



NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE (ECLJ)

**UNIVERSAL PERIODIC REVIEW
2014**

RELIGIOUS FREEDOM IN THE ISLAMIC REPUBLIC OF IRAN

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ holds Special Consultative Status before the United Nations Economic and Social Council¹. The purpose of this report is to highlight systematic human rights abuses in and by the Islamic Republic of Iran for the 2014 Universal Periodic Review (UPR). These abuses primarily result from the Iranian government's restricting religious freedom and subjecting individuals to discrimination, arrest, arbitrary detention, imprisonment, and even torture because of their religious beliefs.

Despite Constitutional Protections and International Obligations, the Islamic Republic of Iran Has a Long Record of Oppressing Religious and Political Beliefs that has not Improved.

2. The Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights (ICCPR)². As a party to the ICCPR, Iran is subject to Articles 18³ and 27⁴, both of which protect religious freedom. Iran, however, has failed to fulfill its obligations under the ICCPR. Additionally, although the Iranian Constitution grants its citizens equal rights, including religious freedom for recognized religious minorities⁵, in practice, however, these “rights” are not respected. As of early 2013, there were at least 123 Iranian citizens being held in prison for exercising their faith, with an additional 133 Baha'is waiting to serve their sentences, 268 Baha'is awaiting trial, and more than 300 Christians arrested since June 2010⁶.

3. Several countries, including Armenia, Austria, Chile, Denmark, Germany, Israel, Luxembourg, Mexico, Romania, and the United States, recognised this failure in the 2010 UPR.

¹NGO Branch, U.N. Dep't of Econ. & Soc. Affairs, Consultative Status for the European Centre for Law and Justice (2007), <http://esango.un.org/civilsociety/> (accessed by searching “European Centre for Law and Justice” in the iCSO Database).

²*Status of Treaties, Ch. IV Human Rights, 4. ICCPR Status*, UNITED NATIONS TREATY COLLECTION, (20 Jan. 2014, 12:17 PM), http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en.

³Article 18 reads as follows:

(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.

(2) No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

International Covenant on Civil and Political Rights art. 28, 16 Dec. 1966, 999 U.N.T.S. 171, *available at* <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

⁴Article 27 addresses religious minority populations, stating, “In those [s]tates in which . . . religious . . . minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, . . . to profess and practise their own religion.” *Id.* art. 27.

⁵CONST. OF THE ISLAMIC REPUBLIC OF IRAN (1989), ch. I, art. 13; *id.* at ch. III, art. 19.

⁶*See* Rep. of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, Human Rights Council, 22th sess., 28 Feb. 2013, ¶¶ 61, 64 U.N. DOC. A/HRC/22/56 [hereinafter 2013 Rep. of the Special Rapporteur].

All of these countries made recommendations that would protect religious freedom in Iran⁷. Despite these recommendations, six of which Iran believes it has already implemented⁸ and five of which Iran did not support implementing⁹, the Special Rapporteur on Human Rights in Iran indicated in his 2013 Report to the Human Rights Council that “there continues to be widespread systemic and systematic violations of human rights” in Iran¹⁰. In that same report, the Special Rapporteur stated that “Christians should not face sanctions for manifesting and practicing their faith”¹¹. He further noted that he was concerned that Christians in Iran are “being arrested and prosecuted on vaguely-worded national security crimes for exercising their beliefs”¹². At the time the Special Rapporteur submitted his report, “13 Protestant Christians [were] in detention centers across Iran, and more than 300 Christians [had] been arrested since June 2010”¹³.

Disparate Treatment of Private Christian Gatherings by the Iranian Government.

4. Because the Islamic Republic of Iran closely monitors Christian church congregations¹⁴ and because Iranian Christians fear persecution by the government, many Christians, especially converts from Islam, “worship in private homes, known as ‘house churches’”¹⁵. While there are no criminal laws in Iran that prohibit private religious gatherings in an individual’s home¹⁶, Christians are consistently targeted in these situations while Iranians of the Muslim faith who participate in private religious gatherings in their homes are not.

Saeed Abedini Arrested under “National Security” Laws for Peaceful Christian Gatherings.

5. Through its representation of Saeed Abedini’s wife, Naghmeh Abedini, the ECLJ has gained firsthand knowledge of the Islamic Republic of Iran’s continued persecution of Christians. Saeed Abedini is a dual U.S.-Iranian national who is currently serving an eight-year prison sentence in Iran as a result of his criminal conviction. The Iranian government found Saeed’s peaceful religious activities a threat to its national security interests, not because of any

⁷Rep. of the Working Group on the Universal Periodic Review, Human Rights Council, 14th sess., 15 Mar. 2010, ¶¶ 90, 92 U.N. Doc. A/HRC/14/12 [hereinafter 2010 UPR].

⁸*Id.* at ¶ 90.

⁹*Id.* at ¶ 92.

¹⁰2013 Rep. of the Special Rapporteur, *supra* note 6, at ¶ 1.

¹¹*Id.* at ¶ 63.

¹²*Id.* at ¶ 64.

¹³*Id.*

¹⁴*See, e.g.,* Alex Ward, *Four Christians Sentenced to 80 Lashes for Drinking Communion Wine in Iran*, DAILYMAIL (25 Oct. 2013, 5:46 AM), <http://www.dailymail.co.uk/news/article-2476428/Four-Christians-sentenced-80-lashes-drinking-communion-wine-Iran.html#ixzz2rdDphHcw> (“Four Christians in Iran will get 80 lashes each for drinking wine during a communion service and possessing a satellite antenna.”); *Christians in Isfahan Face Increasing Pressure and Arrests*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (16 Mar. 2012), <http://www.iranhrdc.org/english/news/inside-iran/1000000073-christians-in-isfahan-face-increasing-pressure-and-arrests.html#UuaoCBAo6Uk> (“[S]ecurity agents from the Isfahan intelligence office in the Islamic Republic of Iran (IRI) arrested several adherents to the Christian faith in Isfahan in a pre-planned raid on Wednesday, February 22, 2012”).

¹⁵U.K. FOREIGN & COMMONWEALTH OFFICE, *Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report* 178 (Apr. 2013), <http://www.hrdreport.fco.gov.uk/wp-content/uploads/2011/01/2012-Human-Rights-and-Democracy.pdf> [hereinafter *2012 Foreign & Commonwealth Office Report*].

¹⁶*Morning Star News’ Top 10 Persecution Stories of 2013*, MORNING STAR NEWS (10 Jan. 2014), <http://morningstarnews.org/2014/01/morning-star-news-top-10-persecution-stories-of-2013/>.

current activities, but instead because he led small, peaceful, religious gatherings of Christians between 2000 and 2005, which were permitted under then-President Khatami. In effect, his conviction and sentence serve to intimidate the Christian community, making Saeed an example for many. At the time of his arrest in 2012, Saeed was in Iran establishing an orphanage for vulnerable street children, a non-sectarian, humanitarian effort that was encouraged and sanctioned by the Iranian government.

6. In July 2012, Saeed returned to Iran to finalize the orphanage outside of Rasht, Iran. But, on 28 July 2012, the Iranian Revolutionary Guard detained Saeed and placed him under house arrest. Then, on 26 September 2012, the Revolutionary Guard raided his parents' house and took him to Evin Prison in Tehran. At trial, Saeed admitted to meeting with fellow believers for religious gatherings in the early 2000s, but argued he was motivated solely by his faith and respected the authority of the Iranian government. On 27 January 2013, Saeed was pronounced guilty of intentionally undermining Iranian security and sentenced to eight years in prison. According to Saeed's Iranian attorney and Iranian media, Saeed was never charged with proselytizing or participating in any illegal activity. Saeed's Iranian attorney filed a timely appeal based on the verbal verdict/opinion of the judge. However, on 25 August 2013, a two-judge panel upheld the conviction and eight-year sentence. With the finality of his appeal, Saeed had exhausted his legal remedies in Iran.

Pastor Behnam Irani Arrested for “National Security” Offenses and Threatened with Execution.

7. Pastor Behnam Irani is currently serving a combined sentence of six years in Ghezal Hezar prison for pastoring a group of converts in a house church and sharing his faith with Muslims¹⁷. After his arrest in 2010, the Iranian regime sentenced Behnam to one year in prison for his alleged actions against the state¹⁸. Just before his release from serving this sentence, Behnam was informed he would have to serve the five-year suspended sentence from a prior arrest in 2006¹⁹. Some of Behnam's charges include “‘acting against national security’ . . . and ‘religious propaganda’”²⁰. Although Behnam was not formally charged with apostasy, the verdict from his 2006 arrest includes text describing the pastor as an apostate and reiterates that apostates “can be killed”²¹. This is especially worrisome given that the Special Rapporteur expressed his “alarm” in his February 2013 report that the rate of executions in Iran is escalating²². He noted that 297 executions have been reported by the government and that “approximately 200 ‘secret executions’ have been acknowledged by family members, prison officials, and/or members of the Judiciary . . .”²³. More recently, reports indicate that Iran has

¹⁷*Pastor Benham Irani*, CHRISTIAN SOLIDARITY WORLDWIDE, <http://www.csw.org.uk/pastorbenhamirani.htm> (last visited 1 Jan. 2014).

¹⁸*Id.*

¹⁹*Id.*

²⁰2013 Rep. of the Special Rapporteur, *supra* note 6, at ¶ 64.

²¹Anugrah Kumar, *Ailing Iranian Pastor Being Denied Hospital Treatment in Jail*, THE CHRISTIAN POST (28 July 2012, 9:16 AM), <http://www.christianpost.com/news/ailing-iranian-pastor-being-denied-hospital-treatment-in-jail-79035/>.

²²2013 Rep. of the Special Rapporteur, *supra* note 6, at ¶ 34.

²³*Id.*

carried out 40 executions in the first two weeks of January 2014²⁴.

Pastor Farshid Fathi's Christian Activities Deemed "Political Offenses"

8. Since 26 December 2010, Iran has detained Farshid Fathi, a Christian Pastor in Tehran, who is serving a six-year sentence in Iran's Evin prison. Rather than charge Farshid with any religious "crimes", in an attempt to avoid international scrutiny, the Iranian authorities have cast his leadership in an evangelical church as "criminal political offenses"²⁵, charging Farshid with "being the chief agent of foreign organisations in Iran and of administrating funds for foreign organisations"²⁶. The Iranian government argued that his Christian activities were equivalent to "actions against national security"²⁷.

***Iran Fails to Provide Due Process Rights to Individuals
Who Are Subject to Discrimination, Detention, Arrest, Imprisonment, Abuse,
and Torture because of Their Religious Beliefs.***

9. In their 2010 National Report submitted to the Working Group on the UPR, the Iranian government highlighted its dedication to the rule of law, impartiality of its judges, open trials, the right to have legal counsel, and the presumption of innocence²⁸. However, according to the cases discussed in this report²⁹, the report of the Special Rapporteur³⁰, and other reports³¹, Christians are arrested and detained without due process of law. Furthermore, Iran refused to support the recommendation put forward in the 2010 UPR, that the officials in the Iranian government allow the United Nations Rapporteurs on torture and on the independence of the judges and lawyers to visit Iran³². This shows that while Iran possesses the foundations of a legal structure to promote the rule of law, the government is not serious in this endeavor because it refuses to allow others to verify the truth of these assertions.

10. Iran has also claimed that its prison facilities "provide for humane treatment of and respect for the dignity and rights of the prisoners, and for the prohibition of harm and harassment"³³. However, in his February 2013 report, the Special Rapporteur found a link between the systemic failure of due process in Iran and the abuse and inhuman treatment of

²⁴Nick Cumming-Bruce, *Iran: Surge in Executions Worries Rights Experts*, N.Y. TIMES (22 Jan. 2014), <http://www.nytimes.com/2014/01/23/world/middleeast/iran-surge-in-executions-worries-rights-experts.html>.

²⁵Perry Chiaramonte, *Nadarkhani Free, but Iran's Jails Hold Many More Christians*, FOXNEWS.COM (13 Sept. 2012), <http://www.foxnews.com/world/2012/09/13/nadarkhani-free-but-irans-jails-hold-many-more-christian-pastors/>.

²⁶*Iran: Pastor Farshid Fathi Malayeri's Six-year Prison Sentence Confirmed Following Appeal*, CHRISTIAN SOLIDARITY WORLDWIDE (7 Mar. 2012), <http://dynamic.csw.org.uk/article.asp?t=press&id=1397>.

²⁷Chiaramonte, *supra* note 25.

²⁸National Rep. Submitted in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1, Human Rights Council, 7th sess., 18 Nov. 2009, ¶¶ 22–23, 25–28 U.N. DOC. A/HRC/WG.6/7/IRN/1.

²⁹*See supra* ¶¶ 5–7; *infra* ¶¶ 11, 13.

³⁰*See generally* 2013 Rep. of the Special Rapporteur, *supra* note 6.

³¹*See, e.g., 2012 Foreign & Commonwealth Office Report, supra* note 13, at 178 ("Throughout 2012, we received reports of arrests and detentions of Christians, often without fair trial or legal representation").

³²2010 UPR, *supra* note 7, at ¶ 92.

³³*Id.* at ¶ 44.

Iranian prisoners³⁴. He noted that “78% of individuals who reported violations of their due process rights also reported that they were beaten during interrogations” and “that their reports of torture and ill-treatment were ignored by judicial authorities . . .”³⁵. This strong link between due process violations and abuses by state officials, along with the examples below illustrate that in actual practice Iran does not protect the rights of its people.

Saeed Abedini: Tortured and denied Due Process of Law.

11. In the case of Saeed Abedini (mentioned above³⁶), Saeed was not formally informed of the exact nature of the charges against him until one week before his trial. Moreover, Saeed was denied access to his defence counsel until less than 24 hours before his trial, and he and his attorney were barred from the courtroom on the second day of Saeed’s trial. While Saeed was pronounced guilty of intentionally undermining Iran’s security and was sentenced to eight years in prison, no written verdict/opinion has ever been issued.

12. After being taken to Evin Prison, Saeed was placed in solitary confinement and interrogated. During these interrogations, Saeed was threatened and beaten. As a result of these beatings, Saeed has suffered from internal injuries that have gone largely untreated. The Iranian government has refused to provide Saeed the necessary medication for these injuries. Saeed was moved from Evin Prison in Tehran to Rajai Shahr Prison in Karaj—an extremely dangerous prison—where he was put in a ward with some of Iran’s most violent criminals and where he faced life-threatening conditions.

Pastor Behnam Irani Abused and Denied Medical Attention.

13. Behnam Irani (also mentioned above³⁷) has suffered severe mistreatment while serving his sentence. Behnam suffers from stomach ulcers, severe bleeding, and complications with his colon which have caused him to temporarily lose consciousness but the Iranian government has denied him life-saving medical treatment³⁸. He has received death threats and sustained regular beatings from his cellmates and the prison authorities³⁹.

Conclusion.

14. While the Islamic Republic of Iran claims to respect religious freedom, in practice, however, it discriminates against and persecutes religious minorities. Like the Special Rapporteur on Human Rights in Iran, the ECLJ would like the 2014 UPR to examine the mounting evidence that the Islamic Republic of Iran is using “national security” laws to arrest Christians for the otherwise legal exercise of their religious beliefs. In this regard, the ECLJ has led an aggressive international campaign to end the religious persecution in Iran and free Saeed Abedini. Members of the European Parliament, members of the U.S. Congress, officials at the

³⁴2013 Rep. of the Special Rapporteur, *supra* note 6, at ¶ 25.

³⁵*Id.*

³⁶*See supra* ¶¶ 5–6.

³⁷*See supra* ¶ 7.

³⁸*Imprisoned Iranian Pastor Denied Medical Help*, CBN NEWS (1 Aug. 2012), <http://www.cbn.com/cbnnews/world/2012/August/Imprisoned-Iranian-Pastor-Denied-Medical-Help/>.

³⁹Kumar, *supra* note 21.

U.S. Department of State, and diplomats at various permanent missions to the UN have urged the Islamic Republic of Iran to release Saeed. Specifically, members of the Canadian, Australian, and European Parliaments, and members of the U.S. Department of State and the White House have written letters to Iranian officials, passed resolutions, issued official statements, and raised Saeed's case in a number of fora. Even the Working Group on Arbitrary Detention, in its 18/2013 opinion found that Saeed "has been deprived of his liberty for peacefully exercising the rights to freedom of religion, belief, and association" in violation of Universal Declaration of Human Rights (UDHR) and ICCPR⁴⁰. The Working Group communicated to the Iranian government that the adequate remedy in this case is to release Saeed⁴¹. However, Saeed Abedini still remains imprisoned. Thus, the 2014 UPR must stress the importance of the freedom of religion and its free expression, and specifically urge the Iranian government to release Saeed Abedini and all other individuals held or charged because of their religious beliefs.

⁴⁰Opinion Adopted by the Working Group on Arbitrary Detention, 67th Sess., 26–30 August 2013, ¶ 27, U.N. Doc. A/HRC/WGAD/2013 (21 Oct. 2013).

⁴¹*Id.* at ¶¶ 33–36.