in articles 12, 18, 23, and 26 of the Universal Declaration of Human Rights (UDHR), as well as articles 1, 18, 22, and 26 respectively of the International Covenant on Civil and Political Rights (ICCPR), and articles 2.2 and 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), both Covenants having been ratified by Iran on 24 June 1975.

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 person(s) 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 regarding the hateful and discriminatory discourse spread by the Clerics, politicians, the Judiciary, members of the Assembly of Experts, parliamentarians, and other Iranian officials. Please provide information on any Government response (including public condemnation, investigation, prosecution) to hate speech against the Baha'i community. If there was no response by the Government, please explain why.
3. Please provide information regarding the steps taken to guarantee the religious freedom, freedom of expression, and freedom of association by members of the Baha'i community, including how these conform with international norms and standards, particularly article 18 of the UDHR and article 18 and 26 of the ICCPR.
4. Please provide information concerning legal grounds for the arrest and detention of the aforementioned persons and explain how their arrest and detention is compatible with the principles and norms contained in articles 12 of the Universal Declaration of Human Rights and article 9 of the ICCPR.
5. Please provide information concerning the legal grounds and reasoning for the expulsions of the aforementioned students from Open University of Kerman and how the admissions rule requiring Islamic faith is compatible with article 26 of the UDHR.
6. Please provide information concerning legal grounds and reasoning for the closing down of Baha'i-owned stores and how the closures, raids, and the undertakings that Baha'is store owners were asked to sign in order to

recover their businesses are compatible with the principles and norms contained in forth in articles 23 of the UDHR and article 1 of the ICCPR.

7. Please provide information concerning the legal grounds and reasoning for the exclusion of non-Muslims from university education, and how these are compatible with articles 18 and 26 of the ICCPR and articles 2.2 and 13 of the ICESCR.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to halt the alleged violations and prevent their re-occurrence. In the event that investigations support or suggest the allegations to be correct, we urge you to ensure accountability of any person responsible for the alleged violations.

We are intending to publicly express our concerns in the near future as we are of the view that the information upon which the press release is going to be based is sufficiently reliable to indicate a matter warranting immediate attention.

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

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

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

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief