



General Assembly

Distr.: General
24 February 2014

English only

Human Rights Council

Twenty-fifth session

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by the European Centre for Law and Justice, Centre Européen pour le droit, les Justice et les droits de l'homme, 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.

[14 February 2014]

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

GE.14-11165



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Ongoing violations of human rights by the Islamic Republic of Iran: The case of Saeed Abedini

The United Nations (UN) has long committed to defending human rights and fundamental freedoms among its member states. The UN has successfully urged many of its member states to recognise the paramount importance of human dignity by signing international covenants such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). In the interest of defending human dignity, these important international covenants oblige signatory nations to defend basic rights and freedoms such as equality under the law, the right to a fair and public trial, and freedom of religious belief and expression.¹ As a signatory to both of these covenants, the Islamic Republic of Iran has obliged itself to defend these principles.

Like most of the UN's member states, the Islamic Republic of Iran boasts a Constitution that proudly incorporates basic human rights. However, the reality is that many of the rights and protections enumerated in the Iranian Constitution have been consistently denied to Iranian citizens who are members of religious minorities. For decades, the Islamic Republic of Iran has treated members of religious minorities as second-class citizens, denying many of them their most basic rights and freedoms. As the government represses its people's rights to religious belief and expression, the loss of other fundamental rights and freedoms routinely follows. This pattern has proved especially true in the case of Pastor Saeed Abedini.

Saeed Abedini (also known as Saeed Abedinialangashi) is a Christian with dual United States-Iranian nationality. He has been imprisoned in the Islamic Republic of Iran since 26 September 2012, solely for encouraging peaceful assemblies of Christians in private homes, an activity that is protected under the Iranian Constitution. The Revolutionary Guard arrested Saeed when he was visiting Iran to finish establishing an orphanage outside the city of Rasht. He was not at that time violating, nor did he ever violate, any law of the Islamic Republic of Iran. Since his arrest, Saeed has been (1) given an unfair trial before a notoriously biased judge; (2) falsely convicted of intentionally undermining Iran's national security based solely on the exercise of his fundamental freedoms; (3) sentenced to eight-years' imprisonment for exercising his Christian faith; (4) physically beaten and psychologically abused; (5) threatened with death; and (6) repeatedly denied necessary medical attention. (The ECLJ obtained this information from direct sources). These abuses demonstrate that, since depriving Saeed of his religious freedom, the Islamic Republic of Iran has continued to deprive him of a fair trial and is subjecting him to degrading treatment.

Recently, in November of 2013, Saeed was transferred from Evin Prison in Tehran, Iran, to Rajai Shahr Prison in Karaj, Iran, where his physical condition has deteriorated. Inmates at Rajai Shahr are largely unmonitored within the prison walls, to the extent that murders and robberies among prisoners are commonplace. Though a prisoner of conscience, the authorities originally placed Saeed in a ward where violent criminals repeatedly robbed him and threatened him at knifepoint. Saeed continues to suffer from internal injuries resulting from beatings he endured in Evin prison. Prison doctors have determined Saeed needs surgery, but, to date, the judiciary has denied Saeed access to the medical care necessary to treat his serious injuries. This inhumane treatment would be an egregious violation of the human dignity for any person, but is doubly deplorable when directed at a man whose only crime was the peaceful exercise of his faith in a nation whose laws protect his right to do this.

Article 23 of Islamic Republic of Iran's Constitution declares that "the investigation of individuals' beliefs is forbidden and no one may be molested or taken to task simply for holding a certain religious belief"². In addition to providing religious freedom generally, the Constitution also specifically recognises Zoroastrians, Jews, and Christians as official religious minorities who 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"³. Because of these explicit protections under the Constitution, the Islamic Republic of Iran's own laws defend its citizens' rights to freely to practice their religions without interference from the government. Saeed's case is one of many examples in the Islamic Republic of Iran where

¹ See generally International Covenant on Civil and Political Rights, 16 Dec. 1966, 999 U.N.T.S. 171.

² QUANUNI ASSASSI JUMHURII ISLAMAI IRAN [THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN] 1358 [1980], art.23.

³ *Id.* art. 13.

the government has failed to acknowledge and/or comply with its obligations under these constitutional provisions and international law.

However, in 2014, the government of the Islamic Republic of Iran, under the leadership of President Hassan Rouhani, may be poised to act consistent with its obligations under its domestic and international law. On 26 November 2013, President Hassan Rouhani's administration published a draft human rights charter that reinforces many of the important human rights already defined in the Constitution. Among other things, the draft charter provides that "holding and attending religious ceremonies of those religions identified in the Constitution is permitted"⁴. The charter also calls for each citizen to have access to suitable medical care and treatment—a basic right currently being denied Saeed.⁵

While the human rights charter is, in many places, redundant of rights already provided in the Constitution, the Iranian administration's decision to produce this charter is significant and should be applauded. With the production of this charter, the government has intentionally highlighted the human rights concerns that it has so often ignored in the past. The creation of a new human rights charter under the looming shadow of a disgraceful human rights record is an encouraging sign that the Islamic Republic of Iran may be ready to start correcting some of its egregious human rights violations. If these sentiments emphasizing human rights translate to real changes in the Iranian judiciary, freedom may become possible for many Iranians from religious minorities who have been unjustly imprisoned, including Saeed.

Whether the Islamic Republic of Iran is really willing to start moving forward to correct its errors will be evidenced in part if it takes action to address Saeed's unjust imprisonment. Since Saeed's unconstitutional sentence was confirmed on appeal, Saeed has exhausted his legal remedies under Iranian law. However, Iranian Foreign Minister Mohammad Javad Zarif announced recently at the 2014 World Economic Forum that Iran has implemented clemency measures in the past that could conceivably be used again in Saeed's case.⁶ It does not seem merely coincidental that this statement came on the heels of the new human rights charter. Instead, Foreign Minister Zarif's comment seems indicative of an Iranian administration attitude that embraces human rights.

Recommendations

Now that the Islamic Republic of Iran's current administration has expressed a desire to recognise its citizens' basic human rights, this Council is presented with a unique opportunity to urge the Islamic Republic of Iran to take further action in this direction and act in accordance with its laws and international obligations.

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

- Urge the Islamic Republic of Iran grant immediate clemency to Saeed and other prisoners of conscience.
- Call on the Islamic Republic of Iran to recognise and enforce the provisions in its constitution that already establish protections for religious freedom and other basic human rights.
- Encourage the Islamic Republic of Iran to make the enforcement of human rights a priority within every branch of its government.

⁴ THE CITIZENSHIP RIGHTS CHARTER (2013), http://www.iranhumanrights.org/wp-content/uploads/Citizenship-Rights-Charter_English.pdf.

⁵ *Id.*

⁶ Ashley Fantz, *Kerry and Iranian Foreign Minister Talk Nukes, Imprisoned Americans*, CNN (2 Feb. 2014), <http://www.cnn.com/2014/02/02/world/europe/kerry-zarif-iran/index.html>.