

Opinion No. 34/2008 (Islamic Republic of Iran)

Communication addressed to the Government on 23 May 2008

Concerning Ms. Mahvash Sabet; Ms. Fariba Kamalabadi; Messrs. Jamaloddin Khanjani; Afif Naeimi; Saeid Rezaie; Behrouz Tavakkoli and Vahid Tizfahm

The State is a party to the International Covenant on Civil and Political Rights.

1. (Same text as paragraph 1 of Opinion No. 17/2008.)
2. The Working Group regrets that the Government did not provide it, despite repeated invitations to this effect, with the requested information on the allegations transmitted.
3. (Same text as paragraph 3 of Opinion No. 17/2008.)
4. The case summarized below was reported to the Working Group as follows: Ms. Mahvash Sabet, a resident of Tehran and acting Secretary of the group that coordinates

the activities of the Baha'i community in the Islamic Republic of Iran, has been in detention since 5 March 2008 when she was summoned to Mashhad by the Ministry of Intelligence. According to the source, Ms. Sabet was required to answer questions related to the burial of an individual in the Baha'i cemetery in Mashhad.

5. Ms. Fariba Kamalabadi, Messrs. Jamaloddin Khanjani, Afif Naeimi, Saeid Rezaie, Behrouz Tavakkoli, 57-year-old, and Vahid Tizfahm, six of the seven members of the above-mentioned group, were arrested at their homes and brought to Evin Prison in Tehran in the early hours of 14 May 2008 by agents of the Ministry of Intelligence. Their houses were extensively searched for about five hours. They have not been charged with a recognizably criminal offence.

6. According to the source, these seven persons have been arrested solely because of their religious beliefs or their peaceful activities on behalf of the Baha'i community. Their group is managing the Baha'i community's religious and administrative affairs in Iran, in the absence of the National Spiritual Assembly of Iran, whose nine members were abducted on 21 August 1980 and disappeared. It was reported that, after this event, the authorities instructed the Baha'i community to disband its national and local assemblies, which led to the formation of such *ad hoc* groups.

7. According to the source, Baha'is in Iran are subject to discriminatory laws and regulations, which deny them equal rights to education, work and to a decent standard of living by restricting their access to employment and benefits, such as pensions. They are not permitted to meet, to hold religious ceremonies or to practice their religion communally. Their faith is not recognized under the Iranian Constitution.

8. The Working Group regrets that the Government of the Islamic Republic of Iran has not responded to the allegations transmitted by the Group. It wishes to remind Governments that should they desire an extension of the time limit to transmit their replies, Governments shall request such extension within the 90-day deadline and inform the Group of the reasons for requesting one. According to its methods of work, the Working Group may then grant a further period of two months.

9. Even in the absence of any information from the Government, the Working Group considers it is in the position to render an Opinion on the detentions of the persons mentioned above, in conformity with paragraph 16 of its Methods of Work.

10. Ms. Mahvash Sabet was arrested on 5 March 2008, and Ms. Fariba Kamalabadi, Messrs. Jamaloddin Khanjani, Afif Naeimi, Saeid Rezaie, Behrouz Tavakkoli and Vahid Tizfahm were arrested on 14 May 2008 in Tehran. The common element in these detentions is that all detainees are active leaders of the Baha'i community in Iran. Ms. Sabet was transferred to Mashhad, while the rest were brought to Evin Prison in Tehran by agents of the Ministry of Intelligence.

11. The Islamic Republic of Iran does not recognize the Baha'i faith as a religion, and its members are often subjected to harassment, intimidation and discriminatory acts. The source has expressed serious concern about systematic discrimination and harassment of the Iranian Baha'is on the grounds of their religion. The Working Group has sent during the last decade several urgent appeals to the Government on cases of detention of members of this community.

12. According to article 18 of the Universal Declaration of Human Rights, "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance". Article 18 of the International Covenant on Civil and Political Rights establishes that "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. 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions”.

13. The deprivation of liberty that these seven persons are suffering constitutes a violation of the above-mentioned articles of the Universal Declaration on Human Rights and of the International Covenant on Civil and Political Rights. In conformity with the Working Group's methods of work, the detention of these persons should be considered as arbitrary. These persons are detained for no reason other than their religion. While Armenian Christians, Jews and Zoroastrians are recognized as religious minorities in the Iranian Constitution and have their own representatives in the Iranian Majlis, this is not the case of the Baha'i faith.

14. Consequently, the case of the detention of the above-mentioned persons would fall within Category II of the categories applicable to the consideration of the cases submitted to the Working Group. The source has not provided further elements for the Working Group to consider whether the deprivation of liberty of all seven persons also falls in categories I and III.

15. In the light of the foregoing the Working Group expresses the following Opinion:

The detention of Ms. Mahvash Sabet; Ms. Fariba Kamalabadi; Messrs. Jamaloddin Khanjani; Afif Naeimi; Saeid Rezaie; Behrouz Tavakkoli and Vahid Tizfahm is arbitrary and contrary to articles 9, 10 and 18 of the Universal Declaration of Human Rights and 9, 14 and 18 of the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a State party and fall within Category II of the categories applicable to the consideration of the cases submitted to the Working Group.

16. Consequent upon this Opinion, the Working Group requests the Government to immediately and unconditionally release all the above-mentioned persons. The Working Group further requests the Government to be informed of the adopted measures in this regard.

Adopted on 20 November 2008