

## Human Rights Council: Submitting an NGO written statement

NGOs in consultative status with ECOSOC (General, Special or Roster status) may submit written statements to the Human Rights Council (HRC).

The written statement is formatted and issued, unedited, in the language(s) received from the submitting NGO. English, Spanish and French versions can be published at this time.

In order for your statement to be published before the session, the deadline for submission is exactly two weeks prior to the start of a session. See the deadline on the web site. All submissions are final.

Please fill out **this** FORM and CHECKLIST to submit your statement and send it to the address indicated below. Your information goes after each arrow.

1. Please indicate the contact information for the representative submitting this statement (i.e. name, mobile, email) here: ➡

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2. Indicate the Agenda item number (1-10) of statement, including the segment \*: (Interactive Dialogue, ID; General Debate, GD; or Panel): ➡ Item #\_3 Segment: Interactive Dialogue

- 3.a) If this is an individual statement, indicate your organization's name as in the ECOSOC NGO database and indicate its consultative status in brackets (i.e. General, Special, or Roster). ➡

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or,

- 3.b) If this is a joint statement, list the main sponsor first, and then the co-sponsoring ECOSOC NGOs as they appear in the ECOSOC database and status (in brackets): Group all General NGOs first, group the Special second and group the Roster third. ➡

4. Indicate here any non-ECOSOC NGO(s) supporting this statement (they will appear as a footnote to the statement title): ➡

5. Indicate the exact TITLE for this statement here: ➡

Written Statement Regarding the Egregious Violations of Pastor Saeed Abedini's Human Rights by the Islamic Republic of Iran

### Please make sure that:

- This statement is in MS WORD document format (Font Times New Roman 10; no bold; no underline; no italics).
- Check word count: (Go to Tools, Word count, # of words) Indicate the length of text (excluding footnotes/endnotes) here: ➡ 1425

- NGOs in general consultative status are allowed 2,000 words
- NGOs in special consultative status and on the roster are allowed 1,500 words

- Please use the Spell/grammar check on your text. (Go to Tools, Spelling & Grammar)
- If in doubt about Member States' names and correct UN terminology when referring to certain territories, use UNTERM database: <http://unterm.un.org/>
- Different language versions of one statement should be sent in the same email, but using **a separate form** for each.
- Email this document to: [hrcngo@ohchr.org](mailto:hrcngo@ohchr.org)

\* See the HRC Practical Guide for participants, page 9, which refers to segments in the session

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The United Nations (UN) has held as one of its basic aims the promotion of and respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language, or religion. 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 and a series of egregious violations of international human rights by the Islamic Republic of Iran and its agents against Saeed for exercising his fundamental right of religious expression, peacefully association, and assembly within his religious minority.

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, Saeed was: (1) arrested and imprisoned by Iranian Revolutionary Guard; (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. The ECLJ holds this information from direct sources.

As a Member State of the UN<sup>1</sup>, 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”<sup>2</sup>. By trying and imprisoning Saeed because of his religious expression, peaceful association, and assembly of religious believers, the Islamic Republic of Iran is violating its obligations under the UN Charter and Saeed’s fundamental rights: freedom of religion and belief, freedom of expression, freedoms of peaceful assembly and association. Therefore, these violations concern not only the Islamic Republic of Iran and every Member State, but every agency of the UN.

Although Saeed’s official charge was cloaked as a national security charge, Iranian prosecutor Mr. Ghenaatkar made it clear that Saeed was put on trial because of his religious expression, the peaceful assembly and association within his religious minority. Mr. Ghenaatkar charged Saeed solely for attempting to undermine the security of the government through conducting Christian church in private homes, and he also threatened that Saeed would face

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<sup>1</sup>Member States, U.N., <https://www.un.org/en/members/> (last visited 9 May 2013).

<sup>2</sup>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.

charges for converting from Islam to Christianity, exercising his freedom of religious expression, and conducting Christian conferences outside of the Islamic Republic of Iran. Judge Pir-Abassi barred Saeed and his attorney from attending the second day of trial, during which he questioned a witness about the witness's conversion to Christianity, and the status and location of Christian associations. On the basis of these allegations, the court sentenced Saeed to eight years in prison, 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<sup>3</sup>, which establishes clear goals for each nation to pursue ensuring equality before the law, protecting one's choice and exercise of religion, religious expression, and the right to peacefully assemble and associate informally for religious purposes. Alongside of Article 18's protection of religious freedom, Article 19 prescribes the right to religious expression and Article 20(1) the right to peaceful assembly and association, which includes freedoms of religious assembly and association. Additionally, 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.

The Iranian government also prevented 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; Saeed was also subjected to torture, including brutal interrogations, beatings, denial of medical care, weeks of solitary confinement, 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 association with others, either privately or publicly, and the right of peaceful assembly. A state may derogate from upholding these rights only when prescribed by law, which is necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others. Importantly, the reference to a democratic society also means that proportionality and necessity must be considered in light of the basic values of democratic societies, including pluralism, tolerance, broadmindedness, and people's sovereignty. Though Saeed's sole criminal charge was based on national security, the Islamic Republic of Iran has failed to meet the stringent test to derogate from upholding its obligation to protect Saeed's rights of religious expression, peaceful assembly, and association. Saeed's peaceful exercise of these rights with believers in his religious minority is neither prohibited by law nor threatens the security, public safety, public order, or the public health or morals. Nor did his actions infringe on the rights and freedoms of others.

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<sup>4</sup>. Moreover, the ICCPR provides special protection to religious minorities, by protecting their right to profess and practice their own religion in community with others<sup>5</sup>. Finally, like the UDHR, the ICCPR proscribes torture, cruel, inhuman, or degrading treatment or punishment<sup>6</sup>.

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

<sup>4</sup>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.

<sup>5</sup>Id. art. 27.

<sup>6</sup>Id.

Furthermore, the Islamic Republic of Iran violated explicit treaty obligations under the ICCPR by failing to provide 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 a notorious human rights violator, Judge Pir-Abassi fails to qualify as an impartial arbiter. The Islamic Republic of Iran has deprived Saeed of his liberty and subjected him to inhuman treatment because he encouraged peaceful assemblies of a religious minority 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 and association. It has also blatantly violated 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 violations of Saeed's freedom of religion, peaceful assembly, association, and religious expression, are just one example of disregard for the human dignity that occurs worldwide. These violations must be addressed so that countries do not trample on the rights of religious minorities to associate and peacefully assemble and to encourage the basic values of democratic societies, including religious pluralism and tolerance.

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

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

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The EUROPEAN CENTRE FOR LAW AND JUSTICE is an international NGO dedicated to the promotion and protection of human rights in Europe and worldwide and advocating in particular the protection of religious freedoms and the dignity of the person.

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