

**Opinion No. 39/2008 (Islamic Republic of Iran)****Communication addressed to the Government on 10 June 2008****Concerning Mr. Aziz Pourhamzeh, Mr. Kamran Aghdasi, Mr. Fathollah Khatbjavan, Mr. Pouriya Habibi, Ms. Simin Mokhtary, Ms. Sima Rahmanian Laghaie, Ms. Mina Hamran, Ms. Simin Gorji, Mr. Mohammad Isamel Forouzan, Mr. Mehrab Hamed, Mr. Ali Ahmadi, Mr. Houshang Mohammadabadi, Mr. Mehraban Farmanbardar and Mr. Vaheed Zamani Anari****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 invitation to this effect, with the requested information.
3. (Same text as paragraph 3 of Opinion No. 17/2008.)
4. The cases summarized hereafter have been reported to the Working Group on Arbitrary Detention as follows:
5. Mr. Aziz Pourhamzeh, Mr. Kamran Aghdasi both from Hamadan, and Mr. Fathollah Khatbjavan, from Mirza Hesari, were arrested on 31 January 2008, after officers of the local police department searched their homes under judicial orders and confiscated Baha'i books, pamphlets and compact discs. They are members of the Baha'i community and have not been charged nor tried.
6. Mr. Pouriya Habibi and Ms. Simin Mokhtari, from Tehran, were arrested on 27 January 2008 in a public park after officials searched them and found that they had in their possession a Baha'i book of scriptures and a card with details of a Baha'i-Persian-language radio programme. They were accused of teaching the Baha'i faith and taken into custody. After two days of trying to ascertain their whereabouts, their families were able to locate them in Evin prison and to visit them there. The authorities set bail for each, but when the families went to the Prosecutor's Office, they were told that the prisoners could not be

released because their names had not yet been entered in the computer system by their interrogator. They continue to be kept in detention.

7. Ms. Sima Rahmanian Laghaie and Ms. Mina Hamran, had been arrested on 14 September 2005 and released on bail on 2 October 2005, and Ms. Simin Gorji, had been arrested on 3 August 2005 and released on bail on 17 September 2005. On 8 May 2007, all three women had their appeals rejected by the Provincial Appeal Court of Mazandaran and were found guilty of propagation on behalf of an organization which is considered anti-Islamic. They were sentenced to imprisonment.

8. Mr. Mohammad Isamel Forouzan, from Abadeh, was originally arrested in May 2007, when he was questioned about Baha'i teaching activities. On 11 November 2007, he was sentenced to one year's imprisonment and 10 year's exile from Abadeh for spreading propaganda against the Government for the benefit of foreign Governments. Mr. Forouzan undertook serious efforts to secure an attorney but was unsuccessful in obtaining legal counsel. He was given notice only a day and a half before his appeal hearing. When he raised this point with the judge, his request for additional time was denied and his sentence was conveyed orally. Despite his explicit request, he was not permitted to see or to receive a copy of the court order.

9. In September 2007, Mr. Mehrab Hamed had his appeal denied by the Court of Tehran Province. He was accused of spreading propaganda against the Government by teaching the Baha'i faith. Mr. Hamed received a sentence of one year's imprisonment.

10. On 5 August 2007, Mr. Ali Ahmadi was sentenced by the Revolutionary Court of Justice in Sari to imprisonment. He is a member of the group that coordinates the activities of the Baha'i in Ghaemshahr on an ad hoc basis and was accused of involvement in propaganda against the Government. The judicial authorities refused to give him a copy of the verdict, and only permitted him to take some notes for the purpose of submitting an appeal.

11. Mr. Houshang Mohammadabadi, Mr. Mehraban Farmanbardar and Mr. Vaheed Zamani Anari, all from Karaj, were originally arrested on 8 November 2005, and charged with spreading anti-Government propaganda, and released on bail a month later. On 23 July 2007, the relevant Court denied their appeal. All three were sentenced to one year's imprisonment.

12. According to the source, the detention of these 14 persons is part of violent attacks targeting the members of the Baha'i community, their homes and property, as well as Baha'i cemeteries throughout the country. These persons have been detained solely on the basis of their religious faith. Their detention is denounced by the source as a form of harassment of the entire Baha'i community.

13. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government. However, it considers that it is in a position to issue an Opinion on the basis of all the information brought to its attention.

14. The Working Group attaches great importance to the adversarial and opposing character of its procedure. The Working Group considers as very important to receive the cooperation from Governments for bringing responses to the allegations brought to its attention, both regarding the facts as the applicable legislation. After 146 days without any response from the Government, a reminder was sent by the Working Group by note verbale dated 3 November 2008, informing the Government about the Working Group's intention to consider the case at the fifty-third session. No response from the Government was received.

15. In this connection, the Working Group would like to remind that in another case of detention brought to its attention in the Islamic Republic of Iran, there was no response

from the Government to its communications dated 23 May, 22 August and 28 October 2008 dealing with the allegations concerning the detention of Ms. Mahvash Sabet, Ms. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli and Mr. Vahid Tizfahm, detention cases on which the Working Group adopted its Opinion No. 34/2008 (Islamic Republic of Iran) on 20 November 2008.

16. After the transmission to the Government of these cases, the Working Group has received new information about a recent wave of arrests and imprisonments targeting members of the Baha'i community of Iran, which is occurring in Shiraz, Hamaddan, Isfahan, Tehran and other cities and province. These detentions seem to be consistent with a pattern of harassment, intimidation, expulsions from universities, confiscation of property and even persecution.

17. The Working Group observes that arrest and detention of members of the Baha'i community in Iran appear to be more and more frequent and acquiring a systematic character. These persons are being detained solely because of the practice of their religious faith. Freedom of religion is a fundamental right recognized both in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

18. The Working Group further notes that some of these persons have not been charged with a common offence and that no trial dates have been set. Many of them have been kept in incommunicado detention and have not been allowed access to legal representation.

19. In other cases, they were condemned after trials which did not meet the guarantees for a fair trial established by international law. Some of these persons were requested to pay considerable amounts of money on bail, deeds of property to the value of several hundred millions of Rials, or the deposit of work or business licenses with the court.

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

The deprivation of liberty of Mr. Aziz Pourhamzeh, Mr. Kamran Aghdasi, Mr. Fathollah Khatbjavan, Mr. Pouriya Habibi, Ms. Simin Mokhtary, Ms. Sima Rahmanian Laghaie, Ms. Mina Hamran, Ms. Simin Gorji, Mr. Mohammad Isamel Forouzan, Mr. Mehrab Hamed, Mr. Ali Ahmadi, Mr. Houshang Mohammadabadi, Mr. Mehraban Farmanbardar and Vaheed Zamani Anari, is arbitrary, being in contravention of articles 9, 10 and 18 of the Universal Declaration of Human Rights and articles 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 falls under categories II and III, applicable to the consideration of cases submitted to the Working Group.

21. Consequent upon this Opinion, the Working Group requests the Government to take the necessary steps to remedy the situation of these persons in order to bring it into conformity with the provisions enshrined in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

22. The Working Group reiterates to the Government its request to receive an improved cooperation through timely responses to the allegations which are transmitted to it.

Adopted on 24 November 2008