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IRAN – Summary of Concerns and Recommendations

1. Summary of concerns

Iran witnessed a steep rise in the persecution of religious minorities during 2011, which increased further in the early months of 2012. The most worrying aspects of this campaign of repression include: waves of arrests and detentions; regular raids on church gatherings; harsh interrogations; physical and psychological torture (including demands for recantations of faith and for information on the identities of fellow Christians); extended detentions without charge; violations of due process; convictions for ill-defined crimes or on falsified political charges; economic targeting through exorbitant bail demands, and the threat of imminent execution of a house-church leader for apostasy. The targeted persecution has been undergirded by a proliferation of anti-Christian rhetoric from senior official figures.

This persecution, which broke out following the systematic infiltration of church networks, initially targeted Christians belonging to the unsanctioned house church networks. However, it is increasingly impacting those from sanctioned churches. Both evangelical Christians and Christians from the traditional Armenian or Assyrian churches, which conduct services or activities in Farsi, appear to be viewed as a threat to the Islamic integrity of the nation, and increasingly exist in an atmosphere of uncertainty. The last Farsi speaking churches have been ordered to end these services. Furthermore, the opening months of 2012 witnessed arrests of leaders from official churches and a sharp upsurge in detentions of converts from Islam, often following raids on private homes.

During this period, repression and harsh rhetoric targeting the Baha'i community has also continued, as has the crackdown on civil society.

2. Rising restrictions on religious freedom

Since June 2010, a large number of unsanctioned or 'underground' house churches have been violently raided, with items confiscated and members arrested and interrogated. Over 300 Christians are confirmed to have been arrested and interrogated in at least 48 cities across Iran during 2011; however, the full figure is almost certainly far higher. The majority of those arrested were released following questioning and a brief incarceration. However, many were called back for further interrogation and at least 41 spent between one month and a year in prison, some without being formally charged and with many facing extended periods of solitary confinement.

Detainees regularly experience solitary confinement, sleep deprivation, illness as a result of privations, denial of medical treatment, unsanitary conditions in prison and forms of psychological and physical torture during interrogation. Torture is used to pressure individuals into making confessions or providing information on fellow Christians and religious activities. Exorbitant bail postings, ranging from US$20,000, to $120,000 secure the release of individuals, along with illegal documents that some religious detainees are forced to sign demanding an end to participation in Christian activities, the renunciation of faith and compliance with further questioning when summoned. Laptops and mobile phones are often confiscated during raids on private homes, and are used to obtain information on the activities and identities of other Christians.

The majority of the Christians arrested during 2011 have now been released, either on bail awaiting trial or following severe warnings against any further participation in Christian activity. The families of many have been forced to hand over the title deeds to their homes to meet bail payments. Such

bail demands contravene Iranian law and seem primarily designed to cripple the Christian community economically, and to delay the release of the detainees. Once released, they are closely monitored, and risk re-arrest and imprisonment if they engage or are suspected of engaging in any Christian activity. Many face a gruelling legal process, and until their case is finally heard. This process can take several years, leaving their lives in limbo. Those awaiting trial that flee the country are tried in absentia.

2.1 Harassment of Converts and sanctioned churches

There has been a noticeable increase in the harassment, arrests, trials and imprisonments of converts to Christianity since the beginning of 2012 in various cities across Iran, with a particular crackdown on individuals and groups in Tehran, Kermanshah, Esfahan and Shiraz. Although some of these detainees have been released after being asked to sign documents preventing them from attending Christian meetings, many others remain detained, including women and the elderly. There was a particular upsurge of arrests during February 2012, which continued into March. Once again, exorbitant bail payments have been demanded in order to secure temporary release for detained Christians.

The renewed wave of repression has affected both the house church movement and approved denominations, the latter, a continuation of events that occurred at the end of 2011 when the government raided a church belonging to the sanctioned Assemblies of God (AOG) movement in Ahwaz, imprisoning all attendees, including Sunday School children. Whilst direct attacks on sanctioned churches were rare in 2011, so far 2012 has seen the arrest of the leaders of the Anglican Churches of St Paul's and St Peter's in Iran's third largest city, Esfahan. In May it was reported that the head of St Pauls Church, Pastor Hekmat Salimi, had been temporarily released on bail of around $40,000.

Church services in Farsi by officially sanctioned churches have now been severely restricted by the authorities. In May, reports emerged of further pressure on the AOG; on Sunday 6 May, the leaders of the AOG Central Church in Tehran announced that the government had for some time been demanding intrusive information on members of the congregations, including their identity card numbers. Initially members of the congregation were informed that if they wanted to hand over these details, they could do so voluntarily; however following further pressure, the Church explained that this was no longer a voluntary requirement. Possession of identity documents of church members would make it easier for the Intelligence Ministry to trace every church member, and would increase the vulnerability of converts from Islam. It is also worth noting that this AOG church is the only one left in Tehran that still holds Farsi-language services.

In late May and early June, members of the Emmanuel Presbyterian Church in Tehran were detained, and the church was ordered to cease all weekly activities with the exception of its Sunday services. Also in June, an AOG-affiliated church in the Janat-Abad area of west Tehran was ordered to close by the Intelligence Branch of the Iranian Revolutionary Guard. According to local sources, the church's pastor was told to cancel all church activities and seal its property. The use of the Revolutionary Guard (*Sepah*) to enforce the closure is a worrying development. The Revolutionary Guard is known for using aggressive methods and is usually deployed in situations that are deemed to threaten the national security or stability of the country. They are also one of three intelligence organisations in Iran with similar powers to that of the Intelligence Ministry (*etela'aat*).

2.2 Developments in the Nadarkhani Case

There have been worrying developments in the case of Yousef Nadarkhani, a pastor from the Church of Iran denomination who was sentenced to death for apostasy (abandoning Islam) in 2010, despite the fact that such a sentence amounts to a contravention of the Iranian Penal Code. A significant international outcry raised the profile of the case, which was twice referred to the Supreme Leader, Ayatollah Khamenei, for a decision. However, the Ayatollah has so far avoided commenting on the issue and Pastor Nadarkhani remains in Lakan prison with no definitive decision on his fate. In late February 2012, there were unconfirmed reports that the Iranian authorities had decided to proceed with his execution. However, following more widespread media attention and

condemnation from the international community, the government-controlled Press TV quoted anonymous "informed sources" as stating that a final verdict had yet to be issued since investigations by the lower court were still ongoing.[1]

During the March session of the UN Human Rights Council the Iranian Ambassador contradicted existing court documentation by claiming, falsely, that the pastor had not been found guilty of apostasy, but of three charges: inviting junior school students to his home to preach to them without parental consent, converting the basement of his home into a church without permission, and offending Islam by preaching Christianity. The ambassador also stated that in the last 30 years, "no single person has been executed or pursued for apostasy". However, in 1990, AOG pastor Hoosein Soodmand was hanged for apostasy without prior notification, and his family was only informed of his death two weeks later. The tendency of the Iranian authorities to execute prisoners, including those charged with apostasy, without notice to a prisoner's family or lawyers, adds to anxieties regarding the eventual outcome of this case.

2.3 Continuing crackdown on Civil Society

Iran's on-going assault on civil society has so far resulted in the detentions of at least 45 journalists and a number activists and human rights defenders. In a high-profile and recent example of this crackdown, prominent human rights lawyer Mohammed Ali Dadkhah, the lead advocate in Pastor Nadarkhani's case, was sentenced to nine years imprisonment. Mr. Dadkhah was also banned from teaching in universities or practicing law for an additional ten years.

Mr. Dadkah has represented religious minorities and political and human rights activists. In addition, he is a founding member of the Defenders of Human Rights Centre (DHRC), whose members are facing legal difficulties following its forcible closure in December 2008.

On 11 June 2012, the family of another prominent human rights defender, Mr. Abdolfattah Soltani, was informed that the appeal court had upheld his conviction, sentencing him to thirteen years in prison in "internal exile" in the remote city of Borazjan in southern Bushehr Province. He too is a founding member of the DHRC, and suffers from a digestive tract and intestinal disease that has been aggravated by poor prison conditions. Mr. Soltani was originally sentenced to eighteen years imprisonment in March 2012 on charges of propaganda against the system, participation in founding the Human Rights Defenders Centre, assembly and collusion against national security, and "earning illegitimate assets" as a laureate of the 2009 Nuremberg City Human Rights Prize.

On 21 April 2012, the the deputy head of the DHRC, journalist and activist Narges Mohammadi, was detained in the northern city of Zanjan after receiving a summons from the Intelligence Ministry and later transferred to Evin Prison to serve a six-year jail sentence. The sentence had been reduced from eleven years by a Tehran appeal court following her earlier conviction on charges of spreading propaganda against the ruling system, acting against national security and membership of the DHRC. Ms. Mohammadi is reported to have developed muscular paralysis following an earlier incarceration in 2010, when she was kept in solitary confinement in Evin Prison for a month, an illness that is exacerbated by stress.

The campaign against human rights defenders effectively limits the availability of legal representation for those tried for crimes involving freedom of thought, conscience or belief.

2.4 Islamic Penal Code

Recent reports indicate that attempts to insert a provision for the death penalty for male apostates into the amended Islamic Penal Code have not been successful.

The initial approval of the Islamic Penal Bill by the Iranian Parliament on 9 September 2008 was a worrying development, as the original draft stipulated the death penalty for male apostates and life-long hard-labour or imprisonment for female apostates. In June 2009, Ali Shahrokhi, of the Legal and

[1] "Iranian Convert not sentenced to death"; http://www.presstv.ir/detail/228433.html, 25 February 2012.

Judicial Committee of the Parliament reportedly told the Iranian state news agency (IRNA) that the Committee had decided to remove the death penalty from the bill as this was not "in the interest of the regime".

Credible sources report that the latest version of the bill does not stipulate death for apostasy. While this is a positive development, it does not ensure protection for those who may still face such a charge in the future, or those who, like Pastor Nadarkhani, are already convicted of apostasy.

There are two provisions that give judges the ability to sentence a convicted apostate to death. Firstly, Article 12 of the nation's constitution declares Islam as the country's official religion, with Ja'fari Shi'ism as the chosen doctrine. The four mainstream Sunni Islamic *fiqh* (schools of Islamic jurisprudence), Hanafi, Shaf'I, Maliki, and Hanbali, are granted "full respect". All of these schools of Shari'a agree on capital punishment for the male apostate. Secondly, Article 214 of the Criminal Procedure Code of Iran incorporates the provisions of Article 167 of the Iranian Constitution, which states that "A judge shall be required to try to find out the verdict of every lawsuit in codified laws; if he fails to find out, he shall render a verdict on the matter under consideration based on authentic sources of authoritative Fatwas."

In the case of the pastor, judges in Rasht made use of Article 167 of the Constitution. Although there are authoritative Fatwas that do not condone death for apostates, the judges chose a harsher interpretation, basing their verdict on fatwas by Ayatollah Khomeini, the father of the Iranian Revolution, Ayatollah Khamenei, the Supreme Leader of Iran, and Ayatollah Makarem Shirazi, currently the most influential religious leader in Iran. As long as such provision exists, it is likely that the death sentence for apostasy will continue to be handed down and justified by the regime.

2.5 Inflammatory Rhetoric

The persecution of Christians has been accompanied by a proliferation of anti-Christian rhetoric from authority figures in Iran. In October 2010 Supreme Leader Ayatollah Khamenei declared from Qom that Christianity was being deliberately spread by Iran's enemies as a means to weaken Islam within Iranian society. Likewise, on 4 January 2011, Mr Morteza Tamadon, Governor of Tehran, made a speech in which he openly threatened further arrests of Christians and declared that evangelical Christians had inserted themselves into Islam "like a parasite", with the backing of the West. In August 2011, Ayatollah Hadi Jahangosha, echoed this sentiment in a presentation on "Mahdavism" (belief in the 12th Imam), declaring that "the West is trying to divert our youth by publishing and advertising false Gnostic books…our enemies have noticed that Satanism and false Gnosticism are not popular in Iran and because of that they are taking a religious approach to expand Christianity". He identified the house church movement as a deviant sect by stating that "the 'real Christians' do not believe in this distorted Christianity-Protestantism." Furthermore, following the seizure of a consignment of 6,500 Bibles in Zanjan province in mid-August, Dr Majid Abhari, advisor to the social issues committee of the Iranian parliament, declared that Christian missionaries were attempting to deceive people, especially the youth, with an expensive, Western-backed propaganda campaign. Clearly, the regime seeks to justify its continuing crackdown on house churches and individuals by portraying evangelical Christianity as part of a foreign conspiracy against the nation.

2.6 Harassment of the Bahai Community

The Iranian regime's policy towards the Bahá'í community could accurately be described as amounting to genocide by attrition. The Bahá'í faith is not officially recognised. Furthermore, the Bahá'í have no legal status or identity, and are continually denied due process and other civil and economic and social rights, such as the denial of access to further education, which has been in force for over thirty years. The government continues to make extensive use of the mass media and other means to systematically denigrate and vilify the Bahá'í.

Four years after their incarceration, seven Bahá'í leaders continue to serve twenty-year sentences for "forming an illegal cult". The seven were all members of a national-level ad-hoc group that assisted in meeting the needs of Iran's 300,000-strong Bahá'í community. They were arrested in early

2008 and detained for over two years before finally being brought to trial in August 2010. Fears particularly for the two female leaders escalated after it was revealed that they were transferred to Qarchak prison early in 2011 and were incarcerated with up to 400 other prisoners in a large warehouse-type room with minimum facilities. The five male Bahá'í leaders remain in Gohardasht prison but were transferred in late January to Section 4, which is more crowded, and are now suffering from the harsh and unsanitary conditions.

Government pressure is accompanied by anti-Bahá'í rhetoric. In a television interview on 22 November 2010, Mohammad-Javad Larijani, the head of the Human Rights Council in Iran, said: "Baha'ism is not a religion in Iran. The Jews are a minority [religion] and they have even members in the Parliament. The Christians are a minority [religion] and they have members in the Parliament. Zoroastrians are a minority [religion]. Baha'is are a cult and they are governed by the law which deals with various cults. … Any cult, whether Bahá'í or Shia—it doesn't matter—will be prevented by law from operating."[2]

As in the case of evangelical Christians, the Baha'i are viewed as a covert threat to the religious integrity of Iran, and in instances are vilified in tandem, as in the following excerpt from a 2010 article in a government-affiliated news agency:

"Followers of these perverse sects use different tactics in order to lure the youth. For example the Christians, by distributing free copies of the Bible and the Old Testament, and putting emphasis on issues such as peace, friendship, love and kindness, have intensified their teaching activities. "The followers of the Bahaist sect also have their own methods, in particular the use of sexual attraction"[3]

The article also attacked Buddhists and Sikhs, who were accused of targeting the Iranian population via the internet.

3 International Legal Obligations

While Shari'a Law is enshrined as the highest legal authority in Iran, the nation also has obligations under international law. Iran signed the International Covenant on Civil and Political Rights (ICCPR) in 1968 and ratified it in 1975 without reservation. Article 18 of the ICCPR outlines the right to freedom of thought, conscience and religion, including the "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." It also prohibits the use of coercion to impair a person's freedom to adopt a belief of his or her choice.

The Convention on the Rights of the Child (CRC) was ratified in 1994. Article 14 recognises the child's right to think and believe what they want and to practise their religion, as long as by doing so, they do not hinder others from enjoying their rights. It also recognises the rights and duties of parents in providing religious and moral guidance to their children. Article 20 calls for those who cannot for some reason be looked after by their families to be looked after by people who respect their ethnic group, religion, culture or language. Article 30 provides for the right of minority or indigenous children to learn about and practice their own culture, language and religion.

However, Iran signed the CRC with a reservation stating that "the government of the Islamic Republic of Iran reserves the right not to apply any provisions or articles of the CRC that are incompatible with Islamic laws." This reservation provoked objections in the ensuing months from various nations due to the lack of precision regarding which articles of the CRC Iran did not intend to uphold. The undefined reservation gives Iran the power to disregard any of the articles that it deems to conflict with Shari'a Law.

[2] Press TV, 22 October 2011
[3] Tabnak News Agency, 3 August 2010

In addition, it appears that in the aftermath of the controversy that ensued and continues with regard to the Nadarkhani apostasy verdict, charges against Christians are increasingly formulated using political language. What would be deemed as normal religious activity elsewhere is now described as 'collaboration with foreign-dependent groups', 'broad anti-Islamic propaganda', 'deceiving citizens by formation of what is called a house church', 'insulting sacred figures', or 'action against national security.' CSW is concerned that such action may constitute an effort to justify repression by portraying it as being in line with Article 18:3 of the ICCPR, which states that the freedoms outlined in the article can be subject to "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 Recommendations

CSW requests that during dialogues with Iran, the international community should:

- Urge the Iranian Government to uphold its obligations under its own constitution and penal code, which do not codify the death penalty for apostasy, and its obligations under international law, including provisions for freedom of religion or belief contained within the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party;
- Urge the Iranian Government to confirm that the new draft of the Islamic Penal Code no longer contains the clause stipulating the death penalty for apostasy, and also to make this new draft publicly available;
- Call for the immediate and unconditional release of Pastor Yousef Nadarkhani, Farshid Fathi, Noorollah Qabitizade Pastor Benham Irani and all other prisoners held solely on the basis on their religious convictions;
- Call for the swift application of due process in the cases of all who are detained and/or are awaiting charges, trials, sentences or appeal hearings;
- Call for an end to the harassment of members of civil society, and the immediate and unconditional release of human rights defenders, activists and journalists who have been unjustly imprisoned;
- Urge the Iranian Government to immediately release all Bahá'í detainees held on account of their faith and to end official discrimination, monitoring, intimidation and other hindrances of their civil, political, economic or social rights;
- Support the UN Special Rapporteur on the situation of human rights in Iran, Dr Ahmed Shaheed, in monitoring Iran's compliance with international human rights standards, including freedom of religion or belief.

Annex: Overview of Key Cases

The Church of Iran denomination has been particularly targeted with legal action in recent years. There have been worrying developments in the case of Pastor Yousef Nadarkhani, who was sentenced to death for apostasy (abandoning Islam) in 2010, despite this contravening Iran's own Penal Code. Pastor Nadarkhani's case went to appeal at the Supreme Court in June 2011. The verdict of the lower court was not overturned, but the Supreme Court requested a re-examination of whether Pastor Nadarkhani had practiced Islam as an adult prior to becoming a Christian. The re-examination took place in September 2011, when it was ruled that although the pastor had never practiced Islam as an adult, he was nevertheless guilty of apostasy due to his Islamic heritage. In a series of hearings from 25-28 September 2011 the pastor was given three opportunities to recant his faith in order to secure his own acquittal and release. He refused each time and was returned to prison, awaiting a final written verdict from the court. A significant international outcry raised the profile of the case, and the court has twice referred the case to the Supreme Leader of Iran, Ayatollah Khamenei, for his opinion. However, the Ayatollah has so far avoided commenting on the issue.

Although CSW has received unconfirmed reports indicating that execution may be delayed for up to a year to allow time to convince the pastor to renounce his faith, no official final decision has been reached and Pastor Nadarkhani remains in Lakan prison. On 30 December 2011, Church of Iran sources confirmed that lawyers for Pastor Nadarkhani were unexpectedly summoned to Rasht, and during ensuing discussions with officials, were informed Nadarkhani would be released if he agreed to state that Mohammed, the Muslim prophet, was a messenger from God. Not only would this have amounted to an indirect renunciation of faith; the request for him to do so was also in violation of article 23 of the Iranian Constitution, which states that no-one should be molested or taken to task simply for holding a certain belief. In late February 2012, there were unconfirmed reports that the Iranian authorities had decided to proceed with the execution of Pastor Nadarkhani. Following widespread media attention and condemnation from the international community, the government-controlled Press TV quoted anonymous "informed sources" stating that a final verdict had yet to be issued since investigations by the lower court were still ongoing.[4]

Pastor Benham Irani, another pastor from the Church of Iran network, imprisoned since May 2011, is currently serving a five year sentence in Ghezel Hesar prison in Karaj for "action against the state" and a further one year sentence for "action against the order". The verdict against him includes text that describes Pastor Irani as an apostate and reiterates that apostates "can be killed". According to CSW sources, Pastor Irani is currently sharing a cell with criminals who regularly beat him, and as a result of injuries sustained during these assaults, he is now having difficulty walking. CSW was also informed that during the first few months of his imprisonment, the pastor was held incommunicado in a small cell, where guards would repeatedly wake him from sleep as a form of psychological torture. He was moved into a cramped room where inmates could not lie down to sleep, before being transferred to his current cell. Pastor Irani's health has deteriorated further in recent months, as and he has developed colon problems. CSW was recently informed by a reliable source that it is possible that Pastor Irani could die within the next six months as a result of his medical condition.

Eleven members of the same denomination from Bandar-Anzali, including Pastor Abdolreza 'Matthias' Ali Haghnejad, were tried on 1 May for "activities against the Islamic Order" and drinking alcohol. The charges against the group related to their involvement in a house church meeting, and to taking communion wine. The group was acquitted in mid-May. However, Pastor Haghnejad was arrested once more on 17 August in Rasht whilst making a pastoral visit. He was released later in August after a family member pledged their property as bail. He awaits trial for blasphemy.

Furthermore, a group of six members of the Church of Iran in Shiraz are still awaiting a further hearing for charges of blasphemy. The case has been postponed twice and, in a worrying development that may indicate an effort to sow discord amongst the various Christian

[4] "Iranian Convert not sentenced to death"; http://www.presstv.ir/detail/228433.html, 25 February 2012

denominations, the Iranian authorities said they would ask members of traditional churches to determine whether or not the blasphemy charges are valid. During an earlier trial at the Revolutionary Court in Shiraz, the six were each handed a one-year sentence for Crimes against the Islamic Order, a sentence which failed on appeal in early 2011.

On 23 December 2011, the sanctioned Assemblies of God (AOG) church in the city of Ahwaz was raided during a Christmas service, and all those in the building, including children attending the Sunday school, were detained, interrogated, threatened and most were eventually released. However, the church's senior pastor, Pastor Farhad Sabokroh, was detained, along with his wife and two other church leaders, Naser Zamen-Defzuli and Davoud Alijani. The pastor's wife was released after a brief period in detention, and on 21 February 2012, Pastor Farhad Sabokroh and Naser Zamen-Dezfuli, were temporarily released after a title deed covering both men was handed over that was worth around US$ 200,000. The third man, Davoud Alijani, remains in prison. However, efforts are underway to raise bail in order to secure his temporary release.

Farshid Fathi Malayeri of the AOG, who was arrested on 26 December 2010 in Tehran, is being held in Evin Prison. The evangelical church leader, and father of two young children, was kept in solitary confinement for a large part of his incarceration. The equivalent of £120,000 was demanded as bail for his release and his family eventually managed to raise this, yet the authorities refused to release him. On one occasion, and in a form of psychological torture, Mr Fathi Malayeri was told to pack a bag and get ready to leave. The guards led him as far as the outer gate of the jail, where other prisoners were being released, but he was then suddenly ordered back to his cell. According both to local reports and CSW sources, on 5 February 2012, Mr. Fathi Malayeri was tried before the Revolutionary Court in Evin Prison. The judge is reported to have adjourned the case for deliberation, and will submit a verdict to Mr. Fathi Malayeri's lawyers within three months. According to the Iranian penal code, once enquiries have been made a judge should issue a verdict within one week. On 22 February 2012, sources confirmed that Mr. Fathi Malayeri had been sentenced to 6 years in prison by the Iranian Revolutionary Court. Although details of the court session have not been made public, sources claims that charges against him included: "action against regime's security, being in contact with foreign organisations and religious propaganda". It is understood that Mr. Fathi Malayeri's legal representative has appealed this decision.

Noorollah Qabitizade, another AOG leader, was arrested in Dezful on 24 December 2010. Since his arrest, Mr. Qabitizade has been held in three prisons; firstly the Dezful prison, then Karoon Prison in Ahwaz, and Dastgerd Prison in Esfahan, where he was transferred in February 2012. His first trial took place in the courthouse of Ahwaz City. According to sources, at this trial, he was informed that he would receive the death sentence. At the end of this court session, Mr. Qabitizade was offered another opportunity to renounce his Christian faith. He has been held in prison for over a year now on charges of Christian activity.