

## **Islamic Republic of Iran: non-implementation of accepted UPR recommendations**

as concerns human rights violations against the Bahá'ís

**(January 2014)**

The Universal Periodic Review (UPR) was established with the understanding that Member States would use its recommendations for the betterment of their countries. This report documents the “facts on the ground” as they relate to recommendations that have been accepted by the Islamic Republic of Iran under the Universal Periodic Review.

Each section below identifies relevant issues that correlate with the accepted recommendations. The analysis set forth below draws us to the conclusion that, unfortunately, Iran has made no substantive changes to their domestic policy and its treatment of the Bahá'í community. This undermines the very system established to promote human rights for all without discrimination.

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## I. Incitement to Hatred

*Rec #119: Fully respect the rights of the adherents of the Baha'i faith and to judicially prosecute those inciting hatred against them in religious environments, the media and the Internet (Luxembourg);*

Luxembourg's two-prong recommendation to (1) Fully respect the rights of the adherents of the Bahá'í faith and (2) to judicially prosecute those inciting hatred against them in religious environments, the media and the internet was not only accepted but also considered as already implemented or in the process of being implemented by Iran.<sup>1</sup>

The last year has proven contrary to Iran's stand on the issue, as there has been an upsurge in efforts by the government of Iran to incite hatred against the Bahá'ís. The recommendation calls for the judicial prosecution of those who commit such crimes, however, it is in fact the officials and agencies of the government that are responsible for media campaigns and attacks against Bahá'ís.

The issue of incitement was included in last year's report to the Human Rights Council by the UN Secretary-General, which states:

26. An ongoing anti-Baha'i media campaign resulted in increasing attacks on its members and their properties. This national campaign that consists of Anti-Baha'is pamphlets, posters, seminars and the broadcasting of anti-Baha'i speeches on radio networks appears to be tacitly condoned by the authorities. In addition, anti-Baha'i speeches reportedly delivered to different audiences including schools, youth organizations and the general public.<sup>2</sup>

On 17 October 2010, the Supreme Leader of Iran, Ayatollah Ali Khamenei, warned about the growth of the Bahá'í community. This was broadcast and published in Iran's national media outlets, and led to a media frenzy of anti-Bahá'í articles, which accused Bahá'ís of perpetrating acts of sedition.<sup>3</sup> National and news media agencies launched a series of articles making false allegations, varying from immoral conduct to political agenda against the state.

2013 has proven to be particularly dangerous in this respect. An article published on 29 July 2013 by a national news agency aligned with the government of Iran cites a large selection of fatwas issued by Iran's Supreme Leader, Ayatollah Ali Khamenei. The title and introductory paragraph are translated below:

**The latest fatwa of the leadership regarding the use of internet, satellite, business dealings with Zionist companies, overtime work, etc.**

Tasnim News Agency: The latest fatwas of Ayatollah Khamenei, the Supreme Leader and the source of authority for the Shia of the world, have been published; they include subjects such

<sup>1</sup> Human Rights Council, 14<sup>th</sup> Session, *Report of the Working Group on the Universal Periodic Review, Islamic Republic of Iran*, (A/HRC/14/12) 15 March 2010

<sup>2</sup> Human Rights Council, 22<sup>nd</sup> Session-agenda item 2, *Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran (A/HRC/22/48)* 28 February 2013, available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-48\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-48_en.pdf) Web. 23 December 2013

<sup>3</sup> For more detailed accounts of incitement against the Bahá'ís for the "implementation" period of the recommendations of the UPR see special report *Inciting Hatred: Iran's media campaign to demonize Bahá'ís* available at [http://www.bic.org/sites/default/files/pdf/inciting-hatred-book\\_0.pdf](http://www.bic.org/sites/default/files/pdf/inciting-hatred-book_0.pdf) Web. 23 December 2013

as satellites, e-commerce, business dealings with Zionist companies, Bahatism, psychic mediums, confiscated lands, overtime work, music, etc. (...)<sup>4</sup>

An older fatwa that was republished amongst new ones stated, “Association with Bahatism: avoid any association with the perverse and misleading sect of Bahatism.” On the KHAMENEI.IR website Ayatollah Khamenei is quoted as stating, *inter alia*:

All of the followers of the perverse sect of Bahatism are condemned to be impure [*najis*] and if they come in contact with anything, it is absolutely necessary [for Muslims] to practice the guidance related to purification...

All of the believers should resist the trickery and corruption of the misguided sect of Bahatism...

Avoid any association with the perverse and misleading sect of Bahatism. They are *najis* [*impure*] and they are the enemy of your religion and what you believe in; therefore, my dear children, absolutely avoid them.<sup>5</sup>

The recent publication of one of these instructions from the Supreme Leader – falsely presented by Tasnim as a new fatwa – is particularly concerning, as it was issued one day before the inauguration of Iran’s new president, Mr. Hassan Rouhani.

Soon after, in November 2013, a series of disturbing posts intended to instil fear in the Iranian population against the Bahá’í community were posted on Facebook. The posts included headings such as “Be aware, Bahá’í killers are in your city and at the school of your children, until they are completely eliminated, you are in danger” and blatant lies showing graphic and gruesome photos of the murder of a couple with the caption “Bahá’ís committed violent murders for disruption caused in their informational gathering.”<sup>6</sup>

In December 2013, the Iranian government agencies intensified their campaign against the Bahá’ís. A new six-part documentary has been broadcast on channel 6 of the Islamic Republic of Iran News Network (IRINN) called “Meet the Darkness”. The description of the documentary on its website is as follows:

Meet the Darkness explores the relationship between the misguided sect of Baha’ism and Israel, and the influence of the Bahá’ís on the sinister Pahlavi family.

The first part of the documentary was aired the second week of December after the 8:00pm news. A preview of the documentary can be found including the full version of the first episode for download. The teaser of the documentary begins with a cleric stating, “The supporters of the Shah were all Bahá’ís”, followed by dark ominous music playing in the background of photos of the prophet founder of the faith and many early Bahá’ís.<sup>7</sup>

In addition, on Monday 16 December 2013, an anti-Bahá’í book called “The obvious truth: The substantiation of Mahdaviat and the disproof of the misguided sect of Baha’ism” was

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<sup>4</sup> Khomeini, Seyed Ali Hosseini, *The latest fatwa of the leadership regarding the use of internet, satellite, business dealings with Zionist companies, overtime work, etc.*, 30 July 2013 available (in Persian) at: <http://www.tasnimnews.com/Home/Single/107422>, Web. 23 December 2013

<sup>5</sup> Khomeini, Seyed Ali Hosseini, “*Fatwas regarding infidels and Tahárat*”, KHAMENEI.IR, available at <http://farsi.khamenei.ir/treatise-content?uid=2&tid=13>. Web. 23 December 2013 Tahárat is a term that refers to cleanliness and purification according to Islamic religious laws.

<sup>6</sup> Facebook has since removed the page due to inappropriate and dangerous content.

<sup>7</sup> Available at [http://roshangari.ir/index.php?option=com\\_jvideodirect&v=VuQ0apWM3sQI9](http://roshangari.ir/index.php?option=com_jvideodirect&v=VuQ0apWM3sQI9) Web 3 January 2014

republished. Ayatollah Ahmad Shahrudi, a constitutional scholar, wrote the book in 1955. The opening ceremony for the book was held on 16 December 2013 (Azar 25) attended by Hojjatoleslam Mehdi Khamoushi, the head of the Islamic Propagation Organization; Mohammad Hassan Ghadrddan Gharamlaki, member of the Restoration Group of the Baqir al-Ulum Research Center and editor of the book; Hojjatoleslam Shahsavari, an “expert on Baha’ism”; Hossein Ghashghaee, Head of the Baqir al-Ulum Institute; Ayatollah Ahmad Yazdi Mahdavy, grandson of the author; senior executives of Propagation agencies; authorities of the Amir Kabir Press Institute; and a group of university and seminary professors. The book has been widely advertised on Fars News and several other Iranian government websites.

The campaign of incitement to hatred is the initiative of the government; and not only have the rights of Bahá’ís not been respected, but those who are in power to prosecute those responsible for these acts of hatred, are in fact the perpetrators themselves.

## II. Arbitrary Arrests, Detentions, and the Judicial Process

In the matter of arbitrary arrests, detentions and the judiciary process, seven recommendations were made on: the arrest of the Bahá’í leaders the Yaran, overall concern regarding the arrests and detentions of the general Bahá’í community, freedom to practice one’s faith without harassment, and torture and violent attacks of its members.

### A. Arbitrary Arrest and the Judicial Process of the Yaran

*50. Respect freedom of religion, and assure a fair and transparent trial for members of the Baha’i faith, in full compliance with the commitments undertaken as a State party to the implementation of ICCPR and other human rights instruments (Romania)*

*117. Ensure the trials of seven Baha’is are fair and transparent and conducted in accordance with international standards, and that Iran amend all legislation that discriminates against minority groups (Australia)*

*118. Ensure that the trial of the Yaran is conducted in a fair and transparent manner, consistent with Iranian law, natural justice and due legal process (New Zealand)*

The recommendations from Romania, Australia and New Zealand ask for (1) a fair and transparent trial (2) in accordance with international standards in full compliance with the commitments undertaken as a State party to the implementation of ICCPR and (3) consistent with Iranian law, natural justice and due legal process. The above recommendations were not only accepted by Iran but recommendations 117 and 118 were pointed out by Iran as already implemented or in the process of being implemented. The analysis below proves this to be contrary to Iran’s claims.

The International standards that Iran has obliged themselves to are set forth in Article 9 of the ICCPR which clearly states that “No one shall be deprived of his liberty except on such ground and in accordance with such procedures as are established by law.”<sup>8</sup> It further adds, “Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.”<sup>9</sup> These procedures are not only laid out in the covenant but also within Iran’s Constitution. Article 32 of the Iranian constitution is drafted in compliance with the ICCPR and states, “No one may be arrested except by the order and in accordance with the procedure laid down by law. In case of arrest, charges with the reasons for accusation must, without

<sup>8</sup> Art 9(1) International Covenant on Civil and Political Rights (ICCPR) (adopted 16 December 1966, entered into force 23 March 1976)

<sup>9</sup> Art 9 (2) ICCPR

delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of twenty-four hours so that the preliminaries to the trial can be completed as swiftly as possible. The violation of this article will be liable to punishment in accordance with the law.”<sup>10</sup> However, whereas in its draft it complies with the ICCPR, it does not when it comes to application to the Bahá’í community.

The surrounding facts explicitly violate both the international standards of criminal procedure as well as Iran’s own constitution. Mahvash Sabet was arrested and detained on 5 March 2008, and the six other members of the Yaran were arrested on 14 May 2008. Iranian law required that they be informed of the charges against them within 24 hours. These seven individuals were held in detention for twenty months before officially being charged of the alleged crimes. It was not until the day of their trial that they were finally charged with the crimes that they had allegedly committed. Iran in this respect violated another international norm, namely Article 9.3 of the ICCPR which states, “Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.”<sup>11</sup>

There was no basis in fact to any of the accusations against the former leaders. For over two years, they were detained in Evin prison in Tehran, where they suffered ill-treatment in solitary confinement and were repeatedly denied release on bail. In 2010, the former members of the Yaran were convicted of six charges and sentenced to 20 years in prison.<sup>12</sup> It should be noted that during their trial defendants were provided limited access to their attorney and “evidence” that was used to prosecute them. This was a clear violation of Article 14 of the ICCPR which requires in cases such as these that the accused “have adequate time and facilities for the preparation of his defence and to communicate with counsel of his choosing.”<sup>13</sup> The situation was best summarized by the UN Secretary General in his report to the General Assembly on 15 September 2010:

The United Nations High Commissioner for Human Rights wrote to the authorities on several occasions to express concern and seek clarification about the status of the seven members of the Baha’i community who had been detained since 14 May 2008 and whose trial began on 12 January 2010 for charges including “acting against national security, espionage and

<sup>10</sup> QANUN-I ASSASIYYIH JUMHOURIYYIH ISLAMIIYYIH IRAN [Constitution of the Islamic Republic of Iran] (adopted 1979, amended 1989) (emphasis added).

<sup>11</sup> Art 9(3) ICCPR

<sup>12</sup> The charges and thereafter conviction were (1) forming or managing a group that aims at disturbing national security, (2) spreading propaganda against the regime of the Islamic Republic of Iran, (3) engaging in espionage, (4) gathering classified information with the intention of disturbing national security or of making it available to others, (5) collaborating with foreign governments hostile against Iran, by some of the accused having taken trips to a number of European countries, such as Turkey and Germany, and by meetings of some of the accused with Australian and Canadian ambassadors, and (6) assembled for the purpose of conspiring to commit offences against national security by having attended conferences held at the Defenders of Human Rights Center. For details of the analysis against these charges see <http://www.bic.org/fiveyears/innocent-of-all-charges/> Web 23 December 2013

<sup>13</sup> Art 14 ICCPR: “In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

- (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
- (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
- (c) To be tried without undue delay;
- (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it”

spreading corruption on earth”, which could entail the death penalty. The authorities also state they were responding to complaints from private individuals that they had been threatened or intimidated by an entity affiliated with the Baha’is. The High Commissioner requested the authorities to allow independent monitoring of such high-profile trials, but this request was not granted. On 14 June 2010, the trial was concluded after three days of consecutive court appearances. At the time of writing the present report, there were unconfirmed reports that these seven members of the Baha’i community would receive prison sentences of 20 years. The High Commissioner, through a number of letters, expressed deep concern that in the absence of any independent observers, these trials did not meet due process and fair trial requirements. The High Commissioner voiced grave concern that the criminal charges brought against the above-mentioned individuals appeared to constitute a violation of the Islamic Republic of Iran’s obligations under the International Covenant on Civil and Political Rights, in particular those of freedom of religion and belief and freedom of expression and association.<sup>14</sup>

The seven former leaders were included in the recommendations made by the UN Special Rapporteur on the situation of human rights in Iran in his second annual report to the Human Rights Council in March 2013. The Special Rapporteur called on Iran to:

...consider the immediate release of prisoners of conscience such as [Christian] Pastors Behnam Irani, Farshid Fathi, as well as the leaders of the Baha’i community, and fully honor its commitments under Article 18 of ICCPR that guarantee the right to freedom of thought, conscience and religion, which was accepted by Iran without reservation.<sup>15</sup>

The imprisonment of the seven former leaders was also deplored in the 2012 annual report to the Human Rights Council by the Special Rapporteur on freedom of religion or belief. In a section that presented patterns of violations against members of religious minorities in countries throughout the world, he stated:

51. Some States unduly interfere in the internal affairs of religious communities, with the purpose of exercising tight political control. (...) Some leaders of religious groups are even arrested or detained over a long period of time.<sup>16</sup>

While the case was on appeal, the group was illegally transferred to Gohardasht prison, notorious for its appalling conditions. The five men are still there, under close scrutiny in a wing reserved for political prisoners. The two women have since been transferred twice and are back in Evin prison.

As set forth above, Iran has neither been transparent in the trial of the Yaran, nor have they complied with their commitment to the ICCPR, international norms, or their own legal procedures set forth in the Constitution of Iran. In three and a half years, none of these recommendations were implemented.

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<sup>14</sup> U.N. General Assembly, 64<sup>th</sup> Session, *The situation of human rights in the Islamic Republic of Iran - Report of the Secretary-General* (A/65/370, p 11) 15 September 2010

<sup>15</sup> Human Rights Council, 22<sup>nd</sup> Session-agenda item 4, *Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran* (A/HRC/22/48) 28 February 2013, available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-56\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-56_en.pdf) Web. 23 December 2013

<sup>16</sup> Human Rights Council, 22<sup>nd</sup> Session-agenda item 3, *Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt*, (A/HRC/22/51) 24 December 2012, available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/AHRC2251\\_English.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/AHRC2251_English.pdf) Web 10 January 2014, In the Islamic Republic of Iran, seven Bahá’í members who coordinated the community’s religious and administrative affairs were detained and sentenced to long-term imprisonment by a Revolutionary Court in Tehran (A/HRC/16/53/Add.1, paras. 185-196; Opinion No. 34/2008 of the Working Group on Arbitrary Detention).

Detailed information about the case can be found in a report available at:  
<http://news.bahai.org/human-rights/iran/yaran-special-report/>.

## **B. Arbitrary Arrests and Detentions of members of the Bahá'í Community.**

*50. Respect freedom of religion, and assure a fair and transparent trial for members of the Baha'i faith, in full compliance with the commitments undertaken as a State party to the implementation of ICCPR and other human rights instruments (Romania)*

*123. Ensure that laws do not criminalize legitimate freedom of expression, association and assembly. (Australia)*

The analysis of arbitrary arrest and lack of judicial process for the former Bahá'í leaders similarly apply to the hundreds of cases prosecuted against members of the Bahá'ís community throughout Iran. Recommendation 50 is included again, as it appropriately applies to the general Bahá'í community. In the above two accepted recommendations, members states have asked for (1) a transparent judicial proceeding aligned with the ICCPR and other human rights instruments and (2) implementation of laws that do not criminalize legitimate freedoms of expression, association, and assembly.

Iranian officials cite Iran's own laws and regulations to prove that their legal system is consistent with international standards, but many provisions of national legislation are ignored when intelligence officers arrest, detain and bring to trial the Bahá'ís. The issue most poignantly lies in the notion of religious freedom and the effective criminalization of the participation of acts of worship or legitimate faith-based activities.

When Iranian officials use the term "religious minority", it is a reference to Article 13 of the Constitution, which explicitly states that, "Zoroastrian, Jewish, and Christian Iranians are the *only* recognized religious minorities..." As religious practice is effectively limited to these three religions, other religions are stripped of the freedom to worship, and the persecution of members of these communities is legitimized. Furthermore, Article 14 further justifies the persecution of non-Muslims judged to be engaging in conspiracy or activity against Islam. Thus, it excludes them from the protection of the Constitution.<sup>17</sup> Since the belief in the Bahá'í Faith is considered heresy, any involvement in the Faith is then considered as "engaging in conspiracy or activity against Islam." This is reflected in the charges that are brought against members of the Bahá'í community throughout Iran. The following are a few examples of these sorts of charges from the last year alone:

- Propaganda activities against the regime in the interest of the Bahaist sect
- Propaganda against the holy regime of the Islamic Republic of Iran
- Forming illegal groups
- Formation of and membership in illegal groups against the regime

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<sup>17</sup> Art 14 Constitution of the Islamic Republic of Iran states that "In accordance with the sacred verse 'God does not forbid you to deal kindly and justly with those who have not fought against you because of your religion and who have not expelled you from your homes' [60:8], the government of the Islamic Republic of Iran and all Muslims are duty bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights. *This principle applies to all who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran.*"

- Activity against national security through membership in illegal groups connected to Bahá'ism
- Gathering and colluding with intent to harm state security, propaganda against the regime and disturbance of public order.

In some cases, there is a flagrant disregard of the legality of charges being imposed. In September 2013, a Bahá'í resident of Babol was arrested on ten charges, one of which included "Holding memorial meetings and reciting the Bahá'í prayer for the dead in Bahá'í funerals held throughout the city and the province." This clearly establishes that the framework of the legal system is not aligned with international standards, as the accepted recommendations prescribe.

During the past few years, officials throughout the country have instructed Bahá'ís to sign statements declaring that they would no longer take part in any of their religion's group activities, including the gathering held every 19 days by each local Bahá'í community throughout the world. Participating in community activities is not only a social and cultural right but also, and even more importantly for Bahá'ís, a foundational component of their Faith and an intrinsic aspect of Bahá'í religious practice. When officials try to force Bahá'ís to swear that they will no longer participate in these activities, the government is violating the right to religious practice enshrined in Article 18 of the ICCPR.

This issue is emphasized in the 2013 report by the UN Secretary-General to the Human Rights Council, as follows:

25. Serious discrimination in law and in practice against ethnic and religious minorities continues to be reported, especially against the Baha'i community. Although the participation in community activities is a foundational element of the Baha'i faith and an integral part of their religious practice, in recent years many Baha'is have been asked, under threat and duress, to sign statements undertaking not to participate in their community's gatherings and other collective activities. Such practices run contrary to Iran's obligations under Article 18 of the ICCPR, which guarantees everyone's right to freedom of thought, conscience and religion. (...).<sup>18</sup>

The interim report on human rights in Iran submitted by the UN Secretary-General to the main session of the Human Rights Council last year (March 2013) included the following paragraph about imprisoned Bahá'ís:

27. As of late November 2012, a notable increase in the imprisonment of Baha'is had been observed, with over 100 Baha'is detained apparently because of their religious beliefs. In most cases, security forces, who conduct these arrests, also searched Baha'i homes and/or workplaces in order to seize materials related to their faith. In a joint communication of 14 May 2012, a group of Special Procedures mandate holders expressed serious concerns at the ongoing arrest and detention of members of the Baha'i faith. These included the arrest, on 26 February 2012, of Ms Mahsa Mehregani, a 12 year-old student in Yazd, at a time when she was taking an online exam with the Baha'i Institute for Higher Education (BIHE). Furthermore, on 6 January 2012, security forces arrested Ms Bakhtiyar Rasekhi, Mrs Farahnaz Naimi (Rasekhi) and Ms Farin Rasekhi during a Baha'i event in their home, and charged them with propaganda of the Baha'i faith. Mr Rasekhi allegedly remained detained in solitary confinement for over 70 days.<sup>19</sup>

<sup>18</sup> Human Rights Council, 22<sup>nd</sup> Session-agenda item 2 (see footnote 2)

<sup>19</sup> Ibid.



In addition, the latest joint report by UN Special Procedures (A/HRC/22/67) recalls a recent communication to the Islamic Republic of Iran that cites 41 cases of arbitrary arrest and detention targeting Bahá'ís.<sup>20</sup>

The facts establish that Iran has not made attempts to fulfill the recommendations that they have accepted. The number of detained and sentenced Bahá'ís in prison has continually increased, reaching 116 in November/December 2012 and 136 in December 2013. Moreover, unlike in previous years, the total number of imprisoned Bahá'ís remained over 100 throughout 2012 and 2013. A total of 136 Bahá'ís are currently in prison in Iran. An up-to-date list is provided in an attachment, with basic details about each case.

Over 65 new arrests have been documented in at least a dozen localities since early January 2013, including several group arrests. More recently, on 10 September 2013, the agents of the Ministry of Intelligence went to the home of a Bahá'í in Marvdasht and arrested him and 17 other individuals. The names and whereabouts of these individuals remain unknown. In Tonekabon, where the family members of those arrested attempted to determine the whereabouts of their loved ones, agents mistreated the family members; and when they protested that the agents were not following regulations, they were attacked with pepper spray.

In this context, for many of those arrested, bail demands have been so excessive as to constitute extortion. The highest demands were made in a case involving a Muslim and his Bahá'í nephew arbitrarily detained without trial for nearly 22 months. The two detainees were finally released on bail only after each of them had posted collateral valued at three billion tuman – at that time, an amount equivalent to 2.4 million US dollars. It seems clear that the extortionate demand was a means to ensure that their company would be shut down, once and for all.<sup>21</sup> Similarly, a Bahá'í in Sanandaj who had his bail set at 40 million tuman (US \$16,000) had his bail arbitrarily increased to 200 million tuman (US \$80,000) without reason when his family attempted to follow up on his charges. Although no evidence was stipulated to support the charges, the bail was nonetheless required before he would be released. These clearly violate the due process of law.

As established clearly above, Iran has neither established a transparent judicial proceeding aligned with the ICCPR and other human right instruments, nor have they implemented laws that do not criminalize legitimate freedoms of expression, association, and assembly. Quite the contrary, the laws have been manipulated to criminalize the very act of worship.

### **C. Harassment and Home Raids**

*47. Uphold its constitutional provisions guaranteeing freedom of worship (United States)*

*48. Respect the freedom of religion (Germany)*

Harassment and home raids are tactics that are implemented to strike fear and intimidation to the members of the Bahá'í community. In addition to official arrests, Bahá'ís have been summoned and

<sup>20</sup> Human Rights Council, 22<sup>nd</sup> Session-agenda items 3, 4, 7, 9 and 10, Communications report of Special Procedures (A/HRC/22/67) 20 February 2013, available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-67\\_EFS.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-67_EFS.pdf) Web 23 December 2013

<sup>21</sup> Their detention was related to numerous human rights violations perpetrated in 2011 against Bahá'ís who were among the owners, managers and employees of the Achilan Door Company, based in Mashhad. Those violations included arrests and arbitrary detention, torture, the threat of summary execution, intimidation and harassment, forced termination of employment with denial of duly-earned benefits, and other forms of pressure intended to force the business and its factory to cease all operations.

interrogated, and officials have ransacked numerous homes without immediately taking the Bahá'í owners into custody.

In October 2013, agents of the Ministry of Intelligence in Shiraz, with the collaboration of agents of the Ministry of Intelligence in Abadeh, raided the homes of 14 Bahá'ís. The homes were searched and personal belongings, including Bahá'í books, CDs, computers, photographs and other items were confiscated. The agents summoned one youth from each home for questioning and all were asked similar questions regarding the activities of the Bahá'í community. During their questioning, agents encouraged the youth to leave Abadeh with their families. It is believed that the goal of these attacks was to intimidate and create fear through contrived threats that residents would possibly attack the Bahá'ís. They were told that the citizens of Abadeh “don't like them” and that if they are attacked on the streets, authorities “cannot guarantee their safety.”

In each case of these forms of harassment, Bahá'í documents and books are always confiscated, leading to the conclusion that these are religious based attacks. Article 23 of the Iranian constitution explicitly states that “The investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.” If this is the case, in cases of these home raids, why is it necessary to confiscate Bahá'í books that are used for individual worship? A book of worship used as evidence can only be used to establish a belief system, hence clearly showing that freedom of worship is not applied to the Bahá'í community.

#### **D. Use of Torture and Lack of Due Process**

*42. Take further steps to eliminate torture and other forms of ill treatment, and ensure an effective and impartial judicial system (Denmark)*

Iran has accepted that it will take further steps to eliminate torture and other ill treatments, and ensure an effective and impartial judicial system.

As we have already touched upon the judicial system, we would like to focus on the use of torture and ill treatment. The constitution of Iran states that “Any kind of torture used to extract an admission of guilt or to obtain information is forbidden. Compelling people to give evidence, or confess or take an oath is not allowed. Such evidence or confession or oath is null and void. Any person infringing this principle is to be punished in accordance with the law.”<sup>22</sup> However, intelligence officials have heightened their use of violence when raiding homes and arresting members of this religious community in the years since Iran's UPR. The use of torture is unfortunately not unique to the Bahá'í community but impacts other Iranian citizens who have been arrested because their beliefs or opinions differ from those of the regime. In the past year, Bahá'ís have been subjected to ill-treatment while under interrogation, have endured severe beatings, and methods of incommunicado detention and solitary confinement for periods of up to 89 days have also been used.

In some cases more severe torture was reported. One Bahá'í arrested at the passport office in Karaj in October 2012 was transferred to the Public Places Supervision Office headquarters and held there in solitary confinement, three floors underground. During the first interrogation session, he was beaten continually with a hose. At two further interrogation sessions, while seated on a metal chair, he was repeatedly shocked with ice water until he lost consciousness. This past year, a Bahá'í in Babolsar was arrested by the Intelligence Ministry, tortured, threatened against disclosing

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<sup>22</sup> Article 38 Constitution of the Islamic Republic of Iran (see footnote 10)

information about his arrest and interrogation, and ordered not to file a complaint with the public prosecutor.

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment submitted a report to the Human Rights Council in March 2013 following up on communications with governments. One section concerns Bahá'í cases, as follows:

g) JUA 14/05/2012 Case No. IRN 10/2012 State reply: 19/06/2012, 12/07/2012, 12/07/2012  
**Alleged new arrests and continued detention of the members of Bahá'í faith community in the Islamic Republic of Iran.**

55. The Special Rapporteur thanks the Government of the Islamic Republic of Iran for its response to the communication dated 14 May 2012, regarding the alleged arrests and continued detention of members of the Bahá'í faith community. The Special Rapporteur thanks the Government for addressing the cases involving the people in Sanandaj, but insists that the Government further investigate in order to determine the circumstances surrounding those arrested in relation to the issuance of an order to confiscate the Bahá'í cemetery in Sanandaj. The Special Rapporteur thanks the Government for its explanation of the cases from Shiraz that occurred on 3, 4, 5, 6, and 23 February 2012, and the case from Yazd that occurred on 26 February 2012. The Special Rapporteur regrets that the Government did not address allegations of violence perpetrated against those arrested in Shiraz. In addition, the Government did not clarify how Ms. Mehregani's beliefs are not the reason for her arrest since she is charged with being a member of a Bahá'í organization. In addition, the Special Rapporteur regrets that the Government failed to address additional cases which took place in Tehran, Rasht, Semnan, Shiraz and Kerman, which included allegations of lack of medical care for a severely ill detainee and solitary confinement for another. Given the common origin of all of the persons involved in the communications, the Special Rapporteur would like to remind the Government of Article 27 of the ICCPR which 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 Special Rapporteur would also like to draw the Government's attention to 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." He would also like to remind the Government 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). The Special Rapporteur calls on the Government to end all arbitrary arrests of Bahá'í members, and insists that the Government investigate, prosecute and punish all cases of ill-treatment, in addition to providing the result of any investigation, medical examination, and judicial or other inquiries which may have been carried out in relation to these cases.<sup>23</sup>

Forgoing the argument for proper judicial process, in the case of Bahá'ís and many other groups in Iran, the government of Iran has not taken steps to eliminate torture or ill-treatment and no steps have been taken to bring to account those officials that commit violations of the Iranian constitution.

<sup>23</sup>Human Rights Council, 22<sup>nd</sup> Session-agenda item 3, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez (A/HRC/22/53/Add.4)*, 12 March 2013. Available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-53-Add4\\_EFS.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-53-Add4_EFS.pdf) Web 10 January 2014

### III. Discriminatory Policies

#### A. Protection of Children and Right to Education

22. Continue to implement measures aimed at further promoting and protecting children's rights, and intensify efforts to ensure further opportunities for access to higher education. (Qatar)

##### **Protection of Children's Rights**

The accepted recommendation by Qatar asks to continue to implement measures aimed at further promoting and protecting children's rights. However, children and adolescents known to be Bahá'ís are subjected to harassment, vilification, and psychological pressure in primary, middle and high schools throughout Iran. These abuses are committed by their teachers and school administrators, and many pupils have been threatened with expulsion or forced to change schools. Bahá'í children have been singled out in order to maliciously exclude, shun, and intimidate them. Muslim clerics have been invited to school classrooms to give presentations for the purpose of vilifying the Bahá'í Faith. In hundreds of incidents, young Bahá'ís were pressured to convert to Islam, obliged to use textbooks that denigrate and falsify their religious heritage, singled out as their Faith was attacked, and all who dared to respond were severely reprimanded.

In March 2013 in Semnan, Intelligence Ministry agents went to Shahhid Beheshty and Amir Kabir High School to detain and interrogate four Bahá'í students. The interrogators tried to entice the students into collaborating with the Intelligence Ministry and giving them information about the Bahá'í community. The students were released after a few hours, and their parents are seeking redress through legal means.

In other recent individual cases, Bahá'í pupils and high school students have been expelled from their schools because they had asked not to participate in congregational prayer, had not remained silent when teachers made false accusations about their religion in class, had complained about anti-Bahá'í flyers distributed at school, or had correctly and honestly filled out mandatory declarations of religion on registration forms.

The cases above are clear examples of what Bahá'í children must endure and sadly there has been no measure set forth by the government of Iran to protect these children.

##### **Access to Higher Education**

The recommendation calls for intensifying efforts to further opportunities for access to higher education. As a result of a confidential memorandum dated 25 February 1991, all Iranian citizens identified as members of the Bahá'í religious community continued to be denied access to public and private universities and vocational training institutes in their country.<sup>24</sup> It should be noted that this memorandum is to this day referred to as a justification of dismissal of Bahá'í students from university.

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<sup>24</sup> *Namiyyih Seyyed Mohammad Reza Hashemi Golpaygani, Dabir-i Shurayih A'liyyih Inqilab-i Farhangi* [Memorandum by Dr. Seyyed Mohammad Reza Hashemi Golpaygani, Secretary of the Supreme Council of the Cultural Revolution, dated 6/12/1369 (February 25, 1991)] [hereinafter SCCR Memorandum] (See English translation at [http://news.bahai.org/documentlibrary/575/5\\_TheISRCCdocument\\_en.pdf](http://news.bahai.org/documentlibrary/575/5_TheISRCCdocument_en.pdf), Web. January 2 2014). The memo summarizes the steps taken towards the development of a new government policy on "The Bahá'í Question" before enumerating the actual policy initiatives that resulted from the process. On Education it specifies "1. They [Bahá'ís] can be enrolled in schools provided they have not identified themselves as Bahá'ís. 2. Preferably, they should be enrolled in schools which have a strong and imposing religious ideology. 3. They must be expelled from universities, either in the admission process or during the course of their studies, once it becomes known that they are Bahá'ís."

The March 2013 report to the Human Rights Council by the UN Secretary-General clearly states:

... Baha'is are also denied access to public and private universities. The few admitted to universities without their religious affiliation being known have faced expulsion upon revelation of their faith, and had their appeals systematically rejected by relevant authorities and courts. (...).<sup>25</sup>

The October 2013 Special Rapporteur's report for the 68<sup>th</sup> session of the General Assembly, expands and explains both the circumstance and justifications used by Iranian officials:

41. It has been reported that university applicants are required to profess their belief in either Islam or another constitutionally recognized religion. Baha'i applicants who do not declare their religion accurately are reportedly at risk for expulsion once identified. According to reports submitted to the Special Rapporteur, some 300 cases of abuse of Baha'i children and adolescents by teachers and school administrators have been documented since 2005, including cases of harassment, vilification and physical abuse in middle-school and high-school children. Baha'is have allegedly been pressured by their teachers to convert to Islam, and some students have reportedly been expelled or threatened with expulsion.

42. In its comment on the aforementioned allegations, the Government posits that Baha'is enjoy all citizenship rights and that they are not expelled from universities or otherwise deprived of their rights on the basis of their beliefs. The Islamic Republic of Iran interprets Article 18 (3) of the International Covenant on Civil and Political Rights, which allows for narrow restrictions on the freedom to manifest one's religious belief for the sake of protecting national security and maintaining public order, as applicable to such activities as proselytizing Baha'i beliefs at universities, as they "incite sentiments leading to disturbance of university order".<sup>26</sup>

For at least five years, the authorities have undertaken systematic efforts through the school system to identify all Bahá'í pupils and students. Identified Bahá'ís can take the national university entrance exams, but when they try to obtain their results, they receive notice that they have "*Incomplete Files*" and are thus not allowed to apply for admission. Many have appealed such cases; none have obtained recourse. The few students admitted without their religious affiliation being known were later expelled from university when it was discovered that they were Bahá'ís. Educational authorities and the judiciary rejected their appeal for reconsideration.

This past year there were more expulsion cases regarding the small number of Bahá'ís who entered university without their religion being identified. It has become clear that the authorities are trying to ensure that Bahá'í students, who began their studies during the few years that it was made possible, are not allowed to graduate with a degree. Furthermore, those recently admitted are expeditiously expelled once it is discovered that they were Bahá'ís. The following are examples of recent cases of expulsion:

- an honour student of industrial engineering at the University of Science and Industry, expelled on 23 February 2013 after having completed 89 credits;
- a fifth-semester student of architecture at Tabari University in Babol, expelled on 1 January 2013 after being summoned to the *Herasat* [Intelligence] office at the university.

<sup>25</sup> Human Rights Council, 22<sup>nd</sup> Session-agenda item 2 (see footnote 2)

<sup>26</sup> U.N. General Assembly, 68<sup>th</sup> Session-agenda item 69 (c), *Situation of human rights in the Islamic Republic of Iran*, (A/68/503) 4 October 2013

- a resident of Sari and student of applied mathematics at Rouzbeh University in Behshahr, expelled sometime in October/November 2012;
- a physics student at Khajeh Nasir Toosi University of Technology (KNTU) in Tehran, who had been admitted in 2010 – he was expelled on 15 December 2012;
- a student who was recently admitted to Sari University in the field of plant pathology was expelled; and
- a student from the University of Babol who was recently admitted in the field of architecture was expelled. When she approached the Ministry of Science to appeal to them, the administrators expressed their sympathy but no steps were taken to readmit her into the program.

Further evidence of the government's policy can be found in a publication issued by *Sanjesh*, the national academic evaluation and measurement organization of Iran's Ministry of Science, Research and Technology. Identical to last year's edition, the *[A] guide to enrolling and participating in the National Entrance Examination for academic year 1391 [2013–2014]*,<sup>27</sup> presented the same detailed guidelines on the application process for students wishing to enter university in Iran. The text stipulated the four eligibility requirements for participation in the national university entrance exam, and the first one was:

- a. Belief in Islam or in one of the religions specified in the Constitution of the Islamic Republic of Iran (Judaism, Christianity, Zoroastrianism).
- b. Not having enmity towards the regime of the Islamic Republic of Iran.  
Examples of enmity include: (...) 4) **propagating** materialism and **fabricated religions**.

This requirement explicitly states that access to higher education in Iran is restricted to those who believe in Islam or in one of the three other recognized religions – excluding those who believe in the Bahá'í Faith.

### ***Bahá'í Educators***

Since May 2011, we have been documenting cases that concern educators and students arrested because of their participation in the work of the Bahá'í Institute for Higher Education (BIHE). The latest joint report submitted by UN Special Procedures recalled a communication about these cases:

#### **Arbitrary detention; Freedom of religion; Iran; Minority issues;**

Alleged arrests and arbitrary detention of members of religious minorities, in particular those belonging to the Bahá'í faith. According to the information received, on 21 May 2011, raids were carried out in at least 30 homes of individuals involved in the activities of the Bahá'í Institute for Higher Education. These households were reportedly subjected to extensive searches which took place simultaneously in cities throughout the country, including Gohardasht, Isfahan, Karaj, Sari, Shiraz, Tehran and Zahedan, with 15 individuals being arrested. A further eight other members of the Bahá'í faith were reportedly interrogated by intelligence officers, and were released on the same day. These events reportedly form part of a continuous effort to deny access to education to members of the Bahá'í faith, who are reportedly being prevented from entering public and private universities and vocational training institutions in the Islamic Republic of Iran.<sup>28</sup>

It should be recalled that the only objective of the BIHE is to meet the educational needs of young Bahá'ís who are denied access to university-level studies in Iran. At the time of the concerted attack

<sup>27</sup> Ministry of Education of Iran, *[A] guide to enrolling and participating in the National Entrance Examination for academic year 1391 [2013–2014]* available on the organization's website at [www.sanjesh.org](http://www.sanjesh.org)

<sup>28</sup> Human Rights Council, 22<sup>nd</sup> Session-agenda items 3, 4, 7, 9 and 10 (see footnote 20)

against faculty and staff in 2011, nearly 300 people were serving the Institute, including international volunteer educators who teach through the Internet. About 1,000 BIHE students were studying at home and in inconspicuous laboratories in privately owned premises. This past year, more of those arrested in this context were convicted on false charges and sentenced. Twelve BIHE educators are currently serving prison terms ranging from four to five years, solely because they had been providing courses for young Bahá'ís with the capacity and deep desire to continue their studies beyond secondary school. In the last few months, the Ministry of Intelligence once again raided the home where the Bahá'í Institute for Higher Education was holding an examination and arrested three individuals, including the host.

In the case of the Bahá'ís, rather than intensifying opportunities for access to higher education as was recommended, Iran has intensified its efforts to deny higher education to students and considers the act of educating young people a criminal offence.

## B. Right to Employment

### *31. Redouble its efforts to prevent any form of discrimination (Nicaragua)*

Barring Bahá'ís from higher education is only one aspect of the government's efforts to exclude and impoverish them. The Iranian authorities continue to apply a wide range of discriminatory policies and practices to deny members of the Bahá'í community the right to work and earn a decent living. In most cases, officials are implementing a 2007 government policy memo promulgated by the Public Intelligence and Security Force (NAJA) instructing the enforcement of the exclusion of Bahá'ís from 25 specified trades and any work that could provide them with more than a minimum wage.<sup>29</sup>

Since the inception of the Islamic Republic of Iran, members of the Bahá'í community have been banned from work in the public sector. Not satisfied, they have also reached into the private sector through harassment and intimidation of business owners and shopkeepers, refusal to issue or renew business licences, the sealing of premises, orders for destruction of farmlands and livestock, threats against merchants and professionals to dissuade them from doing business with or awarding contracts to Bahá'ís, refusal of loans and other banking services, and following forced closure of a business, the seizure and sale of all merchandise by government officials.

During the past three years, the authorities have implemented long-standing discriminatory policies in a methodical and comprehensive manner. Officials throughout the country used harassment, intimidation and false accusations to shut down or impede the activities of dozens of Bahá'í-owned businesses. These businesses have been meticulously searched for books, papers, photos, or other personal items related to the Bahá'í Faith. Bahá'í-related belongings were seized and used as "evidence" to seal the businesses and the owners were often arrested on the charge of "propaganda against the regime".

The intergovernmental body most concerned with the right to work is the International Labour Organization (ILO). Its Committee of Experts has repeatedly deplored discrimination against Bahá'ís in Iran with regard to vocational education and employment. In its 2013 report, the Committee noted

(...) the Committee notes with **deep concern** that the Government does not address the very serious concerns that have been raised for many years regarding discrimination against unrecognized religious minorities, in particular the Baha'i and the urgent need to take decisive action to combat such discrimination.... The Committee notes that the Special

<sup>29</sup> Bahá'í International Community, *The Bahá'í Question – Cultural Cleansing in Iran*, September 2008, (pgs 86-87) available at <http://news.bahai.org/human-rights/iran/the-bahai-question.html> Web 2 January 2014)

Rapporteur on the situation of human rights in the Islamic Republic of Iran acknowledges that “Baha’is are subjected to severe socio-economic pressure ... in some cases, they have been deprived of property, employment and education”. He also refers to the establishment of an office to counteract Baha’i publications, the denial of positions of influence to Baha’i and prohibiting them from carrying out certain trades... (A/HRC/19/66, 6 March 2012, paragraphs 61–62)... **The Committee must once again urge the Government to take decisive action to combat discrimination and stereotypical attitudes against religious minorities, in particular the Baha’i, through actively promoting respect and tolerance for religious minorities, to repeal all discriminatory legal provisions, including regarding the practice of gozinesh, and withdraw all circulars and other government communications discriminating against religious minorities...**<sup>30</sup>

Concerning the matters detailed below, the March 2013 report to the Human Rights Council by the UN Secretary-General clearly states:

(...) Economic activity in various cities such as Semnan, Aligoudarz, Isfahan and Mashhad has also been affected by discriminatory policies and practices against the Baha’i community. In Semnan at least 27 Baha’i-run business enterprises had reportedly been closed by the authorities as of October 2012, leaving more than 110 Baha’i families without a source of income. This has a serious negative impact on the right to work and the right to an adequate standard of living, both of which are guaranteed by the International Covenant on Economic, Social and Cultural Rights, to which Iran is a State party.<sup>31</sup>

And indeed, in May 2013 when the Committee on Economic, Social and Cultural Rights adopted its *Concluding Observations* on Iran, the section devoted to the Bahá’ís read as follows:

1. The Committee is concerned that members of the Baha’i community face widespread and entrenched discrimination, including denial of access to employment in the public sector, institutions of higher education, as well as to benefits of the pension system. (art.2).

**The Committee recommends that the State party take steps to ensure that members of the Baha’i community are protected against discrimination and exclusion in every field, including denial of employment and benefits of the pension system. The Committee also recommends that the State party take steps to guarantee, in law and practice, the unhindered access of Baha’i students to universities and vocational training institutions, and to prevent refusals of access and expulsions of students from such institutions based on their belonging to the Baha’i community.**

As noted by the Committee, Bahá’ís throughout Iran are denied access to their own, rightfully earned pensions. In cases taken to court during the past ten years, the judgements have always gone against them. Several court decisions explicitly stated: “payment of pension to those individuals connected with the Bahá’í sect is illegal” [or an “unlawful act”].

New work-related cases since October 2012 include:

- Shops owned by nine Bahá’ís in Bandar-e Torkaman were closed by the Public Places Supervision Office in March 2013.
- In July 2013, five Bahá’ís of Najafabad, who were employed at a contracting company, were dismissed without being paid their salary and other benefits. It is understood that the reason for their dismissal is due to their Faith.

<sup>30</sup> International Labour Conference, 102nd Session 2013, *Report of the Committee of Experts on the Application of Conventions and Recommendations* (ILC.102/III(1A), pages 481-482), available at [http://www.ilo.org/public/libdoc/ilo/P/09661/09661\(2013-102-1A\).pdf](http://www.ilo.org/public/libdoc/ilo/P/09661/09661(2013-102-1A).pdf) Web 23 December 2013

<sup>31</sup> Human Rights Council, 22<sup>nd</sup> Session-agenda item 2 (see footnote 2)



- Recently in Isfahan, the Ministry of Intelligence has placed pressure on an employer to dismiss two of her staff at a salon. When she resisted, she was warned that she only had twenty days to fire them.
- After their businesses had been sealed, all the Bahá'í shop owners in Hamadan were summoned to the local office of the Intelligence Ministry, where they were told to sign undertakings not to close their shops on Bahá'í holy days. Some of them were interrogated for five or six hours. The intelligence officials tried to intimidate them by threatening their relatives and close friends and by warning that their shops would be permanently closed and their business licenses revoked. One of the Bahá'ís began to sell goods out of his truck, in front of his shop, which led to his vehicle being confiscated and his home raided.

Sadly, there has been no attempts to prevent discrimination, but as clearly demonstrated, the government has been promoting discrimination against Bahá'ís and in some cases pressuring Iranian citizens to do the same against their will.

### C. Confiscation of Property, eviction and burial rights

*49. Take all measures necessary to ensure the protection of religious minorities, including implementing the recommendations on adequate housing put forward by the Special Rapporteur after his visit in 2006 (Denmark)*

The UN Special Rapporteur on adequate housing is one of only a few Special Procedures permitted to visit Iran during the past 10 years. His report highlighted violations against Bahá'ís such as forced evictions and abusive confiscations, as follows:

43. In some regions, these expropriations seem to have targeted disproportionately property and land of religious and ethnic minorities, such as Baha'i cemeteries, but also houses. (...)

82. The impact of discriminatory laws and practices on the housing situation of religious minorities in Iran is especially evident in the legal provisions concerning inheritance rights and in the abusive use of property confiscation. Article 881 of the Civil Code, for example, states that if one of the heirs declares that he converted to Islam he is entitled to the entire inheritance in detriment of the remaining heirs who belong to another faith. These provisions apply even to housing units inhabited by any other heirs, and may lead to homelessness.

83. Property confiscation (...) testimonies and reports indicate that religious minorities may be particularly affected in this regard, including members of the Baha'i faith, which, although not constitutionally recognized, is the largest religious minority in the Islamic Republic of Iran. (...) property confiscation in rural areas was often accompanied by threats and physical violence before and during related forced evictions.

85. (...) Some verdicts which the Special Rapporteur has been able to examine declare that the confiscation of the property of "the evil sect of the Baha'i" is legally and religiously justifiable. The Special Rapporteur is concerned at the clear evidence of discriminatory conduct with respect to Baha'i property, including housing. (...)<sup>32</sup>

Since Iran's UPR, confiscation and destruction of Bahá'í property has continued. Plainclothes agents and others have also continued to attack Bahá'í homes and cemeteries with total impunity.

In previous reports, we detailed the confiscations of farmland and the destruction of many Bahá'í homes in 2010, attacks against Bahá'ís in 2011 that were directly related to disputes over confiscated land, and recent confiscations involving farmland in several different provinces, including a group of

<sup>32</sup> Economic and Social Council-Commission on Human Rights, 62<sup>nd</sup> session-Item 10 of the provisional agenda, *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Addendum, MISSION TO THE ISLAMIC REPUBLIC OF IRAN (E/CN.4/2006/41/Add.2)* 21 March 2006

Bahá'í farmers in Kata imprisoned in 2012 because they had continued to cultivate their own land after repeated official attempts to seize their property. At their trial, the court convicted them of “forcible possession” of their own farmland.

Throughout Iran, not only have vandals attacked Bahá'í cemeteries, destroying graves and causing extensive damage in at least ten different locations since Iran's UPR, but more cemeteries have been confiscated, as well. We previously reported the case of the Bahá'í cemetery in Sanandaj.<sup>33</sup> In December 2012, graves were destroyed and all the trees were cut down in the Bahá'í cemetery in Yazd, and a sign was posted there stating that the property had been allocated to the university. In the Bahá'í cemetery in Semnan towards the end of last year, intruders demolished the morgue and used bulldozers to cover all the graves with dirt 40 centimetres deep. In late June 2013, the Bahá'í cemetery of Abadeh was vandalized, and some caskets were disinterred. On 12 December 2013, in Sanadaj, the morgue, prayer room, and water tank of the Bahá'í cemetery was destroyed. Although the Bahá'ís have the legal deed to the property, the government has sought to reclaim the property. The Bahá'ís of Sanandaj have fought this in court, but these recent attacks suggest their protests have failed to protect their rights. In all such cases to date, attacks on Bahá'í cemeteries have been committed with total impunity.

Serving the same end, in some localities officials have refused to issue burial permits to Bahá'í families. This has become a recurrent problem in Tabriz, where local authorities seem determined to impose Muslim burial rites on Bahá'í residents. In the two most recent cases, cemetery officials again denied permits for burial with Bahá'í rites to two families. In both cases, officials transferred the remains of the deceased to the Bahá'í cemetery in Miandoab in the neighbouring province (over 160 kilometres away) without informing the families, and they buried the bodies without a casket, according to Muslim rites, without any family member present.

To complete this section, we would add that the right to property is totally disregarded by intelligence agents who search Bahá'í homes and/or workplaces. They seize everything related in any way to the Bahá'í Faith (books, music, photos, documents, etc.), along with computers, printers, and other personal belongings, sometimes also including chequebooks, deeds to property and other documents of value.

#### IV. Conclusion

This report entails grouping of violations by UPR recommendations that have been accepted by Iran, which does not adequately reflect the situation on the ground, particularly when individuals or groups are subjected to recurrent and relentless abuses. In 2013 alone, multiple violations struck Bahá'ís in Babol, Isfahan, Marvdasht, Mashhad, Sanandaj, Semnan, Tehran, Tonekabon, Vilashahr, Yazd, Abadeh, Nour, Najafabad, and Yassouj to name a few. Moreover, national media campaigns to demonize and incite hatred towards Bahá'ís have resulted in violent attacks that go unpunished.

On 26 November 2013, Mr. Hassan Rouhani, president of Iran, released a draft Charter of Citizens' Rights. The Charter was posted, only in Persian, on the presidential website, and Iranian citizens were invited, for a one-month period, to offer comments on its provisions.<sup>34</sup> Unfortunately, in its present stage, the Charter represents an effort by the government of Iran to convey the impression that it is now committed to upholding the rights of its country's citizens. However, it continues to

<sup>33</sup> Baha'í World News Service, *Even in death, Iran's Baha'is face persecution*, 19 January 2012, available at [http://news.bahai.org/story/881\\_Web\\_10\\_January\\_2014](http://news.bahai.org/story/881_Web_10_January_2014)

<sup>34</sup> Vice-President for Legal Affairs with the assistance of the Presidential Centre for Strategic Studies, *FirstDraft Charter of Citizenship Rights*, 26 November 2013 available at <http://www.president.ir/att/shahrvandi.pdf>. Web 10 January 2013

treat particular segments of the population as being outside the framework of constitutional protection and the various covenants on human rights to which Iran is a party.

The government of Iran should be made to understand that its treatment of the Bahá'ís will be regarded as a litmus test of the sincerity of its intention to safeguard the human rights of all its citizens. Unless the rights of all segments of society are guaranteed, no one can be assured that their own rights will not eventually be violated.

This documents demonstrates that, to date, the Iranian government has taken no measures of any kind to implement the UPR recommendations that it accepted pertaining to the Bahá'ís. On the contrary, during the past four years, the situation of the Bahá'ís has steadily deteriorated, and the violations against them are now much more intense and severe than in 2010.

Despite all its claims, Iran has yet to show any sign that it intends to cooperate with this or any other UN human right mechanism.