



16th May 2014

BHRC STATEMENT ON SIXTH ANNIVERSARY OF THE ARREST OF BAHA'I LEADERS

1. In May 2008, seven leaders of the Baha'i community in Iran were arrested and later charged with 'espionage'; 'propaganda activities against the Islamic order'; the establishment of an illegal administration'; 'cooperation with Israel'; 'sending secret documents outside the country'; 'acting against the security of the country'; and 'corruption on earth'. The Iranian government said that the seven were arrested for 'security reasons and not for their faith' on account of their links to 'foreigners, the Zionists in particular'. The BHRC is concerned that the charges are political and that the subsequent trial faced by the seven did not meet international standards of openness and fairness.
2. The seven – Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naeimi, Saeid Rezaie, Mahvash Sabet, Behrouz Tavakkoli, and Vahid Tizfahm – have been held in detention since that time. There have been a number of hearings which were closed to the public and it has been reported that the defence lawyers were not permitted unfettered access to the courtroom. In August 2010, the court informed the seven's legal representatives that they had each been sentenced to 20 years' imprisonment.

3. In September 2010 an Iranian appeal court reduced the sentences from 20 years' to 10 years' imprisonment after they were acquitted of a number of charges, including espionage. However, in March 2011 the original sentences were restored by the authorities in a move which Amnesty International condemned as 'arbitrary and vindictive'.
4. In 2010 Human Rights Watch questioned the legitimacy of the proceedings stating '[f]or more than two years now the Iranian authorities have utterly failed to provide the slightest shred of evidence indicating any basis for detaining these seven Baha'i leaders, let alone sentencing them to 20 years in prison.' Moreover, last year the UN Special Rapporteur on the situation of Human Rights in Iran, Ahmed Shaheed, released a statement saying 'the Iranian government should demonstrate its commitment to freedom of religion by immediately and unconditionally releasing these prisoners of conscience. These cases are apparently characterized by failures to safeguard fair trial standards and jeopardizes overall religious freedom in Iran.'
5. On the basis of information available to us, the BHRC believes that the treatment of the seven is in violation of the Iranian Constitution and in particular Article 32 which guarantees that the accused have communicated to him in writing the charges against him and reasons for the accusation; Article 35 which ensures the right to legal representation; and Article 37 which protects the presumption of innocence.
6. Moreover, in so doing, we believe Iran is also in breach of its international obligations as one of the first signatories to the International Covenant on Civil and Political Rights (ICCPR), particularly protection from arbitrary arrest and detention (Article 9) and those rights under Article 14 guaranteeing the right to a fair trial, due process of the law, a fair and public hearing, the presumption of innocence, and adequate time to prepare a defence with counsel of one's choice.

7. On 7 March this year, the BHRC called on President Hassan Rouhani to ensure that the proposed new Iranian Charter for Citizens' Rights guaranteed access to fundamental rights to everyone in Iran. The BHRC calls upon Iran to either release the seven Baha'i leaders (in line with calls from HRW, Amnesty and the UN) or if it is deemed that sufficient evidence exists, to ensure that the seven are given a fair trial, including the opportunity to effectively defend themselves through their counsel of choice and to allow international trial observers to monitor the trial.

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