

**Islamic Republic of Iran:
report on implementation of accepted UPR recommendations
with reference to human rights violations against members of the Bahá'í community
(February 2011)**

Introduction

At Iran's UPR in February last year, 28 States called the government to account for human rights violations against adherents of the Bahá'í Faith. On 17 February 2010, the Working Group's report published the 123 UPR recommendations accepted by the Iranian authorities. In this document we will examine Iran's implementation, during the past year, of the eight accepted recommendations that explicitly mention and/or directly apply to the Bahá'ís.

Throughout the UPR process, Iran stipulated that it applies the term "religious minorities" to only the three recognized in its own Constitution (i.e. Jews, Christians and Zoroastrians). We will therefore not include recommendations that use this term. Instead, we will consider those that refer to "freedom of religion or belief" and/or to Article 18 of the ICCPR. As can be confirmed in the text quoted below, its definition in international human rights law applies to members of the Bahá'í community:

Article 18, ICCPR

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

Accepted recommendations of direct relevance to the situation of the Bahá'ís

From the UPR Working Group report on Iran (A/HRC/WG.6/7/L.11):

90. The recommendations listed below enjoy the support of Iran, out of which recommendations 102 to 123 Iran considers as already implemented or are in the process of implementation:

9. Ensure that its legislation and practice conform fully with requirements of article 18 of ICCPR and with its other obligations under international human rights law (Poland)

48. Respect the freedom of religion (Germany)

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)

[N.B.: we include this recommendation because the Special Rapporteur's report contained explicit references to discrimination against the Bahá'ís]

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)

103. Guarantee, in compliance with its obligations under ICCPR, the effective independence of the procedures and administration of justice, restricted emergency legislation, adequate protection for human rights defenders and political opposition members, and the effective guarantee of freedom of expression and opinion and freedom of religion and belief (Chile)

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 Yarran is conducted in a fair and transparent manner, consistent with Iranian law, natural justice and due legal process (New Zealand)

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)

In addition, we noted in the Working Group's report:

91. The following recommendations will be examined by the Islamic Republic of Iran, which will provide its responses in due course (...):

19. Extend the rights guaranteed in Iranian legislation to all religious groups, including the Baha'i community (Brazil)

In an Addendum submitted to the Human Rights Council in June 2010¹, Iran stated (on page 2):

3. Recommendation 19: The Constitution and the ordinary laws of the country guarantee citizens' rights of all nationals of Iran regardless of their religious affiliations. The government is making all its efforts to this end. Elimination of discrimination is a firm policy of the Islamic Republic of Iran and therefore the discrimination stated in the recommendation is not a factual judgment.

The Bahá'í International Community formally contests this statement. Contrary to the assertions of the Iranian government that the rights of all citizens are upheld regardless of their religious affiliations, discrimination against Bahá'ís . solely based on religious affiliation . has long been official policy in Iran, as clearly stated by several UN Special Procedures in reports to the former Commission and to the Council. (For details and supporting documentation, see our January 2011 *Background* document, provided in attachment).

Nonetheless, we note that Iran has rejected recommendation 19. And therefore, in accordance with UPR procedures and practices, we will not include it in the following report. The rejection, in and of itself, clearly attests the government's stance towards the Bahá'ís.

Implementation of accepted UPR recommendations

1. Recommendations of general application

We will begin with the three recommendations of wide-ranging application:

9. Ensure that its legislation and practice conform fully with requirements of article 18 of ICCPR and with its other obligations under international human rights law (Poland)

48. Respect the freedom of religion (Germany)

103. Guarantee, in compliance with its obligations under ICCPR, the effective independence of the procedures and administration of justice, restricted emergency legislation, adequate

¹ http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.12.Add.1_en.pdf

protection for human rights defenders and political opposition members, and the effective guarantee of freedom of expression and opinion and freedom of religion and belief (Chile)

- Iran has taken no measures (neither before nor since the UPR) to implement these recommendations with regard to the Bahá'ís. There are fundamental issues that must be addressed both in Iran's legislation and in practice, which we will briefly recall below.

In Article 12, the Constitution of the Islamic Republic of Iran establishes an official religion, Islam, and an official Shi'í denomination, then names the Muslim denominations that are granted full respect+. In Article 13, the Constitution states that Zoroastrians, Jewish and Christian Iranians are the only recognized religious minorities, who within the limits of the law, are free to perform their religious rites and ceremonies, and act according to their own canon in matters of personal affairs and religious education+. By limiting freedom of religious practice to recognized religions only, the Constitution strips other religions of this freedom and legitimizes **persecution** against those who practice other faiths. Such a restrictive disposition does not allow Bahá'í individuals, the community with others and in public or private+, to manifest their religion the worship, observance, practice and teaching+, as stipulated in Article 18 of the ICCPR. If any country in the world were to adopt a similar policy, stating that Islam was not a religion whose adherents deserve to benefit from the same rights as adherents of other religions, Iran would surely be among the first to protest.

Article 14 of the Constitution would normally guarantee justice and respect for the human rights of non-Muslims. In practice, however, the rights of Bahá'ís are routinely treated with contemptuous disregard by the Iranian authorities, who avoid applying the provisions of this article to Bahá'ís by falsely accusing them of engaging in activities against Islam and the Islamic Republic+.² Both before and since Iran's UPR, the authorities have applied this interpretation to arrest, arbitrarily detain, charge and bring to trial many members of the Bahá'í community, on purely religious grounds.

Iran's law on the rights of citizenship should include Bahá'í citizens and extend civil rights to them, but it has never been implemented for those identified as adherents to this religion.

Article 19 of Iran's Constitution states: "The people of Iran belonging to whatever ethnic or tribal group shall enjoy equal rights and the complexion, race, language and the like shall not be considered as a privilege+. No reference is made to sex or religion, characteristics usually mentioned in this context together with language, race and colour, as in Article 26 of the ICCPR. In other words, the Iranian Constitution does not explicitly recognize the principle of religious non-**discrimination**.

In practice, Bahá'ís do not enjoy equal rights and have been subjected to unfair and discriminatory treatment regarding access to higher education, business, employment, public services, cemeteries and places of worship.

Examples dating from this past year are presented in the following sections.

² Article 14 of Iran's Constitution reads as follows:

the 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.+

2. Recommendations involving specific cases

Three of the accepted recommendations refer to court cases involving Bahá'ís, in particular the case of the seven former leaders who were still on trial at the time of Iran's UPR:

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 Yarran is conducted in a fair and transparent manner, consistent with Iranian law, natural justice and due legal process (New Zealand)

2.1 The case of the former Bahá'í leaders

The Yárán (Friends in Persian) was the name given to the seven members of the former leadership group serving the Bahá'í community in Iran: Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mrs. Mahvash Sabet, Mr. Behrouz Tavakkoli and Mr. Vahid Tizfahm. Their cases are the object of Opinion No. 34/2008 issued by the UN Working Group on Arbitrary Detention. The Bahá'í International Community addressed an open letter on 4 March 2009 to the then Prosecutor General of Iran, Ayatollah Qorban-Ali Dorri-Najafabadi, describing the background and context in which the group known as the Yárán had been constituted in Iran (a copy of this letter can be found at: <http://bic.org/areas-of-work/persecution/prosecutor-general-iran-en.pdf>).

- Iran has made no attempt at any time, before or since the UPR, to ensure that the trial of the seven Bahá'ís was fair, transparent, and consistent with due process, whether according to international legal standards or even its own laws and regulations.

We issued an open letter on 7 December 2010 to Ayatollah Mohammad Sadeq Larijani, Head of Iran's Judiciary, setting out in detail the gross irregularities surrounding their cases (that letter can be accessed through: <http://news.bahai.org/story/801>).

In his latest report to the UN General Assembly about Iran (dated 15 September 2010), the UN Secretary General devoted a section to the case of the Bahá'í leaders:

31. 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 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.

[A/65/370, 15 September 2010, page 11]

Article 165 of Iran's Constitution provides that trials shall be held in open sessions with the public admitted to attend, except when the court decides that open sessions would be contrary to public decency or order or when in private litigation the parties thereto request that trial sessions should not be held open. Following repeated and adamant appeals by the seven Bahá'ís and their attorneys for the trial to be held in open court, the judiciary finally declared the trial to be open and public but still excluded observers, including representatives of diplomatic missions and journalists. The judiciary's duplicity and its violation of the legal principle of neutrality was further evidenced by the fact that intelligence officials and government camera crews were allowed to be present and to film all of the proceedings.

The verdict was handed down on 7 August 2010. Even though there was no basis in fact to any of the charges against the defendants, the court found all seven guilty of three charges related to the role they had played, as members of the leadership group, in tending to the social and spiritual needs of Iran's Baha'is. On these grounds, it imposed the maximum penalty, 10 years in prison. The seven former leaders were also found guilty of three charges alleging that they had engaged in activities aimed at undermining the security of the State. The maximum penalty 10 years in prison, was imposed on these grounds, as well. Thus they were sentenced to a total of 20 years in prison. Regarding the other charges, tarnishing the reputation of the Islamic Republic of Iran in the international arena and "spreading corruption on earth", the court concluded that there was no evidence to establish a finding of guilt.

On 25 August 2010, the lawyers representing the Baha'is submitted an appeal detailing the flagrant procedural errors that had characterized the judicial proceedings and the spurious nature of the accusations in the indictment. On 12 September, the appeals court ruled that there was no foundation to the charges related to undermining national security, and accordingly overturned the ten-year sentence for those alleged offences. However, the appeals court upheld the original verdict on the charges related to the services rendered by the seven Baha'is as members of the leadership group, and thus confirmed the 10-year sentence handed down on those grounds.

Throughout the judicial process, the authorities distorted and misrepresented the religious beliefs of the seven former leaders and their service to the Baha'i community. They were declared guilty of crimes merely for having manifested their religion to a community with others and in public or private, to worship, observance, practice and teaching. In other words, for having exercised their right to freedom of religion or belief as stipulated in Article 18 of the ICCPR.

Within days of the original verdict, the prisoners were illegally transferred to Gohardasht (also known as Rajaishahr) prison, notorious for its brutally harsh conditions. This prison is in Karaj, outside their home province of Tehran, meaning that they have effectively been placed in internal exile, in contravention of Iran's statutes governing the transfer of prison inmates. They are being forced to endure appalling filth, pestilence, exposure to disease, and quarters so cramped that it is difficult for them to lie down or even to perform their daily prayers. It should be recalled that they were detained in section 209 of Evin prison for well over two years. After having suffered ill-treatment while in solitary confinement, they were held under conditions that had a detrimental effect on their health. At Gohardasht prison they have no access to adequate medical treatment.

In addition, the judiciary has not yet formalized the verdicts: no written copies have been issued by the court, neither of the original verdict, nor of the decision on appeal. The defence lawyers were only given an opportunity to make a handwritten transcript, which does not allow them to take the steps required to obtain either release on bail (pending further appeal) or the temporary leave that can be granted to sentenced prisoners in Iran for compassionate reasons. The prison authorities are refusing to consider any such request

because they claim that they, too, have never been given the verdict, and thus the Bahá'í prisoners are still classified as being in temporary detention and ineligible for compassionate leave. They are now in the third year of this so-called temporary detention. The judicial authorities have not formally used the term temporary detention since the conclusion of the trial and have made no public statements about the sentencing and appeal.

Due process is thus again being denied during the post-trial period.

2.2 Other cases involving arbitrary arrest and imprisonment

- In other Bahá'í cases, as well as both before and since the UPR, Iran's intelligence services and its judiciary have failed to act in accordance with due process.
- Government officials sometimes 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 and detain Bahá'ís, and also when cases against adherents of this religion are brought to trial.

To put recent persecution in context, we would recall that five Bahá'ís were in Iranian prisons in 2001, four in 2002-2003, and only two were arrested in 2004. Since late 2004, however, there have been **over 350 arrests**, and hundreds of other Bahá'ís have been summoned and interrogated without being officially taken into custody.

To date, there are 56 Bahá'ís in Iranian prisons. A complete list is attached containing all the basic details about each case. We will only mention here a few illustrative examples:

Mr. Pouriya Habibi

This is a particularly grievous case of arbitrary detention, as Mr. Habibi has been **arbitrarily detained without charge for three years**, since his arrest on 27 January 2008. It has not been possible for us to obtain any information about Mr. Habibi, a resident of Tehran who was taken to Evin prison after his arrest. The UN Working Group on Arbitrary Detention included his case in its Opinion No. 39/2008.

Ms. Haleh Ruhi
Ms. Raha Sabet
Mr. Sasan Taqva

These three young Bahá'ís were among 53 from Shiraz arrested in 2006 while tutoring underprivileged children. They were sentenced to prison for four years, based on false accusations against them, and served these sentences **under very harsh conditions in the local detention centre of the Intelligence Ministry**. Their access to exercise and fresh air was overly restricted, and there was no furniture at all in the cells: the prisoners had to sit and sleep on the floor, and they all developed chronic back pain as a result. The two young women were held together, but Mr. Taqva suffered, in addition, from being imprisoned alone, in violation of international standards and Iran's own legal norms.

All three were granted temporary releases but then always required to return to the centre's cells, which are not at all suitable for long-term imprisonment. The Ministry does not have the right under Iranian law to imprison citizens but only to detain individuals for the purpose of interrogation. Their families repeatedly tried to obtain early release, commonly granted in Iran for prisoners of good behaviour.

In May/June 2010, in agreement with the following officials:

- Mr. Baneshi, Public and Revolutionary Prosecutor General of the Province of Far

- Mr. Siavashpour, Head of the Judiciary in Shiraz
- Mr. Seyf, representative of the Ministry of Justice in the Province of Fars
- and the Chief Director of Prisons in the Province of Fars

the Prosecutor's Office in Shiraz recommended to the Office of Clemency for Prisoners that the three Bahá'ís be considered for pardon for the remainder of their sentence. The request was registered on 9 June at the Office of Clemency for Prisoners in Tehran. On 13 July, the Office endorsed the request to be included in the list of pardons for Eid al-Ghadir (an Islamic Holy Day that fell on 25 November 2010). According to the officials mentioned above, the Intelligence Ministry office in Shiraz opposed the pardon request all along.

Mr. Taqva obtained a temporary release from 5 December 2010. He and Ms. Ruhi were officially pardoned on 8 December 2010. Later, Ms Sabet was also granted a temporary release until the receipt of her official pardon.

Mr. Navid Khanjani

Mr. Khanjani is among many members of the Bahá'í community who have been detained, and/or imprisoned following trial and sentencing, **far from their home and family**. After his arrest on 2 March 2010 at his home in Isfahan by Intelligence Ministry agents, he was transferred by air to Tehran and taken to Evin prison. When members of his family appealed to obtain his release on bail, officials at the office of the Head of the Judiciary refused to accept a letter from them, stating: "Bahá'ís do not have the right to seek justice."

Moreover, like for other Bahá'ís before and since Iran's UPR, **the bail demand was excessively high**. He was released in May 2010 after having provided collateral valued at 50 million tuman (±US\$50,000). In June he had his last session with the examining magistrate in Evin prison. The charges against him are: "activity against national security", "propaganda against the regime", "disturbing public opinion", "spreading lies", "formation of the committee on the right of the Bahá'ís to education", "membership in the Committee of Reporters of Human Rights and the Committee of Human Rights Activists". He rejected the charges, stating that he had merely and lawfully worked to defend the rights of those who are deprived of higher education in Iran. His bail was then doubled, from 50 million to 100 million tuman (±US\$100,000).

Mr. Foad Naeimi

After having been unfairly tried and sentenced on religious grounds, this Bahá'í resident of Sari, in northern Iran, completed his prison sentence and began serving an additional term of internal exile in Eghlid, in southern Iran, very far from his home and family. Although he was under surveillance there by the local intelligence services, he was **not given protection, and was physically assaulted**. The police did not investigate the crime.

Early in 2010, Mr. Naeimi was summoned to appear at the local office of the Intelligence Ministry, where officials told him that:

- he cannot leave the city of Eghlid under any circumstances;
- no Bahá'í is permitted to visit him there;
- when family members want to visit him, they must coordinate the visit in advance with the Intelligence Ministry office in Eghlid;
- he is not allowed to interact with the local people. the officials added that the citizens of Eghlid are very conservative and prejudiced against the Bahá'í Faith, and it is therefore not in his own interest to be known as a Bahá'í;
- the Intelligence Ministry office in Eghlid must be fully informed of any economic activity he undertakes. but, they said, the chance of receiving a work license is very low, and the religious, prejudiced people of Eghlid would likely set on fire any business he sets up;

- finally, if he transgresses any of these orders, they will refer his case to the Intelligence Ministry in Shiraz with a recommendation that he be exiled to a place further away and with a harsher climate.

In the evening of 27 September 2010, he was violently assaulted by two unknown attackers. The police arrived shortly thereafter, filled out a report, but said they could do nothing more because neither Mr. Naeimi nor his neighbours had been able to identify the assailants. On the advice of the head of the police station, Mr. Naeimi left Eghlid and temporarily joined his family in Sari. He has since contacted the relevant judicial authorities, who will have to make a decision about his internal exile.

Mr. Behnam Rouhanifard
Mr. Soheil Rouhanifard

These two brothers live in Yazd. After **16 months of arbitrary detention** following their arrest in October 2009, they were tried and sentenced to nine months of imprisonment before being released on bail in February 2010, pending appeal. However, a new case had already been filed against them. On 3 March, they were fined for ~~possessing~~ ~~possessing~~ a satellite dish receiver, and Mr. Soheil Rouhanifard was sentenced to an additional year in prison plus 50 lashes for allegedly having spread ~~lies~~ and ~~rumors~~ against a former member of the Bahá'í community who has worked with the authorities on anti-Bahá'í activities.

Mr. Soheil Rouhanifard appealed against the additional charges and went to the court on 29 March. He was told that his case must be transferred to Hamadan for further rulings and that the authorities there would have nothing to do with him for the moment, but later the same day he was arrested at home and taken back to Yazd prison to serve the additional sentence. Mr. Behnam Rouhanifard accompanied his brother's family to the prison, where he was arrested and **arbitrarily detained yet again**, for another four and a half months.

In these and other similar cases since Iran's UPR, Bahá'ís have continued to be singled out for treatment inconsistent not only with international law but also with the legal standards normally applied to Iranian citizens. The Bahá'ís are, however, not alone in this: it has been well documented by other NGOs that a considerable number of other Iranian citizens are also being targeted by the intelligence services and denied due process by the judiciary, including students, journalists, trade unionists, women's activists and other human rights defenders.

3. Recommendation with reference to discrimination

As noted in section 1, above, one accepted UPR recommendation applies to the Bahá'ís because it refers to a UN report in which they were specifically mentioned:

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)

3.1 Confiscation of property

Many UN Special Procedures have requested a country visit to Iran since its government issued a standing invitation in 2002. The UN Special Rapporteur on adequate housing is one of only a few whose request has been granted. In the report on his 2005 Iran country visit, the Bahá'ís are mentioned in several sections, as follows:

Summary [introduction]:

õ [the Special Rapporteur] formulates a number of recommendations to the Government of the Islamic Republic of Iran, including: legal and administrative review of the doctrine of

dominant domain that prevents individuals and groups from challenging State acquisition of housing and land; (d) and the reinforcement, expansion and implementation of policies aimed at groups in vulnerable situations and ethnic and religious minorities, such as Kurds, Bahá'ís, Laks and Arabs. (d)

Forced evictions and displacement

43. In some regions, these expropriations seem to have targeted disproportionately property and land of religious and ethnic minorities, such as Bahá'í cemeteries, but also houses. No participatory process or consultation has taken place before the decision by relevant authorities to evacuate the area. (d)

Religious minorities

81. According to article 13 of the Constitution, the Zoroastrian, Jewish and Christian minorities are the only recognized religious minorities in the Islamic Republic of Iran. (d) By implication, therefore, other religious minorities are generally denied these rights and often persecuted for their beliefs.

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, as mentioned in the section on security of tenure above, is a serious concern and impacts different groups within society. However, testimonies and reports indicate that religious minorities may be particularly affected in this regard, including members of the Bahá'í faith, which, although not constitutionally recognized, is the largest religious minority in the Islamic Republic of Iran. The Bahá'í community reported several cases of land confiscation against its members, especially in Tehran and in the province of Azerbaijan. According to information received by the Special Rapporteur, property confiscation in rural areas was often accompanied by threats and physical violence before and during related forced evictions.

84. The Special Rapporteur received detailed documentation relating to the location, size, previous ownership, date of confiscation, and current State property management, of approximately 640 Bahá'í properties confiscated since 1980. Reports affirm that there were numerous additional undocumented cases, especially in distant provinces where information cannot be easily collected. The properties listed included houses and agricultural land, but also Bahá'í sacred places such as cemeteries and shrines.

85. The affected owners have allegedly not been given an opportunity to participate or receive prior information related to ongoing confiscation procedures. Normally, they receive a written convocation asking for their presence before the relevant authority, who will serve them with a final confiscation order. Many confiscation decisions with regard to Bahá'í property are taken to the Revolutionary Courts. Some verdicts which the Special Rapporteur has been able to examine declare that the confiscation of the property of the evil sect of the Bahá'í is legally and religiously justifiable. The Special Rapporteur is concerned at the clear evidence of discriminatory conduct with respect to Bahá'í property, including housing. (d)

[E/CN.4/2006/41/Add.2, 21 March 2006]

- Since Iran's UPR, confiscation of Bahá'í property has continued, while plainclothes agents and others have attacked Bahá'í homes and cemeteries with total impunity (see below). Attacks against Bahá'í-owned businesses are detailed in section 3.2, which describes the efforts of Iranian officials to impoverish Bahá'ís.

In April 2010, the Lands and Assets Headquarters of Mazandaran, a division of the Islamic Revolutionary Guards, confiscated 5,000 square meters of land in Ghaemshahr that had belonged to the late Mr. Ahmad Ahmadzadeh. The confiscation was based on the local Imam's decree and implemented while the Bahá'í heirs were farming the land.

On 22 June 2010, homes belonging to some 50 Baha'i families were destroyed in a village in northern Iran. In Ivel (Mazandaran province), unknown individuals roused some of the residents to block normal access to the village while allowing trucks and at least four front-end loaders to demolish the houses. Amateur video, shot on mobile telephones and posted by Iranian human rights activists on the Internet, showed several buildings reduced to rubble and fiercely burning fires. More information and photos of the destruction can be found at: <http://news.bahai.org/story/780>

It has been impossible in recent years for Baha'is to return to, rebuild or renovate homes in Ivel without being attacked by those determined to drive them away. Members of what was previously a large Bahá'í community there still own farmland and return to tend and harvest their crops. One Bahá'í family came to harvest produce the day after the destruction of the 50 homes, and the head of this household was beaten and insulted by local inhabitants.

Members of the community have repeatedly sought redress with local government officials who, on previous occasions, never took any effective action. Local Bahá'ís lodged complaints again after this latest attack. All the officials, including the provincial governor in Sari, denied having any knowledge of the demolitions or the motive behind them.

All the Bahá'í homes in Ivel were eventually razed and the land cleared to erase evidence. Police officers from a neighbouring village were sent to investigate, and they submitted a report to the court in the nearby city of Kiasar. On 3 July 2010, a court session was convened in Kiasar, at which both Bahá'í and non-Bahá'í residents from Ivel were present (no further information has been received about this session). We would also recall that in 2009 the Bahá'í cemetery near Ivel was sold, after having been confiscated for conversion to residential property.

In addition, since Iran's UPR, vandals have attacked many Bahá'í cemeteries with total impunity, destroying graves and causing extensive damage, for example in April 2010 in Gilavand, May 2010 in Mashhad, June 2010 in Isfahan and in Boroujerd, and July 2010 in Jiroft. Also in July, the Bahá'ís in Semnan were officially forbidden to use their cemetery. Over the past few years the Baha'í cemetery in Semnan has been vandalized and partially destroyed several times, and officials have forced families to repeatedly request burial permits. Some Bahá'ís in other cities have not been able to obtain permits for burials at all, or required to pay excessively high fees for this purpose.

Finally, the right to personal property is disregarded by intelligence agents and other officials when dealing with adherents of the Bahá'í Faith. Throughout Iran, Bahá'í homes are frequently searched and personal belongings seized. Most of those arrested during the past five years have had their homes raided and numerous items confiscated, in particular computers, copying machines, and all books, photos, printed material or other possessions related in any way to Bahá'í activities.

3.2 Other discriminatory practices

Housing is far from the only domain in which the Bahá'ís suffer from targeted discrimination. As mentioned above, the UN Secretary General again addressed human rights violations in Iran in a 2010 report to the General Assembly. One section devoted to the Bahá'ís cited a wide range of discriminatory practices, as follows:

30. Members of unrecognized religions, in particular the Baha'í, who comprise the country's largest non-Muslim religious minority, face multiple forms of discrimination and harassment, including denial of employment, Government benefits and access to higher education. Some members of the Baha'í community have faced arbitrary detention or the confiscation and destruction of their property. In February 2009, the Special Rapporteur on freedom of religion

or belief and the Independent Expert on minority issues noted with concern the deliberate damage to properties belonging to members of the Baha'i community. Fires had been deliberately set to partially or totally destroy homes and vehicles, and a cemetery in Marvdasht had been vandalized. The incident was allegedly reported to a number of Government agencies, but no official action has been taken.²⁴ The authorities state that while Baha'i is not recognized as an official religion, its followers enjoy equal social, civil and citizens rights.

[A/65/370, 15 September 2010, page 10]

²⁴ See A/HRC/10/8/Add.1, paras. 102-109.

- All of these discriminatory practices have continued unabated since Iran's UPR. Confiscation and destruction of property has already been covered in the previous section. Illustrative examples involving other forms of discrimination are given below.

For many years, the Special Rapporteurs on freedom of religion or belief have documented **denial of access to higher education** for Iranian citizens identified as Bahá'ís.

Background can be found at: <http://denial.bahai.org/index.php>.

Many recent cases were documented by the International Campaign for Human Rights in Iran in a report published on 7 December 2010. Its partial list of 70 students barred or expelled from universities in 2010 on political or religious grounds includes 17 Bahá'ís. For details, see: <http://www.iranhumanrights.org/2010/12/punishing-stars-dec2010/>

We will only mention here an article that appeared in *Shargh*, a daily newspaper in Iran, on 12 June 2010, four months after Iran's UPR. The article reports on a summit of the education deputies of the universities and indicates that this information was also issued by *Fars News*, a news agency backed by the Iranian government. A translation of the relevant extracts is given below:

Source: Shargh, 12 June 2010

Members of unofficial religious minorities are banned from studying at the universities

Students who are members of fabricated religions or illegal religious minorities in the country do not have the right to study at universities, said the director of the Secretariat of the Central Student Eligibility Evaluation Committee, also reported by *Fars News* yesterday. At the summit of the education deputies of the universities, which was held at Kurdistan University, Morteza Nurbakhsh presented further details regarding the decision made by officials at the Ministry of Sciences and explained that members of fabricated religions and unofficial minorities do not have the right to study at universities in the country and, should they be currently studying at university, their files must be submitted to the Central Student Eligibility Evaluation Committee for approval.

(...)

... in response to a question from *Shargh* regarding the conditions surrounding the decision-making process regarding fabricated religions or unofficial minorities, Nurollah Haydari Dastanaqi, a member of the *Majlis* Commission for Education and Investigation, said that the recognized religions have been identified in the Constitution, and any sect or religion other than the religions recognized in the Constitution must be dealt with according to the regulations.

Students who follow sects that are not recognized in the Constitution will not be permitted to continue their education should their beliefs, teaching, and propagation activities be proven. Additionally, he said that devil-worshipping, Sufism, Buddhism and Baháism are among those fabricated and unofficial sects. These groups, he emphasized, are not recognized by the Constitution and since we are taking steps towards creating Islamic monotheistic universities,

we must confront these people through legal means, regardless of what level they may be at in their studies.

According to Haydari the religious minorities are divided into two groups: those who conceal their beliefs or those who belong to one of the monotheistic religious minorities can continue with their university education, on the condition that they will not teach or promote their religion, but the followers of fabricated religions will be banned from studying at the universities. In response to a question as to how unofficial religions can be recognized, he said that this is a very delicate subject because there are also different sects in Shi'ah and Sunni Islam whose followers are living as minorities, but so far they have not been the subject of any discussion (...)

The government is carrying out an organized campaign to impoverish Iran's Bahá'ís, and excluding them from higher education is one aspect of that effort. We have reported and provided supporting documents to the UN Special Procedures for many years about official measures taken to **deny Bahá'ís the right to employment**. Methods include harassment and intimidation, refusal to issue or renew business licences, confiscation of property, sealing of premises, orders for the destruction of farmlands and livestock, threats against merchants and professionals to dissuade them from doing business with or awarding contracts to Baha'is, refusal of loans and other banking services, etc. The policies and practises have affected thousands of Bahá'ís.

Recent efforts have focused on blocking access to the 25 trades from which Bahá'ís were officially banned in 2007, as specified by the Public Places Supervision Office (a governmental bureau in charge of morality in public places, including offices, shops, and other places of work). These 25 trades include many of the independent businesses and shops that Bahá'ís have opened over the years in cities and towns throughout Iran. This is the only way that many of them can earn a living, as they have long been banned from employment in the public sector, and many have been fired from private sector jobs, as well, once their religious affiliation became known.

In May 2010, it was reported that the Public Places Supervision Office had given orders to the Union of Automobile Spare Parts that no business permits should be issued to Baha'is and, regarding any who had received such permits, "appropriate instructions must be given to prevent their activities". It seems likely that other Unions received the same orders.

When measures were taken last year against Bahá'í opticians, officers of the Office of Health and Hygiene Network in Khomein said that all optical stores owned by Baha'is are gradually to be closed. These measures have continued since Iran's UPR:

- In April 2010, officials refused to renew trading licenses for optical shops owned by Mr. Manouchehr Eghanian and by Mr. Houshang Ghoddousi in Tehran.
- In June 2010, a list of Baha'i opticians in Kashan, Aran, Ardistan and Bidgol was widely distributed in Kashan, accompanied by a long list of fatwas issued by six Grand Ayatollahs against the Bahá'í Faith. These include the designation of Bahá'ís as "unclean", which means that Muslims should avoid all contact with them.
- Ms. Zohreh Laghayi, owner of Missagh Opticians, went to court this year to appeal the closure of her shop (sealed in December 2008 at the same time as four other shops run by Bahá'í opticians in Nazarabad near Karaj). The Court of Administrative Justice issued a verdict permitting her to re-open her shop, but the local Intelligence Ministry office is still preventing her from doing so.
- Mr. Manouchehr Eghanian of Tehran also owns an optical shop. His business license had not been renewed, and he received a letter from the Opticians' Trade Union warning him that he must close his shop. Exactly the same thing happened to another Bahá'í in Tehran who owns an optical shop, Mr. Houshang Ghoddousi.

- Optical shops belonging to two Bahá'ís in Rafsanjan, Mr. Pouya Bandi and Mr. Majid Payandeh, had to be shut down in recent months, after the authorities refused to renew their business licenses.

Two other businesses run by Bahá'ís in Rafsanjan were sealed by officials (who had an official government order): an appliance repair shop belonging to Mr. Soheil Naeimi, and an alarm system shop owned by Mr. Farzad Mouhebaty.

Since the last week of October 2010, there have been about a dozen arson attacks against Bahá'í-owned businesses in Rafsanjan, which have resulted in damages estimated at tens of thousands of dollars. There can be no doubt that these businesses were targeted because they are owned by Bahá'ís. In one instance, for example, a coffee shop owned by a Muslim was set ablaze on the same night that two Bahá'í establishments were similarly attacked by arsonists. The proprietor, wondering why his store had been attacked, later learned that a newsletter entitled "Green Path of the Mahdi", published under the auspices of the Friday Prayer Institute of Rafsanjan, had incorrectly reported the coffee shop as being under Bahá'í ownership.

While it has been clear from the outset that the aim is to terrorize the Bahá'ís concerned into abandoning their businesses, an additional element of threat and treachery recently came to light through an anonymous letter delivered to 20 Bahá'í households on the night of 1 January 2011. The letter, also found on the premises of one of the businesses set afire that same night, demands that all of the Bahá'ís in Rafsanjan sign undertakings vowing that they will completely refrain from teaching Bahá'ism; establishing contact or forming friendships with Muslims, except for work-related contacts and within the work environment; and using or hiring Muslim trainees in Bahá'í-owned businesses. Further, the Bahá'ís are warned that any kind of unnecessary friendship and contacts with Muslims would be regarded as infringement of the conditions of this written undertaking. Clearly, the authors of this document either carried out the recent spate of assaults or were in collusion with the perpetrators, as they add that, if the Bahá'ís agree to abide by their conditions, we will guarantee not to wage any attack on your life and properties.

Other recent individual cases include the following:

- On 12 April 2010, individuals claiming to be from the department of commerce contacted the father of Mr. Vahid Ismaelzadehgan of Tonekabon and threatened to close his shop. In May, the shop was sealed.
- On 26 April 2010, the Public Places Supervision Office sealed the shop of Mr. Siavash Deymi of Birjand. Mr Deymi had applied numerous times to renew his business license, but this had repeatedly been refused.
- After two months operating a supermarket in a suburb of Tehran, Mr. Sohrab Kaffashi found out about directives given in the local mosque, indicating that no one should go to his shop. Due to the consequences, Mr. Kaffashi closed his business.
- A photocopy shop owned by a Bahá'í in Karaj was recently sealed for the second time.
- Intelligence Ministry agents telephoned the employer of Ms. Fariba Ashtari, who works as a receptionist for an optometrist in Yazd. They ordered the employer to fire her and not to disclose the source of the order.
- Mr. Navid Rezaie of Kermanshah, who owns a shop, has been harassed by Intelligence Ministry agents since late April 2010. They have been pressuring his shop assistant to resign and telling his customers to stop going to his shop because he is a Bahá'í.

- In Kerman, a shop owner fired his Bahá'í assistant following threats from the Intelligence Ministry. In another case, a Ministry agent approached the customers of a shop owned by a Bahá'í, warning them that trade with Bahá'ís is forbidden on religious grounds.
- In Isfahan, the Intelligence Ministry recently issued a confidential order to various institutions and companies, instructing them to stop signing business contracts with Achilan Door, a company that belongs to a Bahá'í from Shahinshahr. The order states that due to security considerations, any form of contract with the company or its subsidiaries (which also belong to Bahá'ís) is not advisable and must be avoided.
- A member of the community who owns a store that sells shoes and handbags in Ghohardasht, Mr. Badiollah Tashakkor, was denied a business licence. The authorities told him that, as long as he indicates he is a Bahá'í, no licence will be issued to him.
- In Rafsanjan, the employer of Ms. Parisa Faghan was pressured to fire her because she is a Bahá'í. Ms. Faghan was a distinguished accountant of the firm.

4. Recommendation about incitement to hatred

Finally, we noted one accepted UPR recommendation requesting that the Iranian government:

119. Fully respect the rights of the adherents of the Baha'í faith and to judicially prosecute those inciting hatred against them in religious environments, the media and the Internet (Luxembourg)

This is important because the upsurge in human rights violations against Bahá'ís in Iran over the past six years was preceded and accompanied by efforts to incite hatred against them.

- Some Iranian officials and members of the clergy continue to openly advocate religious hatred that constitutes incitement to discrimination and hostility against the Bahá'í Faith and its adherents, and do so with total impunity.
- National and provincial budgets include allocations for educational programmes to confront the Bahá'í Faith, and there are official organs dedicated to that purpose.
- Articles, TV and radio programmes on State-run media and government-affiliated websites, and official or State-condoned pamphlets, posters and exhibitions continue to vilify the Bahá'ís and their religion.

Thus, incitement to hatred against the Bahá'í community is effectively the policy of the Iranian government.

We have been documenting numerous cases to the relevant UN Special Procedures for many years. For example, defamatory articles have appeared regularly for the past seven years in *Kayhan*, one of the oldest daily newspapers in Iran, which is managed by a representative of the Supreme Leader at the Kayhan Institute. Extracts from the *Kayhan* articles later appeared in other newspapers, on anti-Bahá'í websites and in books, which in turn were relayed by TV and radio coverage.³ The same language turned up in slogans spray-painted in and around Bahá'í cemeteries, houses, shops and orchards, such as: 'Death to Bahá'ís, mercenaries of Israel, America and England' or 'Bahá'ís are Najes [unclean]'

In parallel with this incitement to hatred, violent attacks targeting Bahá'ís, their homes, shops, farms and vehicles throughout the country have been escalating since 2006. We

³ Some can be found in the document available at: <http://news.bahai.org/human-rights/iran/the-bahai-question>.

mentioned above the demolition of 50 Bahá'í homes in Ivel, attacks on Bahá'í cemeteries throughout Iran as well as on Bahá'í-owned businesses in Rafsanjan. Recurring acts of violence and intimidation have also been targeting Bahá'í families in Semnan for several years. Plainclothes agents have repeatedly attacked the homes, shops and cars belonging to the same Bahá'ís, attempting to pressure them into leaving the city. Numerous incidents took place in the middle of the night, when homes and shops were attacked by arsonists and/or vandals. All incidents were reported to the authorities, but the police repeatedly replied that they can do nothing. Those who attack Bahá'ís do so with impunity.

In other centres such as Mashhad and Ghaemshahr, the Bahá'ís have had similar experiences. This raises grave concerns that the same approach . recurrent, severe harassment aimed at driving the Bahá'ís out of localities . is being extended systematically from city to city.

There have also been hundreds of incidents where Bahá'í children and adolescents were subjected to abuse in school, by their teachers and school administrators, based on the same slanderous accusations. Members of the community across Iran regularly receive threatening telephone calls, text messages and anonymous letters. These, too, contain the malicious slander appearing in media linked to the government.

The Baha'is in Mazandaran province have been particularly hard-hit recently, but Bahá'ís throughout Iran are facing increased pressure. As it is explicitly forbidden for them to associate with Muslims, they cannot offer assistance to their friends and neighbours or even express good will without being accused of acting "against the regime".

The community is prohibited from using any means of communication with the public, so the Bahá'ís have not been able to counter the calumnies coming from those who provide the Iranian people with guidance in religious matters. It is of particular concern that the government blocks all Bahá'í websites, whether originating from within or outside Iran, thus depriving Bahá'ís of an effective means of providing their fellow Iranians with accurate information on the Bahá'í Faith.

More information on all these issues can be found at:
http://bic.org/areas-of-work/persecution_bahai_community
and <http://news.bahai.org/human-rights/iran/iran-update/>

Annexes:

1. *BACKGROUND . Nature of the Persecution against the Bahá'ís in Iran (January 2011)*
2. *List of Bahá'ís currently imprisoned in the Islamic Republic of Iran (as of 18 January 2011)*