

NGO name: European Centre for Law and Justice (ECLJ)

Speaker: Jordan Sekulow

HRC 23 session - Item 3. Peaceful Assembly & Association. *Clustered ID*

May 30th 2013

The ECLJ would like to thank and congratulate the Special Rapporteur Maina Kiai for his Report and activities. As Mr. Kiai emphasises in his Report, the ability to peacefully assemble with freedom from unlawful restrictions is an integral component of the right to freedom of peaceful assembly, as recognised by Article 21 of the ICCPR. It is incumbent on the HRC to remember that the basic right to freedom of peaceful assembly applies “without distinction of any kind” and necessarily includes freedom of religious assembly.

It is with this in mind that the ECLJ would like to bring to your attention the case of Saeed Abedini, who is currently imprisoned in the Islamic Republic of Iran solely for exercising his right to peacefully assemble with others in his religious minority. Saeed was arrested during his visit to Iran to build a non-sectarian orphanage, when the government alleged that his peaceful assembly and association with fellow believers in private homes threatened the national security of Iran.

Mr. Kiai observed in his Report that “States have a positive obligation ... to actively protect peaceful assemblies” and although state may derogate from this duty when prescribed by law and “in the interests of national security,” the Islamic Republic of Iran has failed to meet the strict test required to derogate from its obligation. Saeed’s peaceful assembly violated no promulgated law nor has Iran demonstrated how the peaceful assembly of its religious minorities threatens its security.

In his Report, Mr. Kiai has named the Islamic Republic of Iran as one of several countries that have failed to apply the strict test of necessity and proportionality when reviewing whether to impose a restriction on an assembly. In Saeed’s case, this failure has resulted in a severe violation of his basic right to peaceful assembly and religious freedom. This violation must be addressed in order that the intersection between rights of religious expression and peaceful assembly may be reinforced as a cornerstone upon which peace may be established. The ECLJ recommends that the HRC condemn every unlawful restriction on peaceful religious assembly, and request that Saeed be released immediately.