



# OpenDoors

Serving persecuted **Christians** worldwide

PO Box 47  
3840 AA Harderwijk  
The Netherlands  
T + 31 341 465 073  
F + 31 341 412 825  
I [www.opendoors.org](http://www.opendoors.org)  
E [advocacy@od.org](mailto:advocacy@od.org)

## United Nations Human Rights Council- Universal Periodic Review

### The Islamic Republic of Iran

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The Advocacy Department of Open Doors International submits this analysis of religious freedom in the Islamic Republic of Iran as a contribution to the Universal Periodic Review of UN member-state the Islamic Republic of Iran.

Open Doors International focuses on the right to freedom of religion or belief, more in particular the position of Christian minorities in Iran<sup>1</sup>.

#### Legal framework

Religious clerics have the political control under Ayatollah Khamenei, the Supreme Leader, since 1989. The Constitution of the Islamic Republic of Iran (hereafter called Iran) stipulates Islam, specifically the doctrine of the Twelver (Shi'a) Ja'afari School, to be the official religion of the country. Articles 19 to 42 guarantee certain fundamental human rights such as freedom of opinion, freedom of press, and protection from torture, house raids and arbitrary arrests. Article 23 regulates that *"the investigation of individuals' beliefs is forbidden and no one may be molested or taken to task simply for holding a certain belief"*. Other articles, however, grant authorities the freedom to restrict the rights in the articles mentioned before. Article 4, for example, stipulates that all *"laws and regulations must be based on Islamic criteria. This principle applies absolutely and generally to all articles of the Constitution as well as to all other laws and regulations, and the Fuqaha (jurists) of the Guardian Council are judges in this matter."*

Iran agreed to be bound to the Universal Declaration on Human Rights (UDHR) by becoming member of the United Nations in 1945. It furthermore ratified the International Covenant on Civil and Political Rights (ICCPR) in 1975 and thereby accepted full freedom of religion or belief as spelled out in Article 18 of the ICCPR.

#### Legal status of religious minorities

Iran has a population close to 72.2 million (UN estimate 2008). About 89 percent is Shiite. The Sunni percentage is estimated at 9 percent. Open Doors estimates the number of members of the Christian minority to be about 250,000 of which approximately 150,000 are converts from Islam. The Bahá'í community amounts approximately 300,000.

<sup>1</sup> Sources used are: Open Doors, Compass Direct, and the United States Commission on International Religious Freedom.



The following paragraph will shortly discuss the legal status of most religious minorities, but afterwards we will focus on the position of the recognized Christian minorities and Muslim converts to Christianity.

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### Recognized religious minorities

The Constitution of Iran stipulates in article 13 that “Zoroastrian, 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 to act according to their own canon in matters of personal affairs and religious education”<sup>2</sup>.

Under ‘Christian Iranians’ one can understand ethnic Christians; born Christians from Armenian and Assyrian background.

The scope of religious freedom within the limits of the law is very narrow under the authority’s monopoly on the official interpretation of Islam. Religious minorities are subject to several forms of discrimination such as discrimination related to education, government jobs and services, and the armed-services<sup>3</sup>. Several groups also face restrictions on the distribution of religious materials in the Persian (Farsi) language.

Although recognized as a religious minority, the Jewish group suffers continuously under the promotion of anti-Semitism; usually Jews are targeted on the basis of ‘ties to Israel’.

Not only recognized non-Muslim minority groups are victim of suppression in Iran. Also Sunni Muslims are subject to mistreatment and discrimination on the basis of insulting Islam<sup>4</sup>.

The Iranian government-led campaign against non-Muslim religious minorities increased over the last couple of years, resulting in inflammatory statements by leaders and an increase in harassment and imprisonment of and physical attacks against those groups<sup>5</sup>. Reportedly, President Ahmadinejad has called for an end to the development of Christianity in Iran<sup>6</sup>.

In 2008, UN Secretary General Ban Ki-Moon issued a report on the situation of human rights in Iran, mentioning the abuses and arbitrary arrests of the Christians, Sufi and Sunni Muslims, and Bahá’í. Furthermore, the UN General Assembly adopted a resolution in 2009 condemning amongst other things violations of the human rights of religious minorities<sup>7</sup>.

Reportedly, many adherents to religious minorities, such as converts from Islam and Bahá’í, were arrested during the period after the re-election of President Ahmadinejad in 2009<sup>8</sup>.

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<sup>2</sup> Matters of personal affairs are matters such as marriage between persons within the religion, divorce, and inheritance.

<sup>3</sup> An example of discrimination of religious minorities is the fact that family members of a killed person belonging to a religious minority are to receive less blood money from the murderer than they would if the killed person were Muslim.

<sup>4</sup> At the time of writing, Sunni Muslims had not been allowed to build a mosque in Tehran.

<sup>5</sup> USCIRF Annual Report 2009, p 34. The following pages will give more inside in the increased pressure on the Christian minority.

<sup>6</sup> USCIRF Annual Report 2009, p 35.

<sup>7</sup> UNGA Resolution 63/191, 24 February 2009.

<sup>8</sup> Compass Direct news of 12 August 2009.



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### Non recognized religious minorities

Converts from Islam to Christianity or any other non-recognized religion or atheism, are not recognized as Iranian Christians and considered apostates as are the Bahá'í. They do not enjoy any legal protection.

According to Iranian law, blood of Bahá'í is '*mobah*', which means they can be killed with impunity<sup>9</sup>.

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### The position of the recognized Christian minority

Ethnic Christians, although formally recognised and protected by law, are treated as second-rate citizens. High ranked positions as official are not within their reach and it is impossible for an adherent of a religious minority to become president. Furthermore, Christians are forbidden to proselytise and to convert Muslims to Christianity.

Christians are generally member of the Armenian Orthodox Church, the Assyrian Church, or evangelical churches, including the Pentecostal Church and the Assemblies of God churches. The majority of those churches are registered but some are not. Due to the pressure of the government more Christians decide to attend a house church.

Recognized churches are allowed to gather in their own buildings only, and many churches are urged to gather on Sundays instead of Friday, the public day off in Iran, which limits their freedom to practise their religion.

Since Muslims, who generally speak Farsi, are not supposed to visit services, Armenian and Assyrian churches are officially obliged to hold services in their own language.

Nevertheless, several churches, such as several Assemblies of God churches, do hold services in Farsi. The authorities generally tolerate this practice if the members abide by the regulations, such as the rules not to be active in evangelisation and not to allow Muslims to attend their service. However, some churches have been ordered to stop holding services in Farsi or face the closure of their building. Moreover, visitors are being watched closely and registered, e.g. through cameras at the entrance<sup>10</sup>.

Several churches were pressured to sign a pledge promising not to evangelise among Muslims, or to admit them to their services.

An example of a church that has been ordered to close is an Assyrian Pentecostal church in Tehran that reportedly faced closure on 19 March 2009 for offering Farsi-language services attended by converts from Islam<sup>11</sup>. The pastor of the Shahrara church has indicated that cancelling Farsi-language services may allow it to continue, though it is unclear at present time whether the congregation's leadership was willing to make that compromise. In May 2009, another church had been ordered to stop their activities until a registration was acquired.

Christian minorities are allowed to have their own schools in order to educate in their own language, and attendance of Islam education is not mandatory for them. Religious literature

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<sup>9</sup> USCIRF Annual Report 2009, p 34.

<sup>10</sup> The Ministry of Islamic Culture and Guidance and the Ministry of Intelligence and Security monitor religious activity closely, especially evangelical groups. Source: USCIRF Iran Annual Report 2009 p35, and Open Doors.

<sup>11</sup> Compass Direct News 31 March 2009.



used in schools needs pre-approval from the authorities and the Christian schools are closely supervised.

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#### Religious freedom of Christian minorities/ converts to Christianity

The Iranian penal code itself does not regulate sentences for apostasy, but according to Shariah, conversion from Islam is forbidden and punishable to death. Since 2008, the pressure on Christians in Iran, which started to increase in 2005, increased even more. Iranian legislation further rules that converts from Islam to another faith or atheism lose their right to inherit family possessions.

For recognised religious minorities attendance of the religious (Islam) school is not mandatory. However, converts from Islam, are still considered Muslim and are therefore obliged to follow Islamic education.

The government increased the arbitrary arrests of Christian converts and regularly raids their houses and churches. The police generally interrogates them, threatens them to return to Islam, and detains them for an unspecified time, varying from one day to several years. Several times converts from Islam are charged with offenses based on religious belief, offenses based on drugs smuggling, on the threat of ‘state security’, or ‘anti government activities’. It is common practice to maintain the charges against the prisoners after their release, in order to have a reason to threaten them with re-imprisonment.

A well known case of arrested Muslim converts is the detention of Maryam Rostampour and Marzieh Amirizadeh in the notorious Evan prison for “acting against state security” and “taking part in illegal gatherings”. Unclear is whether their official charges are the abovementioned or “apostasy”. The two women had to appear in court on August 9 and were asked to return to Islam. After their refusal they reportedly were sent back to prison to “think about it”<sup>12</sup>.

Generally, converts are not sentenced to death for apostasy, but mainly for other charges, mentioned above<sup>13</sup>. However, Open Doors knows of the case of five Muslim converts who are sentenced to death for apostasy by a lower court. Their cases are awaiting the decision of the higher judge committee whether the sentence should be upheld. Reportedly, all convictions to death penalty have to be sent to this higher judge committee to decide whether the sentence should be implemented.

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#### World Watch List position<sup>14</sup>

A major crackdown on house churches occurred during the past year, marking 2008 as one of the toughest years regarding Christian religious persecution since the Islamic Revolution of 1979. Open Doors knows of more than 50 Christians who were arrested on account of

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<sup>12</sup> Compass Direct news 12 August 2009.

<sup>13</sup> The last Iranian convert known to be executed by the government was Hossein Soodmand in 1990, accused of working as an ‘American spy’.

<sup>14</sup> Each year the Open Doors World Watch List is compiled from a specially-designed questionnaire of 50 questions covering various aspects of religious freedom. A point value is assigned depending on how each question is answered. The total number of points per country determines its position on the World Watch List. The questions differentiate between the legal, official status of Christians and the actual situation of individual Christians. Attention is paid to the role of the church in society and to factors that may obstruct the freedom of religion in a country.



their religion. A Christian couple, Abbas Amiri and Sakineh Rahnama, died after interrogation by government officials due to severe injuries and trauma caused during detention. Consequently, Iran is put on the third position on the Open Doors' annual World Watch List of states, listing the fifty worst violators of religious freedom for Christian believers in the world.

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#### The proposed criminal penal code/law on conversion

Under current Iranian law, apostasy is seen as a capital offense and subject to death penalty. The actual sentence, however, is left to the discretion of the judge.

In 2008, the Iranian Parliament considered a new penal code, including a section making the death penalty mandatory for convicted male apostates. Women were to receive detention for life and to receive hardship in prison until re-conversion to Islam<sup>15</sup>. Reportedly, the chairman of the Parliament's Legal Affairs Committee has revealed that the clauses concerning apostasy in the Islamic Penal code Bill will no longer be mentioned in the regulation. A final decision in the Parliament is scheduled for the autumn of 2009. However, the Council of Guardians has the final say on this issue and could decide not to accept the revised penal code. If the penal code will be passed with the apostasy clause included, it would constitute another violation of article 18 of the ICCPR.

#### Recommendations

Open Doors International recommends the Islamic Republic of Iran

- To immediately release all prisoners of conscience.
- To end the practice of incommunicado detentions, detention without charges, and corporal punishment, without delay.
- To review the legislation regarding, and treatment of, religious groups and organisations that falls short to the obligations following the International Covenant on Civil and Political Rights (ICCPR), and make sure that they comply with its obligations.
- To allow all Iranian Christians and other religious minorities full freedom of religion or belief, including the freedom to hold services in the Farsi language and the right to change religion.
- To allow publication, distribution and possession of all religious literature in Farsi.
- To invite the UN Special Rapporteur on freedom of religion or belief in the Islamic Republic of Iran and to fully cooperate with its office.

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<sup>15</sup> Article 225 of the proposed penal code.



## Annex 1: cases of Human rights violations of Iranian Christians in 2009

From the second half of 2008, a wave of arrests hit Iranian Christians in four cities. At least fifty arrests of Christians were documented in that year. Several Christians were arrested and detained for a day up to one week. On 17 July 2008, sixteen Christians were arrested. Two of them, a couple, Abbas Amiri and Sakineh Rahnama died due to the severe injuries they suffered from the arrest and during detention. Another Christian, Mohsen Namvar, had to flee the country after a month of interrogations and severe torture<sup>16</sup>.

Ramtim Soodmand (son of pastor Hossein Soodmand who was sentenced and executed in 1990) was arrested in August 2008 and charged with anti-government activities. In October of the same year the authorities released him.

In the first quarter of 2009, pressure on the Christian minority intensified further. Many Christians, mainly converts from Islam, were arrested, churches were threatened with closure, and a verdict was issued. According to contacts, being called in for questioning and interrogation is becoming very common for many Christian converts.

Although several detainees were released on bail, many are still being detained without charges, or are charged with apostasy, printing and distributing Christian material, and/or proselytizing.

### **21 January 2009-Hamik Khachikian**

Hamik Khachikian, an Armenian Christian who belongs to a house church, was arrested on 21 January. When police raided his house they seized his personal computer and some literature. He was released after one week without any charges held against him.

### **21 January 2009-Jamal Ghalishorani and his wife Nadereh Jamali**

Jamal Ghalishorani, 49, and his wife Nadereh Jamali were arrested on January 21. Ghalishorani and his wife are Christian converts from Islam. The couple are members of a house church and both have regular jobs. Police seized literature and a computer from their home.

Jamal Ghalishorani was released on bail at 8 February 2009. the charges against him are “apostasy” and “working against the government”. His case is still open and Jamal is awaiting his trial date. His wife, Nadereh Jamali, was released a week earlier without any charges held against her. Both were held at the notorious Evin Prison in Teheran.

### **30 January 2009-Hossein Karimi**

Hossein Karimi, a 27-year-old Christian convert from Islam, was arrested the morning of 30 January 2009, allegedly on charges of attending home churches, evangelisation, and storing Bibles. Police raided his home without a search warrant and took Karimi to an unknown location. The police seized all religious literature along with computer devices. On 25 February, Hossein Karimi was temporarily released after placing his house as collateral. He is awaiting his trial date.

Karimi had been arrested before, on 16 November 2008. On that occasion, police took fingerprints and photographs of him. He was then released after 4 days on bail, with a consent that he would no longer participate in any Christian activities.

### **12 February 2009-Mahmoude Azadeh**

Mahmoude Azadeh, a 55-year-old Christian was being detained in Mashhad since August 2008. A court hearing was expected on 12 February 2009. His charges were unknown but were anticipated to

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<sup>16</sup> Compass Direct News 21 July 2008.



include apostasy, leading a Christian house group, and propagating Christianity. On the day of the expected hearing, Azadeh was released without any charges held against him and without any explanation for his arrest.

### **22 February 2009-Two Christian Web Bloggers arrested in Isfahan**

Two converts from Islam, Mazaher R and Hamed S, were arrested by security intelligence officers on 22 February 2009. At the time of writing there is no news about their situation and whereabouts.

Mazaher R, 30, who had been active in web-blogging, was befriended with a local resident of Isfahan who introduced himself as Pastor Reza and who invited him for fellowship. Mazaher, along with his sister and another web blogger named Hamed S. met Pastor Reza on 22 February 2009 at a pre-designated location. Here they also met a lady called Maria, who was introduced as Reza's wife. After some introductory conversation, Pastor Reza invited the three to accompany him and his wife to a secret house church meeting, located on Ordibehesht Street near the Felezi Bridge in Isfahan, where he was to baptize a new convert. After entering the house, they were attacked by plain clothed police, blindfolded, handcuffed, and taken away to an unknown location.

The day following the arrests, plain clothed police entered the home of Mazaher's father and confiscated computers, printers, and several CD disks. According to credible sources, Mazaher's sister was, after severe interrogation, released after a week as she was not involved in any Christian web blog activity.

### **19 March 2009-Closing of Shahrara church in Tehran**

On March 19, Assyrian Member of Parliament Yonathan Betkolia announced that by order of the Islamic Revolutionary Court an Assyrian Pentecostal church in Tehran would be closed. The church in the Shahrara area of Tehran reportedly faced closure because it offered a Farsi-language service attended by converts from Islam<sup>17</sup>. The pastor of the Shahrara church indicated that cancelling Farsi-language services may allow it to continue though it is unclear at present time whether the congregation's leadership was willing to make that compromise.

### **29 March 2009-Maryam Rostampour and Marzieh Amirizadeh Esmaeilabad arrested**

In March 2009, two Christian women who converted from Islam, Maryam Rostampour (27) and Marzieh Amirizadeh Esmaeilabad (30), were arrested for 'acting against state security' and 'taking part in illegal gatherings'. At the time of writing, the women are still being detained in the notorious Evin Prison in Tehran. Reportedly, they are in a bad physical condition<sup>18</sup>.

On 9 August, the two women had to appear in court where they were asked to return to Islam. After their refusal, the judge reportedly told them to think about it and sent them back to prison. It is unclear whether their official charges are the above mentioned or "apostasy"<sup>19</sup>.

### **31 March 2009-3 Converts from Islam sentenced for 'anti-government movements'**

On 10 March, three converts from Islam (Seyed Allaedin Hussein, Hodayoon Shokouhi, and Seyed Amir Hussein Bob-Annari who were arrested in April 2008), were found guilty by an Islamic Revolutionary Court in Shiraz for cooperating with 'anti-government movements' and ordered to stop their Christian activities and to stop propagating Christianity. The judge threatened to try them for apostasy if they violated their probation, which included a ban on having contact with each other.

### **April 2009-8 cell group leaders arrested**

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<sup>17</sup> Compass Direct News 31 March 2009.

<sup>18</sup> The Presidency of the EU has expressed its deep concern on behalf of the EU on the violation of religious freedom in Iran through a declaration.

<sup>19</sup> Compass Direct News 13 April 2009 and 12 August 2009. Also Amnesty International states that they might have been detained for the solemn reason of their religious beliefs.



In April, 8 cell group leaders were arrested. Reportedly, four of them were on their way to a meeting when arrested. The other four were arrested in connection to the first group. All of them were released after approximately one day. Charges against them are unknown.

**May 2009-two men arrested**

Early May, we received the message that a father (55) and his son (25) were arrested without charges. Their trial was planned on 3 May 3<sup>rd</sup>. Up till now there is no news about the two men.

**18 May 2009 Pastor Victor arrested**

On 18 May, Pastor Victor of Shahrara Church in Tehran was arrested. His church was closed in April for Farsi services that were held there. He has been accused of sexual spoil and connection with a foreign Christian organisation.

**May 2009-Church in Urumieh pressured to stop activities:**

A church in Iran has been ordered to stop their activities. The pastor was told to acquire registration before continuing activities. The church has been active for many years without any registration. At time of reporting, the pastor was not intended to give in to the pressure. It is unclear however what will happen in the future.

**May 2009-Five people arrested in Karaj**

Five people had gathered in a house church when they were arrested and taken to an unknown location. Mr. Javad Abtahi, the leader and host of the group was not given an arrest warrant and his house was searched without court authorization. Several Bibles were confiscated. Family members of Mr. Saeed R, one of the detainees, told that despite several inquiries to the appropriate authorities the government refused to disclose the whereabouts and health-situation of the detainees.

**Between 29 July and 7 August 2009-More than thirty Christians arrested**

Near Tehran and in the northern city Rasht, more than thirty Christians, all converts from Islam, have been arrested during raids of house churches by the police in the period between 29 July and 7 August. Most of those detained were held just a day for interrogation; a total of eight Christians had to remain in prison.

In Rasht, eight Christians belonging to the same network were arrested on July 29 and 30 in two separate rounds of arrest. Seven were released, while one remains in the city's prison.