



General Assembly

Distr.: General
20 February 2013

English only

Human Rights Council

Twenty-second session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the European Centre for Law and Justice, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The egregious violations of Pastor Saeed Abedini's human rights by the Islamic Republic of Iran

Since its creation, the United Nations (UN) has been at the forefront in responding to threats posed to worldwide peace and human dignity—the most significant of those contributions being the UN's efforts to preserve human rights and fundamental freedoms. Through the Universal Declaration of Human Rights (1948) ("UDHR") and other instruments, the UN recognizes that every person has inviolable rights to be respected by all governments. Universal human rights are based on the principle that human dignity is an inherent characteristic of all people, not a mere privilege that governments may give or take at their choosing.

In this context, we would like to draw the Council's attention to Pastor Saeed Abedini (also known as Saeed Abedinicalangashi) and a series of egregious violations of international human rights by the Islamic Republic of Iran and its agents against Pastor Saeed for exercising his right to practice his faith.

Pastor Saeed Abedini, a Christian with dual United States–Iranian nationality, is currently imprisoned at Evin Prison in Tehran, the Islamic Republic of Iran, because he encouraged peaceful assemblies of Christians in private homes. Over the last six months, Pastor Saeed was: (1) arrested and imprisoned by Iranian Revolutionary Guards; (2) repeatedly beaten in prison; (3) denied access to medical care made necessary by this abuse; (4) denied access to his attorney until mere hours before his trial; (5) given a sham trial before a judge so notoriously biased and corrupt that he was condemned by the European Union for issuing egregious verdicts; (6) disallowed, along with his counsel, from attending the second day of his trial; and (7) sentenced to eight years in Evin Prison for exercising his Christian faith. In addition to directly abusing Pastor Saeed and violating his rights, Iranian officials directly threatened an Abedini family friend assisting the family in seeking Pastor Saeed's release on bail.

The ECLJ holds this information from direct sources, including Pastor Saeed's lawyer and family.

As a Member State of the UN¹, the Islamic Republic of Iran is obligated to adhere to norms set forth in the UN Charter, such as those requiring members "[t]o achieve international cooperation . . . in promoting and encouraging respect for human rights and . . . fundamental freedoms . . . without distinction as to [inter alia] religion".² By trying and imprisoning Pastor Saeed because of his religion, the Islamic Republic of Iran is violating its obligations under the UN Charter and Pastor Saeed's fundamental rights: freedom of religion and belief, freedom of peaceful assembly, and rights to be free from arbitrary detainment and from torture. Therefore, these violations concern not only the Islamic Republic of Iran and every Member State, but every agency of the UN.

Although the official charge was cloaked as a national security charge, Iranian prosecutor Mr. Ghenaatkar made it clear that Pastor Saeed was put on trial because of his religious activities. Mr. Ghenaatkar charged Pastor Saeed solely for attempting to undermine the security of the government through conducting Christian church in private homes. But he also threatened that Pastor Saeed would face charges for converting from Islam to Christianity and conducting Christian conferences outside of the Islamic Republic of Iran.

¹ Member States, U.N., <https://www.un.org/en/members/> (last visited 4 Feb. 2013).

² U.N. Charter art. 1, para. 3. See also Articles 55 and 56 of the UN Charter, which further emphasize the respect for human rights and fundamental freedoms to which Member States are to adhere.

Judge Pir-Abassi barred Pastor Saeed and his attorney from attending the second day of trial, during which he questioned a witness about the witness's conversion to Christianity, the status and location of Christian house churches, and how Pastor Saeed funded his travels and the non-sectarian orphanage he was building. Pastor Saeed was sentenced to eight years in prison solely for exercising his faith, clearly violating the Islamic Republic of Iran's obligations under the UN Charter and various international covenants.

The Islamic Republic of Iran has clearly violated its obligations under the UDHR, which establishes clear goals for each nation to pursue ensuring equality before the law, protecting one's choice and exercise of religion, and proscribing the use of torture. Under Article 7, every person is equal under the law. Article 10 states that everyone is entitled to a fair and public hearing by an independent and impartial tribunal, and a determination of his rights and the charges against him. Article 11 provides that everyone charged with an offence has the right to a presumption of innocence in a public trial receiving all the guarantees necessary for his defence. Furthermore, the UDHR bans any use of torture and prohibits cruel, inhuman or degrading treatment or punishment.³

The Iranian government also prevented Pastor Saeed from rightfully meeting with his attorney until mere hours before the trial, barred him from the courtroom, and failed to provide him with a fair and public trial; Pastor Saeed was also subjected to torture, including brutal interrogations, beatings, denial of medical care, weeks of solitary confinement in a dark cell, and repeated threats of death, all in violation of the UDHR. These violations demonstrate the Islamic Republic of Iran's clear disregard for its international obligations.

In addition to violating the UDHR, the Islamic Republic of Iran is also violating the International Covenant on Civil and Political Rights ("ICCPR"). The ICCPR provides the right of liberty and security of each person, and that none shall be subjected to arbitrary arrest or detention.⁴ Article 14 also identifies several procedural rights given to the accused, including the right to adequate time and facilities for preparation of his defence and to be present at his trial. Most importantly, the ICCPR guarantees that

[a]ll persons shall be equal before the courts In the determination of any criminal charge . . . everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

Articles 18 and 19 also provide that all have the right to hold and express opinions without interference, and that this includes the freedom to seek, receive and impart information of all kinds, rights that necessarily apply to religion.⁵ Moreover, the ICCPR provides special protection to religious minorities, by protecting their right to profess and practice their own

³ Universal Declaration of Human Rights, G.A. Res. 217 (III) A, art. 5, U.N. Doc. A/RES/60/1 (10 Dec. 1948).

⁴ International Covenant on Civil and Political Rights art. 2, 16 Dec. 1966, 999 U.N.T.S. 171.

⁵ See also article 2 ("Each State Party . . . undertakes to respect and to ensure to all individuals . . . the rights recognized in the present Covenant, without distinction of any kind, such as . . . religion"). Everyone shall have the right of 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. . . . 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. Id. art. 18.

religion in community with others⁶. Finally, like the UDHR, the ICCPR proscribes torture, cruel, inhuman, or degrading treatment or punishment.⁷

The Islamic Republic of Iran violated explicit treaty obligations under the ICCPR by failing to provide Pastor Saeed with his fundamental procedural rights, and by denying his right to equal treatment under the law and his right to peacefully express his beliefs. Further, as notorious human rights violator, not only does Judge Pir-Abassi fail to qualify as an impartial arbiter, but the proceedings were further biased when Mr. Sattari, a court administrator in Branch 26 of the Revolutionary Courts, threatened those assisting Pastor Saeed with procuring bail. The Islamic Republic of Iran has deprived Pastor Saeed of his liberty and subjected him to inhuman treatment because he encouraged peaceful assemblies of Christians in private homes. The Islamic Republic of Iran has disregarded and violated its obligations to respect freedom of religion, expression, and the right to peaceful assembly. It has also blatantly violated Pastor Saeed's right to be free from torture and degrading treatment by subjecting him to brutal interrogations, beatings, inhuman detention conditions, and by refusing to provide him with medical care for his injuries.

Recommendations

The Islamic Republic of Iran's violation of Pastor Saeed's religious freedom is one example of disregard for the human dignity that occurs worldwide. These violations must be addressed so freedom of religion and belief, including the intertwining of this right and the rights of religious expression and peaceful assembly, is reinforced as a cornerstone upon which peace building and brotherhood between nations may be established.

In light of the foregoing, we recommend that the HRC take the following actions:

- Condemn the practices in the Islamic Republic of Iran that prevent individuals from freely choosing and practicing their own religion, which includes religious expression and peaceful assembly.
- Request that the Islamic Republic of Iran release Pastor Saeed immediately and investigate the various human rights violated in from his detention to his convection.
- Call on the Islamic Republic of Iran to recognize its obligations under the UDHR and ICCPR to protect and respect dignity of all human beings.

⁶ Id. art. 27.

⁷ Id.