



## **Report to the Human Rights Committee on:**

### **Islamic Republic of Iran**

#### **Freedom of Religion or Belief (ICCPR art. 18) and Discrimination (ICCPR art. 26)**

Submitted to the Human Rights Committee ahead of the consideration of the List of Issues Prior Reporting for Iran during the Committee's 129<sup>th</sup> session in June 2020.

Submission date: 29 May 2020

Submitted by:

**The World Evangelical Alliance** (WEA) is a network of churches in over 130 nations that have each formed an evangelical alliance and over 100 international organizations joining together to give a world-wide identity, voice, and platform to more than 600 million evangelical Christians worldwide.

**Open Doors** supports communities of Christians in more than 60 countries, where their fundamental rights are violated because of their faith.

**Christian Solidarity Worldwide** (CSW) is a Christian organization working for religious freedom through advocacy and human rights, in the pursuit of justice.

**Middle East Concern** (MEC) was founded in 1991, in response to needs expressed by Christian leaders in the Middle East and North Africa region (MENA). MEC supports people in the MENA region who are marginalized, discriminated against or persecuted for being or becoming Christians.

**Article 18** is a non-profit organization based in London, dedicated to the protection and promotion of religious freedom in Iran and advocating on behalf of its persecuted Christians.

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## Methodology

1. The information in this report was collected by the organizations that are jointly submitting this report. Because of the difficulty of access to comprehensive information in Iran from abroad, our reporting on cases can only be considered partial and indicative of a broader phenomena. We have included several case studies in *italics* to illustrate our legal and factual analysis.

## Freedom of Religion or Belief (ICCPR art. 18) and Discrimination (ICCPR art. 26) in Iran

2. Article 13 of the Iranian Constitution states that “Zoroastrian, Jewish, and Christian Iranians are considered the only recognized religious minorities. They may perform their religious ceremonies within the limits of the law. They are free to exercise matters of personal status and religious education and they follow their own rituals.”<sup>1</sup> The Iranian Government interprets these three recognized minorities to refer only to historical ethnic communities in Iran – such as the Assyrian and Armenian Christian communities. These communities constitute a historical heritage for the nation. All other religious minorities remain unrecognized by law and are afforded no rights under the Constitution.
3. Despite these constitutional guarantees, Iranian minority faith adherents face multiple layers of violations to their right to freedom of religion or belief.
4. **First, the recognized religious minorities are not allowed to hold services in Farsi language or to be in possession of any religious material in Farsi.** Since 2009, the Iranian regime has worked to end the use of Farsi in recognized churches and has forced churches which held services for Farsi-speaking Christians to close.
5. The following are three cases of closure of Farsi-language services. We do not have an exhaustive list of all services closed. In December 2009, authorities ordered the Central Church of Tehran to close its Friday Farsi services, this church being the largest and most visible of the Assemblies of God denomination in Iran. Furthermore, authorities prohibited musical worship and Bible distribution at the Central Church of Tehran. Many similar church Farsi-language services have been prohibited, culminating in February 2012, with Iran’s Ministry of Intelligence ordering Emmanuel Protestant Church and St. Peter’s Evangelical Church in Tehran to discontinue holding Friday Farsi-language services.<sup>2</sup> All three churches were able to continue to hold Sunday services, but in Assyrian and Armenian languages.
6. **Second, the Iranian judiciary has used articles such as 498, 499 and 500 of the Iranian Penal Code<sup>3</sup> to prosecute minority faith adherents for their peaceful religious activities** on the basis that such activity threatens the very existence of the Islamic Republic and thus constitutes a national security threat. Activities such as attending a house church or being part of religious conferences are regularly considered by the Iranian authorities as criminal acts in and of themselves, acts they claim to threaten the national security of the country.

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1 QANUNI ASSASSI JUMHURII ISLAMAI IRAN [THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN] 1980, Art. 12.

2 Churches forced to stop Farsi worship in Tehran, Iran, February 17, 2012 <https://www.worldwatchmonitor.org/2012/02/churches-forced-to-stop-farsi-worship-in-tehran-iran/>

3 Islamic Penal Code of The Islamic Republic of Iran (2013), Arts. 498 (“establishing a group that aims to disrupt national security”), 499 (“membership in a group that aims to disrupt national security”), and 500 (“spreading propaganda against the system”).

7. Christian communities are particularly vulnerable to these charges if they open their doors to inquiring Muslims, actively proselytize, or hold a religious meeting in Farsi. Common charges for such arrests are collusion against national security, propaganda against the state, and spreading Zionist Christianity.
8. *One of the high-profile cases of detained Assyrian Christians is that of pastor Victor Bet-Tamraz and his family. On 26 December 2014 security officers raided the house of pastor Bet-Tamraz during a Christmas celebration. Of those in attendance, pastor Victor, and two converts to Christianity, Amin Afshar-Naderi and Kavian Fallah-Mohammadi were detained. Pastor Victor was sentenced in July 2017 to ten years' imprisonment for 'acting against national security'. His son, Ramiel Bet Tamraz, was arrested in August 2016 along with four other Christians and were charged with "acting against national security" and "organizing and establishing house churches." His daughter pastor Dabrina Bet Tamraz fled Iran and sought asylum in Europe after a period of detention and harassment by authorities. Pastor Victor's wife Shamiram Issavi Khabizeh was summoned for interrogation in June 2017 and was sentenced in January 2018 to five years' imprisonment for 'acting against national security', and 'acting against the regime by organizing small groups, attending a seminary abroad and training church leaders and pastors to act as spies.' All family members have appealed their sentences.*
9. As a result of the prohibition on the use of Farsi in church, Christian converts are forced to resort to informal meetings, frequently termed "house churches." House churches came into existence in 2002 and only grew with the increasing restrictions on the practice of the Christian faith.<sup>4</sup> In his May 2016 report to the UN Human Rights Council, the (then) UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Dr. Ahmed Shaheed, quoted the Iranian government as saying that the running of house churches is illegal since they have not obtained the necessary permits from the authorities. House churches are often raided. Attendees are arrested and imprisoned, their personal property such as ID cards and laptops are confiscated and frequently not returned. The end of 2018 and 2019 saw an unprecedented wave of raids on private house gatherings, leading to a large number of arrests.
10. The following are examples of cases of arrest and prosecution of Iranian Christian converts that our organizations have documented.
11. *In February 2015, Amin Afshar-Naderi, who was detained along with pastor Bet Tamraz in December 2014, was released on bail. On 26 August 2016, Amin was re-arrested with seven other Christians in Firoozkooh. On 3 June 2017, Amin was sentenced to 10 years in prison for "acting against national security by organizing and conducting house-churches" and a further five years in prison for "insulting sacred values". He also received a two-year ban on travel abroad. However, Amin succeeded in leaving Iran and has sought asylum in Europe.*
12. *In July 2019, Sam Khosravi, his wife Maryam, his brother Sasan and his mother Khatoon were among eight converts arrested in Bushehr at around 9am, as officers introducing themselves as agents from the Ministry of Intelligence (MOIS) stormed the Christians' homes in a coordinated operation, confiscating Bibles, Christian literature, wooden crosses and pictures carrying Christian symbols, along with laptops, phones, all forms of identity cards, bank cards and other personal belongings. The officers treated the Christians harshly, even though small children were present during the arrests. The Christians were held in solitary confinement in the MOIS office in Bushehr and denied access to lawyers. They were also coerced to confess to their alleged crimes on camera.*

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<sup>4</sup> Iran: House churches; situation of practising Christians; treatment by authorities of Christian converts' family members, 14 June 2017, <https://www.refworld.org/pdfid/5943a44d4.pdf>

13. *Kamal Naamanian was arrested on February 15, 2019, at a house church gathering, alongside fellow Christian converts Mohammed Vafada and Shahrooz Eslamdoost. Their arrest followed those of fellow "Church of Iran" members Abdolreza Ali Haghnejad, Hossein Kadivar and Khalil Dehghanpour. Kamal was released on bail on 18 March and told to expect a court summons. At a hearing in July, five of his co-defendants had their bail increased tenfold after insisting on choosing their own lawyer, but Kamal and three others decided to defend themselves and were therefore released on their pre-existing bail. On 13 October 2019 all nine were sentenced to five years each in prison. Kamal was released on bail, pending appeal, alongside Khalil Dehghanpour, Hossein Kadivar, and Mohammad Vafadar, while the other five remained detained. Their appeals were rejected on 25 February 2020.*
14. *Ismaeil Maghrebinejad (65) was arrested in Shiraz on 25 January 2019 and charged with "propaganda against the state and insulting the sacred Iranian establishment." At a hearing on 22 October, the judge also accused Ismaeil of apostasy and increased bail demands from 10 million to 100 million tomans (US \$9,000). The apostasy charge was dropped at a later hearing in November. Following a hearing on 8 January 2020 at Branch 105 of the Civil Court in Shiraz, Ismaeil was found guilty of "insulting Islamic sacred beliefs" and sentenced to three years in prison under Article 513 of the Islamic Penal Code. On 27 February Ismaeil appeared before the Revolutionary Court to face charges of "membership of a group hostile to the regime" ("evangelical Zionism" according to the court document). The evidence used against him was a Bible verse sent over Telegram by Christian media. Following the hearing, Ismaeil was sentenced to two years' imprisonment under Article 499 of the Islamic Penal Code. On 9 May, during a re-trial, not only was the previous sentence upheld, but Ismaeil was given an additional year in prison for "propaganda against the state."*
15. In the annex, we have included a list of Christians known to have been arrested and detained, and those who are still awaiting trial, since the beginning of 2018. We estimate that there are dozens more detained or awaiting trial for cases dating prior to 2018. The list is prepared mainly from public sources and is not exhaustive. Confidential cases were omitted for security reasons.
16. **Third, while Iranian legislation does not explicitly criminalize the act of religious conversion or apostasy, minority faith adherents have been prosecuted for apostasy (abandonment of Islam) on the basis of art. 220 of the Iranian Penal Code<sup>5</sup> and art. 167 of the Constitution<sup>6</sup>.** These articles require judges to rely on non-codified law – namely authoritative Islamic sources and fatwas (ruling on a point of Islamic law given by a recognized authority) – to convict and sentence individuals to crimes and punishments not codified by the existing law. If a Muslim exerts their inherent right to change their religion, they incur serious consequences because apostasy is considered a criminal offense by the Iranian Supreme Court, even though it is not codified by the law and instead relies on Sharia and a fatwa issued by the Ayatollah Khomeini.
17. In December 1990, Iranian authorities executed Hussein Soodman, an Assemblies of God pastor and a Muslim convert to Christianity. He was convicted of apostasy. He had been a Christian for 25 years. This was the last known execution of Christian for apostasy in Iran. The most recent high-profile case of condemnation for apostasy is that of pastor Yousef Nadarkhani in 2011, from the Church of Iran denomination. Following international outcry, pastor Nadarkhani was acquitted and released from jail in

<sup>5</sup> Islamic Penal Code of The Islamic Republic of Iran (2013), Art. 220 (allowing *hadd* punishments that are not mentioned in law).

<sup>6</sup> QANUNI ASSASSI JUMHURII ISLAMAI IRAN [THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN] 1980, Art. 167 ("The judge must try to base the verdict of each dispute on the codified laws. If his attempt fails, he should issue the verdict on the case by referring to reputable Islamic sources or religious rulings (fatwas). He cannot refrain from issuing a verdict under the pretext of silence, deficiency, brevity, or inconsistency in the laws.").

2012. In May 2016, he was arrested once again, along with three other Christians. In June 2017, they were given ten-year prison sentences by the 26<sup>th</sup> Branch of the Revolutionary Court in Tehran for “acting against national security through propagating house churches and promoting Zionist Christianity.” He is currently serving the 10-year prison sentence in Evin prison in Tehran.<sup>7</sup>

18. **Fourth, in a number of cases, church property of traditional and recognized churches has been confiscated by authorities or forcibly closed.** The following are two examples. We do not have an exhaustive list of closed church properties. In June 2012, an Assemblies of God affiliated church in the Janat-Abad area of west Tehran was closed on orders of the Intelligence Branch of the Iranian Revolutionary Guard.<sup>8</sup> In May 2019, Iranian authorities raided the historic Assyrian Presbyterian Church in Tabriz. They ordered the church warden to leave and proceeded to change the locks, tear down the cross from the church tower, and install surveillance equipment. Following international pressure, authorities later reinstated the cross, but have yet to hand back the keys to the Assyrian Presbyterian Church authorities.
19. **Fifth, Christians and other minority faiths face discrimination on a religious basis.** A non-Muslim faces many limitations and unfair discrimination to in their private and public life in Iran. According to the Civil Code of the Islamic Republic of Iran, a Muslim woman is not allowed to marry a non-Muslim man (art. 1059); a non-Muslim cannot inherit from a Muslim (art. 881 bis). Access to higher education and employment is also restricted for minority faith adherents – especially concerning jobs in the public sector. In May 2019 the State Welfare Organization issued a directive prohibiting minority faith adherents from working in nursery schools.

#### **Suggestions for List of Issues for Iran**

20. In light of the above, we respectfully call on the Human Rights Committee to submit the following questions to Iran:
21. Please provide information on how art. 13 of the Constitution (recognizing Zoroastrians, Christians and Jews as the only religious minorities) is consistent with the provisions of the Covenant;
22. Please provide information on minority faith adherents who wish to practice their faith in Farsi language;
23. Please respond to reports that cases that minority faith adherents are being tried on national security grounds for legitimate practice of their faith, and please clarify how such court cases are compatible with the provisions of the Covenant, in particular with art. 18 of the Covenant;
24. Please clarify how apostasy charges and convictions are compliant with art. 18 of the Covenant;
25. Please report on how many converts to Christianity are currently detained and facing charges related to threats to national security and/or to apostasy;

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<sup>7</sup> For additional information: Iranian pastor taken to Evin Prison after violent raid on home, 24 July 2018, <https://www.worldwatchmonitor.org/2018/07/iranian-pastor-taken-to-evin-prison-after-violent-raid-on-home/> ; pastor Nadarkhani goes on hunger strike, 1 October 2019, <https://www.csw.org.uk/2019/10/01/press/4471/article.htm> ; Biography of pastor Youcef Nadarkhani <https://www.uscirf.gov/youcef-nadarkhani> [accessed 22 May 2020]

<sup>8</sup> Church in Tehran forced to close, 8 June 2012, <http://www.csw.org.uk/2012/06/08/news/1267/article.htm>

26. Please indicate whether the State party has any plans to revise the Civil Code to: (a) allow non-Muslims to inherit from Muslims (Art. 881 bis); (b) allow Muslim women to contract marriage with non-Muslims (Art. 1059).

## ANNEX

Converts to Christianity detained in 2018 and 2019. The list is not exhaustive as information is not always accessible or corroborated.

Full Name	Date of 1st arrest	Location of arrest	Status	Charges
<b>Azizollah Majidzadeh</b>	03/02/18	Karaj	Temporarily released on bail	Acting against national security through formation and membership of house-churches
<b>Asghar Salehi</b>	09/18/18	Eqlid	Released	"Propaganda against the system through promoting Zionist Christianity"
<b>Mohammad Reza Rezaei</b>	09/18/18	Eqlid	Released	"Propaganda against the system through promoting Zionist Christianity"
<b>A.T.</b>	09/18/18	Eqlid	Released	"Propaganda against the system through promoting Zionist Christianity"
<b>Jamshid Derakhshan</b>	11/30/18	Hashtgerd	Temporarily released on bail	"Propaganda against the system through promoting Zionist Christianity"
<b>Shima Zanganeh</b>	12/02/18	Ahvaz	Temporarily released on bail	"Action against Iran's national security through evangelism"
<b>Shoukoufeh Zanganeh</b>	12/02/18	Ahvaz	Temporarily released on bail	"Action against Iran's national security through evangelism"
<b>Farzad Behzadi</b>	12/02/18	Ahvaz	Detained - Not charged yet	Unknown
<b>Abdollah Yousefi</b>	12/02/18	Ahvaz	Detained - Not charged yet	Unknown
<b>Rokhsareh (Mahrokh) Ghanbari</b>	12/20/18	Karaj	Released	Propaganda against the system
<b>Sina Moloudian</b>	01/23/19	Isfahan	Temporarily released on bail	"Propaganda against the state through the promotion of the Christian faith and the distribution of Bibles"
<b>Ismaeil Maghrebinejad</b>	01/25/19	Shiraz	Temporarily released on bail , Pending appeal	"Propaganda against the state", "Insulting Islamic sacred beliefs", and "Membership of a group hostile to the regime"
<b>Hossein Kadivar</b>	01/29/19	Rasht	Temporarily released on bail , Awaiting summons	"Acting against national security", "Promoting Zionist Christianity".
<b>Khalil Dehghanpour</b>	01/29/19	Rasht	Temporarily released on bail , Awaiting summons	"Acting against national security", "Promoting Zionist Christianity".
<b>Abdolreza Ali Haghnejad</b>	02/10/19	Rasht	Serving 5 year prison sentence	"Action against national security", "Promoting Zionist Christianity"
<b>Kamal Naamanian</b>	02/15/19	Rasht	Temporarily released on bail , Awaiting summons	"Acting against national security", "Promoting Zionist Christianity".
<b>Mohammed Vafada</b>	02/15/19	Rasht	Temporarily released on bail , Awaiting summons	"Acting against national security", "Promoting Zionist Christianity".

<b>Shahrooz Eslamdoost</b>	02/15/19	Rasht	Serving 5 year prison sentence	“Acting against national security”, “Promoting Zionist Christianity”.
<b>Babak Hosseinzadeh</b>	02/23/19	Rasht	Serving 5 year prison sentence	“Acting against national security”, “Promoting Zionist Christianity”.
<b>Mehdi Khatibi</b>	02/23/19	Rasht	Serving 5 year prison sentence	“Acting against national security”, “Promoting Zionist Christianity”.
<b>Behnam Akhlaghi</b>	02/23/19	Rasht	Serving 5 year prison sentence	Acting against national security”, Promoting Zionist Christianity”.
<b>Pooriya Peyma</b>	07/01/19	Bushehr	Temporarily released on bail	“Actions against national security”, “Gathering and collusion against the state”, and “Membership of an illegal organization”
<b>Sam Khosravi</b>	07/01/19	Bushehr	Temporarily released on bail	“Actions against national security”, “Gathering and collusion against the state”, and “Membership of an illegal organization”
<b>Maryam Falahi</b>	07/01/19	Bushehr	Temporarily released on bail	“Actions against national security”, “Gathering and collusion against the state”, and “Membership of an illegal organization”
<b>Sasan Khosravi</b>	07/01/19	Bushehr	Temporarily released on bail	“Actions against national security”, “Gathering and collusion against the state”, and “Membership of an illegal organization”
<b>Marjan Falahi</b>	07/01/19	Bushehr	Temporarily released on bail	“Actions against national security”, “Gathering and collusion against the state”, and “Membership of an illegal organization”
<b>Khatoon Fatolahzadeh</b>	07/01/19	Bushehr	Temporarily released on bail	“Actions against national security”, “Gathering and collusion against the state”, and “Membership of an illegal organization”
<b>Fatemeh Talebi</b>	07/01/19	Bushehr	Temporarily released on bail	“Actions against national security”, “Gathering and collusion against the state”, and “Membership of an illegal organization”
<b>Habib Heydari</b>	07/01/19	Bushehr	Temporarily released on bail	“Actions against national security”, “Gathering and collusion against the state”, and “Membership of an illegal organization”