



3 September 2015

His Excellency Ban Ki-moon
Secretary-General of the United Nations
United Nations Headquarters
1st Avenue and 46th Street
New York, NY 10017 USA
Facsimile: [REDACTED]

VIA POST & FACSIMILE

*RE: Request for Diplomatic Action on Behalf of Mr. Saeed Abedini, a Christian
Imprisoned for His Faith in Iran*

Your Excellency:

This September 26th marks three years since the Government of the Islamic Republic of Iran imprisoned Saeed Abedini, a dual American-Iranian citizen also known as Saeed Abedinialangashi, solely for peacefully exercising his faith in private homes. Though meeting for peaceful religious purposes is a lawful action under Iranian law, the Government of Iran considered Mr. Abedini's peaceful actions to constitute a threat to its national security. Accordingly, the Iranian judiciary sentenced Mr. Abedini to eight years imprisonment. The UN Working Group on Arbitrary Detention has concluded that the Islamic Republic of Iran has violated international law in arresting and continuing to detain Mr. Abedini (opinion attached). A full analysis of the international laws the Islamic Republic of Iran has broken is attached for your information and consideration.

By way of introduction, the American Center for Law and Justice ("ACLJ") represents Naghmeh Abedini, the wife of Mr. Abedini. Our international affiliate, the European Centre for Law & Justice ("ECLJ"), holds Special Consultative Status as an NGO before the United Nations. Both the ACLJ and the ECLJ are not-for-profit organizations dedicated to protecting human rights and religious freedom around the world.

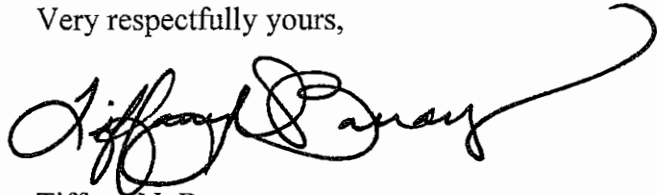
Over the last three years, over 1,133,300 individuals have urged the United Nations and governments around the world to intervene on Mr. Abedini's behalf. We now formally request that your Excellency directly engage with the Islamic Republic of Iran on behalf of Mr. Abedini in your role as Secretary-General. Mr. Abedini is suffering from internal injuries inflicted by agents of the Iranian government, injuries that have gone untreated. Three years of separation from his wife and children is far too long.

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We, therefore, respectfully request that you raise the issue with Iranian authorities and seek Mr. Abedini's immediate release. Mrs. Abedini and I will be in New York City during the meeting of the UN General Assembly and would make ourselves available, should you desire to meet with us personally regarding this matter. We thank you in advance for your efforts on Mr. Abedini's behalf.

Very respectfully yours,

A handwritten signature in black ink, appearing to read 'Tiffany N. Barrans', with a long, sweeping flourish extending to the right.

Tiffany N. Barrans
International Legal Director
American Center for Law & Justice

Attachments

ANALYSIS OF INTERNATIONAL AND NATIONAL VIOLATIONS

We represent Naghmeh Abedini, the wife of Mr. Abedini (also known as Saeed Abedinialangashi). The facts detailed herein have been provided by Mr. Abedini's wife and by his family in Tehran, Iran. In the paragraphs below, we lay out a series of serious violations of international human rights norms by Iran and its agents against Mr. Abedini for exercising his right to practice his Christian faith. In light of the many egregious violations of recognized human rights committed by Iran, the ACLJ and ECLJ respectfully urge you to raise concerns about such human rights abuses at every opportunity and in every appropriate public and private forum, including but not limited to an urgent appeal or communication, to encourage Iran to live up to the solemn commitments it has made to uphold and advance individual human rights.

I. FACTS REGARDING IRAN'S EGREGIOUS VIOLATIONS OF MR. ABEDINI'S HUMAN RIGHTS.

Over the past three years, Mr. Abedini, a Christian with dual United States–Iranian nationality, was: (1) arrested and imprisoned by Iranian Revolutionary Guards; (2) repeatedly beaten in prison while awaiting trial; (3) denied access to proper medical care made necessary by his mistreatment in prison; (4) denied access to his defense attorney until mere hours before being placed on trial; (5) given a sham trial before a judge so notoriously biased and corrupt that he was condemned by name by the European Union for handing down unfair and unduly harsh verdicts; (6) disallowed by the same judge, along with his defense counsel, from attending the second day of his own trial; and (7) sentenced to eight years imprisonment because of his Christian faith and activities.

* * * * *

The conduct of the Islamic Republic of Iran in this matter is especially egregious because it has openly and notoriously violated a whole host of obligations that it has solemnly agreed not only to honor, but to further, in the interest of world peace. Among the many violations the Islamic Republic of Iran has committed are the following.

II. IRAN HAS OPENLY VIOLATED ITS SOLEMN OBLIGATIONS UNDER THE UN CHARTER.

As a Member State of the UN, Iran is obligated to adhere to the international parameters set forth in the Charter of the United Nations. One of the stated purposes listed in the UN Charter is “[t]o achieve international cooperation . . . in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to [*inter alia*] religion”¹. Articles 55 and 56 of the UN Charter further emphasize the significance of respect for human rights and for fundamental freedoms:

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the [UN] shall promote:

¹U.N. Charter art. 1, para. 3 (emphasis added).

...
universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to [inter alia] religion.

...
All Members pledge themselves to take joint and separate action in cooperation with the [UN] for the achievement of the purposes set forth [above]².

The UN Charter also speaks to the obligation of all members of the UN to protect the right to religious freedom. Members of the UN obligate themselves to “*international co-operation . . . in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to . . . religion . . .*”³.

By trying and imprisoning Mr. Abedini because of his religion, Iran has violated its obligations under the UN Charter. As local Iranian prosecutor Mr. Ghenaatkar made clear concerning his arrest, Mr. Abedini was put on trial for exercising his fundamental right to freedom of religion. Specifically, the prosecutor alleged that Mr. Abedini would face charges for converting from Islam to Christianity and for gathering with Christians in private homes. On the second day of Mr. Abedini’s trial, the day Mr. Abedini and his attorney were barred from the court room, Judge Pir-Abassi asked a witness about the witness’s association with Mr. Abedini, the witness’s conversion to Christianity, the current status of the Christian house churches, and how Mr. Abedini funded his travels and the orphanage, a government-approved orphanage that he was working on opening at the time of his arrest. In rendering its guilty verdict, the court relied heavily on the evidence presented regarding Mr. Abedini’s activities to gather Christians in private homes for religious teaching. The court sentenced Mr. Abedini to eight years in prison, in clear violation of Iran’s obligations under the UN Charter, because Mr. Abedini was exercising his fundamental right to freedom of religion.

Iran’s flagrant violations of Mr. Abedini’s fundamental right to freedom of religion, therefore, concern not only Iran, but also every Member State and agency of the UN.

III. IRAN HAS VIOLATED ITS OBLIGATIONS UNDER THE UNIVERSAL DECLARATION OF HUMAN RIGHTS.

Iran has violated its obligations under the Universal Declaration of Human Rights (“UDHR”) by imprisoning Mr. Abedini because of his religion, by not providing him with a fair and public trial, and by subjecting him to torture. The UDHR sets forth clear goals for each nation to pursue that prescribe equality before the law, protect one’s choice and exercise of religion, and proscribe the use of torture.

Article 7 of the UDHR states: “All are equal before the law and are entitled without any discrimination to equal protection of the law”⁴. With respect to religion, Article 2 states: “*Everyone is entitled to all the rights and freedoms set forth in this Declaration, without*

²*Id.* arts. 55–56 (emphasis added).

³*Id.* art. 1(3) (emphasis added).

⁴Universal Declaration of Human Rights, G.A. Res. 217 (III) A, art. 7, U.N. Doc. A/RES/60/1 (10 Dec. 1948); *see also id.*, art. 3 (“Everyone has the right to life, liberty and security of person”).

distinction of any kind, such as [*inter alia*] religion . . .”⁵. Article 18 expounds on the right to religious freedom: “Everyone has the right to freedom of thought, conscience and religion; this right includes *freedom to change his religion or belief*, and freedom, either alone or in community with others *and in public or private, to manifest his religion or belief in teaching, practice, worship and observance*”⁶.

As local Iranian prosecutor Mr. Ghenaatkar made clear concerning his arrest that Mr. Abedini went to trial and was sentenced to prison because of his religious beliefs. By detaining and imprisoning Mr. Abedini because of his Christian faith, Iran openly disregarded its obligations to further the principles clearly set forth in the UDHR.

Consistent with its recognition under Article 7 that every person is equal under the law⁷, the UDHR sets forth provisions so that there is no doubt what equality under the law means. For example, Article 10 states: “Everyone is entitled in full equality to a *fair and public hearing* by an *independent and impartial tribunal*, in the determination of his rights and obligations and of any criminal charge against him”⁸. Likewise, Article 11 provides that “[e]veryone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a *public trial* at which he has had *all the guarantees necessary for his defence*”⁹.

Iran has not even remotely lived up to its obligations under the UDHR to provide Mr. Abedini with a fair and public trial. Iran prevented Mr. Abedini from meeting with his attorney until mere hours before his trial was to begin. As such, Iran denied him the time necessary to prepare an adequate defense. Iran further denied Mr. Abedini his right to a public trial, by excluding Mr. Abedini and his attorney from the entire second day of his trial. By preventing Mr. Abedini from hearing and challenging evidence presented against him, Iran denied his right to a fair trial and belied the presumption of innocence to which Mr. Abedini is entitled. Finally, Judge Pir-Abassi, who presided over Mr. Abedini’s case, not only failed to qualify as impartial but was such a notorious human rights violator that he has been sanctioned by name by the European Union¹⁰. Judge Pir-Abassi’s lack of impartiality became evident not just from his infamous reputation in prior cases but also in Mr. Abedini’s trial when the judge used his position on the bench and those working for him to intimidate those who were assisting Mr. Abedini and his family.

Finally, the UDHR bans any use of torture: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”¹¹. Nonetheless, Iranian officials brutally

⁵*Id.* art. 2 (emphasis added).

⁶*Id.* art. 18 (emphasis added); *see also id.* art. 19 (“Everyone has the right to freedom of opinion and expression . . .”, which includes freedom of religious expression); *id.* art. 20(1) (“Everyone has the right to freedom of peaceful assembly and association”, which includes freedoms of religious assembly and association); *id.* art. 26(2) (“Education shall . . . promote understanding, tolerance and friendship among all nations, racial or *religious groups*, and shall further the activities of the United Nations for the maintenance of peace”. (emphasis added)).

⁷*Id.* art. 7.

⁸*Id.* art. 10 (emphasis added).

⁹*Id.* art. 11(1).

¹⁰2011 O.J. (L 100/1) 359, available at <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:100:0001:0011:EN:PDF>.

¹¹Universal Declaration of Human Rights, *supra* note 4, art. 5.

interrogated Mr. Abedini, at times beating and subjecting him to inhuman treatment during his detention as well as denying him medical care for the resulting injuries. For weeks, Mr. Abedini was kept in solitary confinement, only let out of his small cell to be subjected to abusive interrogations. As a result of these beatings, Mr. Abedini is suffering from internal injuries, which Iran's doctors have diagnosed as requiring surgical attention – attention that to date has been withheld. In addition to being beaten, Mr. Abedini was threatened with death. These actions demonstrate Iran's clear disregard of its obligations under the UDHR to protect the dignity of human life.

IV. IRAN HAS VIOLATED ITS OBLIGATIONS UNDER THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS.

Iran has violated numerous obligations under the International Covenant on Civil and Political Rights ("ICCPR"). The violations committed by Iran exhibit a disregard for the fundamental procedural and substantive rights guaranteed by the ICCPR. Even more, these violations have occurred at every phase of criminal procedure, from arbitrary pre-trial detention to brutal interrogations to a binding decision handed down by a biased judge, internationally known for human rights abuses. Substantive violations include infringements on Mr. Abedini's rights of free expression, freedom of religion, freedom of peaceful assembly, and freedom from inhuman treatment and torture.

The ICCPR requires that "[e]veryone ha[ve] the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention"¹². The ICCPR also identifies a number of procedural rights given to the accused, including the right "[t]o have adequate time and facilities for the preparation of his defence . . . [and] [t]o be tried in [the accused's] presence"¹³. Most importantly, the ICCPR guarantees that

[a]ll persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be *entitled to a fair and public hearing* by a competent, *independent and impartial tribunal* established by law. . . . Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law¹⁴.

By failing to provide Mr. Abedini with his fundamental procedural rights, Iran violated explicit treaty obligations under the ICCPR. Mr. Abedini was unable to meet with his attorney until only hours before the trial began, and Mr. Abedini and his attorney were excluded from the entire second day of his two-day trial. These violations prevented Mr. Abedini from being able to properly formulate a defense. Further, Judge Pir-Abassi, who presided over Mr.'s case, not only fails to qualify as impartial, but is a notorious human rights violator who has been sanctioned by the European Union. As further proof of improper treatment directed against Mr. Abedini, Mr.

¹²International Covenant on Civil and Political Rights art. 2, 16 Dec. 1966, 999 U.N.T.S. 171.

¹³*Id.* art. 14.

¹⁴*Id.* (emphasis added); *see also id.* art. 26 ("All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as . . . religion").

Sattari, a court administrator in Branch 26 of the Revolutionary Courts, intimidated and threatened those attempting to assist Mr. Abedini with his procurement of bail. As a result, the trial of Mr. Abedini fell far short of satisfying the fundamental procedural rights required by the ICCPR.

The ICCPR also provides that “[e]veryone shall have the right to hold opinions without interference”, and “[e]veryone shall have the right to freedom of expression; *this right shall include freedom to seek, receive and impart information and ideas of all kinds*”¹⁵. Such rights necessarily apply to religion, as evidenced by Article 18, which states:

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 others¹⁶.

Moreover, the ICCPR requires States to provide *special* protection to religious minorities: “In those States in which ethnic, *religious* or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, *to profess and practice their own religion*, or to use their own language”¹⁷. Because Christianity is a minority religion in Iran, Mr. Abedini is deserving of such special protection.

By denying Mr. Abedini his right to equal treatment under the law and his right to peacefully express his religious beliefs, Iran has openly violated its obligations under the ICCPR. For his involvement in establishing a non-sectarian orphanage and encouraging the development of Christian house churches, Iran has improperly deprived Mr. Abedini of his liberty and subjected him to inhuman treatment. Not only has Iran disregarded its obligations to respect freedom of expression and religion, Iran has targeted Mr. Abedini precisely for his religious expression in violation of the special protections provided to religious minorities in Article 27 of the ICCPR.

Finally, the ICCPR proscribes “torture[,] . . . cruel, inhuman, or degrading treatment or punishment”¹⁸. Yet, Iran has blatantly violated Mr.’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.

¹⁵*Id.* art. 19 (emphasis added).

¹⁶*Id.* art. 18 (emphasis added); *see also id.* art. 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”).

¹⁷*Id.* art. 27 (emphasis added).

¹⁸*Id.*

V. IRAN HAS FAILED TO ABIDE BY THE TERMS OF ITS OWN CONSTITUTION.

The Iranian Constitution explicitly establishes the duty to ensure that resources are directed to “securing the multifarious rights of *all* citizens . . . providing legal protection for all, as well as equality before the law”¹⁹. Many of the rights provided by the Iranian Constitution are of a procedural nature. Two of the most fundamental procedural rights are as follows. First, Article 32 states: “No person may be arrested except according to and in the manner laid down in the law. If someone is detained, the subject matter of the charge, with reasons (for bringing it), must *immediately* be communicated and explained in writing to the accused”²⁰. Second, Article 165 states that, “[t]rials are to be held openly and members of the public may attend without any restriction”, absent a judicial determination that an open trial would harm “public morality or discipline”²¹.

Mr. Abedini’s trial violated both of the constitutional prescriptions identified above. First, precise charges were never communicated to Mr. Abedini. The Iranian Revolutionary Guard Corps (“IRGC”) simply came and took Mr. Abedini into custody asserting generally that he was to face criminal charges for his “Christian activities”. Subsequently, the IRGC released Mr. Abedini on house arrest and instructed him to wait for a court summons. That summons never came. Instead, on 26 September 2012, five members of the IRGC raided Mr. Abedini’s parents’ home, confiscated many of his belongings, and took him to an unknown location. Second, not only was Mr. Abedini’s trial not public, but Mr. Abedini and his attorney were barred from attending the proceedings on the second day of his two-day trial.

Iran also has committed itself to protecting basic human rights²². The Iranian Constitution provides that “[a]ll people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights”²³. The Iranian Constitution states that “the *dignity, life, property, rights, residence, and occupation* of the individual are inviolate, except in cases sanctioned by law”²⁴. In furtherance of these guarantees, the Iranian Constitution provides unique protections for religious minorities, specifically identifying Christians as deserving of special protection: “Zoroastrian, Jewish, and *Christian* Iranians are the only recognized religious minorities, who, within the limits of the law, are *free to perform their religious rites and ceremonies*, and to act according to their own canon in matters of personal affairs and religious education”²⁵.

¹⁹QANUNI ASSASSI JUMHURII ISLAMAI IRAN [THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN] 1980, art. 3 (emphasis added).

²⁰*Id.* art. 32 (emphasis added); *see also id.* art. 32 (“Innocence is the basic principle. No person is considered legally guilty, except in cases where his guilt is established in a competent court”).

²¹*Id.* art. 165.

²²*See id.* arts. 19, 22.

²³*Id.* art. 19.

²⁴*Id.* art. 22 (emphasis added).

²⁵*Id.* art. 13 (emphasis added); *see also id.* art. 26 (“Political parties, societies, political and craft associations, and Islamic or *recognized minority religious associations may be freely brought into being*, provided that no violation is involved of the principles of independence, freedom, national unity, Islamic standards, and the foundations of the Islamic Republic”) (emphasis added); *id.* art. 14 (“[G]overnment of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights”).

In addition, the Iranian Constitution prohibits the government from punishing an individual for simply holding a certain religious belief, stating that “[t]he investigation of individuals’ beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief”²⁶. Moreover, Article 38 states: “Any kind of torture used to extract an *admission* of guilt or to obtain information is *forbidden*. Compelling people to give evidence, or confess or take an oath is not allowed. Such evidence or confession or oath is *null and void*”²⁷.

The very foundation of Mr. Abedini’s detention and conviction was based on fundamental violations of the Iranian Constitution. Mr. Abedini was subjected to interrogations, which included severe beatings interspersed with solitary confinement and death threats. Exacerbating these violations is the fact that Mr. Abedini was denied medical treatment for the injuries he suffered during interrogations. Further, the authorities in Iran repeatedly and unjustly denied bail. As a result of the foregoing violations, the “trial” of Mr. Abedini contravened the prescriptions of the Iranian Constitution.

Furthermore, Iran denied Mr. Abedini his right to equal treatment under the law regardless of his beliefs and his right to peacefully express those beliefs. For example, Mr. Abedini violated no law by visiting family or conducting activities to organize an orphanage while in Iran. Rather, Iran acted in direct contravention to its constitutional protections when it arrested and convicted Mr. Abedini on national security charges allegedly stemming from his work with house churches. Thus, by discriminating against Mr. Abedini for his Christian beliefs, Iran violated its constitutional provisions that guarantee freedom of expression and equal protection under the law.

CONCLUSION

In light of the clear human rights violations committed by Iranian officials, the ACLJ and ECLJ strongly urge you and appropriate members of your office to directly engage with Iranian officials on Mr. Abedini’s behalf. We further urge you to call for the immediate release of Mr. Abedini and for his immediate repatriation to the United States where he can be reunited with his wife and two minor children.

No one benefits, and the whole world suffers, when any nation openly and notoriously violates solemn obligations it agreed to abide by when it entered into various treaties and conventions that seek to further a more humane and just world. There is no doubt that no one has benefited from Iran’s treatment of Mr. Abedini in violation of its clear obligations under both international *and* national law. We appreciate your kind consideration to these requests.

²⁶*Id.* art. 23.

²⁷*Id.* art. 38 (emphasis added).



Human Rights Council
Working Group on Arbitrary Detention**Opinions adopted by the Working Group on Arbitrary
Detention at its sixty-seventh session, 26–30 August 2013****No. 18/2013 (Islamic Republic of Iran)****Communication addressed to the Government on 21 June 2013****Concerning Saeed Abedinialangashi**

The Government has not replied to the communication.

The State is a party to the International Covenant on Civil and Political Rights.

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the former Commission on Human Rights, which extended and clarified the Working Group's mandate in its resolution 1997/50. The Human Rights Council assumed the mandate in its decision 2006/102 and extended it for a three-year period in its resolution 15/18 of 30 September 2010. In accordance with its methods of work (A/HRC/16/47, annex, and Corr.1), the Working Group transmitted the above-mentioned communication to the Government.

2. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to the detainee) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

(d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law for reasons of discrimination based on birth; national, ethnic or social origin; language; religion; economic condition; political or other opinion; gender; sexual orientation; or disability or other status, and which aims towards or can result in ignoring the equality of human rights (category V).

Submissions

Communication from the source

3. Mr. Saeed Abedinialangashi (hereinafter Mr. Abedini), 33 years of age, a dual national of Iran and United States of America (U.S.A), is a Christian pastor with residence in Boise, Idaho, U.S.A.

4. On 28 July 2012 during a visit to Tehran to visit family and to finalise arrangements for an orphanage he was building in Rasht, Iran, Mr. Abedini was taken off a bus at the border between Turkey and Iran as he was lawfully entering the country. The bus was stopped by individuals who reportedly identified themselves as members of the Iranian Revolutionary Guard Corps. The source reports that the Revolutionary Guard Corps detained Mr. Abedini, informing him that he must face criminal charges because of his Christian faith. After intense interrogations, Mr. Abedini was placed under house arrest at his parents' home in Tehran. He was told to wait for a court summons.

5. On 26 September 2012, Mr. Abedini received a summons informing him where to make an appearance. Five members of the Revolutionary Guard Corps reportedly raided his parents' home in Tehran and confiscated many of his belongings. They informed Mr. Abedini to pack a bag and then proceeded to take him to an unknown location. After four days without information on his whereabouts, the Revolutionary Guard Corps informed Mr. Abedini's family that he was held in solitary confinement in Evin Prison.

6. Reportedly, no arrest warrant was shown to Mr. Abedini when he was arrested on 28 July 2012. During the 26 September 2012 arrest, a warrant was shown but the arresting authorities refused to provide Mr. Abedini's family with a copy. The family was not given enough time to inspect the warrant to ascertain who the issuing authority was.

7. Regarding the reasons for the arrest, Mr. Abedini was informed that he had attempted to undermine the national security of the country (known as "eghdam alayhe amniate meli" in Farsi) by holding Christian worship services in private homes. The authorities also stated that by expressing his faith (including sharing his faith with others in a non-coercive manner), baptising fellow Christian believers and holding religious meetings outside of Iran, Mr. Abedini attempted to undermine national security. Mr. Abedini was sentenced to eight years in prison under the oversight of the Organization of Iranian Prisons.

8. The source reports that Mr. Abedini's initial arrest without a warrant was solely for the exercise of his fundamental freedoms. Additionally, he was denied access to his lawyer until less than 24 hours before his trial. He finally appeared before a judge on 21 January 2013 to present his defence. Mr. Abedini and his lawyer argued that his intention in gathering with Christian believers was motivated solely by his faith and that he had no intention to undermine the Government. The judge presiding in court allegedly requested Mr. Abedini's lawyer to go to the media and inform them that the trial was conducted fairly and that Mr. Abedini would be released on bail soon. Mr. Abedini's family however repeatedly sought bail and their requests were never granted.

9. During the week of his trial, Mr. Abedini was transferred from Ward 209 to Section 3 of Ward 350 at the request of his lawyer. Mr. Abedini had been denied medical treatment in Ward 209 relating to infections that allegedly resulted from several beatings. The ward doctor and nurse allegedly refused to treat him because as a Christian he was considered "unclean and an infidel." Mr. Abedini's family in Tehran was allowed to visit him on Mondays but he was not permitted to make telephone calls which prevented him from being able to contact his wife and two young children in the U.S.A.

10. On the second day of Mr. Abedini's trial, he and his lawyer were reportedly barred from the courtroom while the witnesses including acquaintances and lay ministers (religious leaders) were questioned. One witness was reportedly asked about his association with Mr. Abedini, the current status of the Christian churches, the individual's conversion to Christianity and how Mr. Abedini funded his travels and the orphanage that he was building.

11. On 27 January 2013, one week after Mr. Abedini had presented his defence he was convicted and sentenced. The court relied strongly on his activities with the Christian house churches between 2000 and 2005. A written verdict was reportedly not issued and Mr. Abedini's lawyer was told that he had 20 days to appeal the verdict.

12. On 4 February 2013, Mr. Abedini's lawyer filed an appeal against his conviction and sentence. In early April 2013, Mr. Abedini's appeal was sent to Branch 36 of the Revolutionary Courts. According to the source, of the two appeal branches to which Mr. Abedini's case could have been sent (notably Branch 36 and Branch 54), Branch 36 signified that the authorities were allegedly not willing to give the case an impartial review. The source alleges that judges of Branch 36 are known to rubber stamp decisions and follow directions given by higher authorities. On Sunday, 7 April 2013, Mr. Abedini's lawyer again attempted to get him released on bail but his efforts were denied.

13. The source raises concerns regarding Mr. Abedini's welfare and security. Reportedly, he has been beaten and threatened due to his Christian faith. In a letter written by Mr. Abedini on 10 January 2013, he stated that he had been told that he will be hanged for his faith in Jesus. He also informed of various death threats that he has received from his prison cell mates who have allegedly threatened to kill him during his sleep.

14. In late February 2013, it became known that Mr. Abedini was suffering from internal bleeding, an injury that resulted from physical beatings he reportedly endured during his interrogations. Mr. Abedini was said to have been examined by doctors in early March 2013 where it was determined that his injuries warranted immediate medical attention and that he needed to be transferred to a hospital outside the prison for treatment. According to the source, the authorities ignored this medical urgency for over a month.

15. The source reports that in an attempt to appease international pressure relating to Mr. Abedini's case, prison officials took him to a private hospital in Tehran on 8 April 2013. Before doing so however, several guards forced Mr. Abedini to change his prison uniform and to put on a uniform that was normally issued to prisoners convicted of murder. When Mr. Abedini resisted, the prison guards reportedly physically abused him, beating him and kicking him in the stomach and exacerbating the internal bleeding he suffered. They stripped Mr. Abedini down and forced him to wear the offending uniform. When Mr. Abedini arrived at the hospital, he was reportedly paraded around the place and was not admitted or treated because according to the guards, no doctors or staff were present. Mr. Abedini was then returned to prison without being given the medical treatment he required.

16. Mr. Abedini was allegedly recently placed in solitary confinement for 10 days. Before being taken to solitary confinement, he complained of pain in his kidneys. He and several other prisoners in Ward 350 wrote a letter to prison officials in peaceful protest of their lack of access to medical care. In response to this letter, the Iranian officials reportedly

chose 10 prisoners to place under solitary confinement, Mr. Abedini being one of them. Although Mr. Abedini was returned to the general population in prison, he is still being denied necessary lifesaving medical treatment.

17. In light of the alleged human rights violations suffered by Mr. Abedini, the source submits that the Iranian Constitution provides protection for religious minorities and that it also prohibits the Government from punishing an individual for simply holding a certain religious belief stating that “[t]he investigation of individuals beliefs is forbidden and no one may be molested or taken to task simply for holding a certain belief. Moreover, article 38 states: “Any kind of torture used to extract an admission of guilt or to obtain information is forbidden. Compelling people to give evidence, or confess or take an oath is not allowed. Such evidence or confession or oath is null and void.”

18. The source further points out the following:

“The ICCPR requires that “everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.” The ICCPR also identifies a number of procedural rights given to the accused, including the right “to have adequate time and facilities for the preparation of his defence...and to be tried in the [accused’s] presence.” Most importantly, the ICCPR guarantees that... “all persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law...Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law” (articles 9 and 14 of the ICCPR).

19. The source submits that the ICCPR also provides that everyone shall have the right to hold opinions without interference and that everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds. Such rights necessarily apply to religion as provided for by article 18 of the ICCPR. Moreover, the ICCPR requires States to provide special protection to religious minorities. In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

20. According to the source, because Christianity is a minority religion in Iran, Mr. Abedini deserves to be protected in accordance with the stipulations in the Iranian Constitution and the ICCPR. By denying him his right to equal treatment under the law and his right to peacefully express his religious beliefs, the authorities have explicitly violated their obligations under the ICCPR. Furthermore, due to his involvement in establishing an orphanage and encouraging the development of Christian house churches in the country, the authorities have arbitrarily deprived Mr. Abedini of his liberty and subjected him to inhuman treatment. The source submits that Mr. Abedini has been specifically targeted precisely for his religious expression which is a violation of the special protections provided to religious minorities in article 27 of the ICCPR.

21. The source submits that the violations suffered by Mr. Abedini such as being unable to meet with his attorney until only hours before the trial began and their exclusion from the entire second day of his trial, have prevented Mr. Abedini from effectively formulating his legal defence. The source also informs that a court administrator in the revolutionary courts intimidated and threatened those who attempted to assist Mr. Abedini with procuring bail. The source stresses that the existing problems with Mr. Abedini’s trial fall short of satisfying the fundamental procedural rights set out under the ICCPR. Furthermore, human rights violations have occurred at every phase of the criminal procedure: from arbitrary pre-

trial detention, to the use of severe and abusive interrogations to a binding court decision issued by a judge who the source alleges to be biased. The source points to these substantive violations specifically highlighting the infringements on Mr. Abedini's rights to freedom of expression, freedom of religion, freedom of peaceful assembly and freedom from inhuman treatment and torture.

Response from the Government

22. The Working Group regrets that the Government has not responded to the allegations transmitted by the Group on 21 June 2013.

23. Despite the absence of any information from the Government, the Working Group considers that it is in the position to render its Opinion on the detention of Mr. Abedini in conformity with paragraph 16 of its Methods of Work.

Discussion

24. The Working Group recalls that United Nations experts on Iran and freedom of religion expressed concern over the situation of religious minorities, including Christians, in Iran.¹ It was stressed by the Special Rapporteur on Iran that the arrest and prosecution of individuals for religious affiliation runs counter to the protection of minority religions in Iran's Constitution and constitutes a violation of Iran's obligations under the International Covenant, in particular to respect freedom of religion and belief and freedom of expression and association.² The experts reiterated that no individual should be arrested for peacefully exercising the rights to freedom of religion and belief, expression and association. According to the Special Rapporteur on freedom of religion, Iran should ensure that the right of Christians, as a group, to freedom of religion is granted in practice.³

25. The Human Rights Committee in its General Comment No. 22 emphasised that the right to freedom of thought, conscience and religion (which includes the freedom to hold beliefs) in article 18.1 of the ICCPR is far-reaching and profound; it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others.⁴

26. In another case concerning Iran, the Working Group stressed that the detention of persons solely because of the practice of their religious faith is a violation of the freedom of religion which is a fundamental right recognized both in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).⁵

27. The Working Group considers that in the case under consideration Mr. Abedini has been deprived of his liberty for peacefully exercising the rights to freedom of religion, belief, and association, as guaranteed under article 19 of the UDHR, and articles 18(1) and 19(2) of the ICCPR. Thus, the deprivation of liberty of Mr. Abedini falls within category II of the categories applicable to the consideration of cases submitted to the Working Group.

¹ See "UN experts on Iran and freedom of religion concerned over situation of religious minorities in the country", Geneva, 20 September 2012, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12551&LangID=E>

² Ibid.

³ Ibid.

⁴ General Comment No. 22: The right to freedom of thought, conscience and religion (Art. 18), CCPR/C/21/Rev.1/Add.4, 30 July 1993, para. 1.

⁵ Opinion No. 39/2008 (Islamic Republic of Iran), para. 17.

28. The Working Group also considers that in this case Mr. Abedini has been deprived of his liberty for being a practicing Christian for reasons of discrimination based on religion, in violation of articles 2 and 7 of the UDHR, as well as articles 18 and 26 of the ICCPR. Thus the deprivation of liberty of Mr. Abedini falls within category V of the categories applicable to the consideration of cases submitted to the Working Group.

29. The Government also choose not to rebut the allegations of the violation of Mr. Abedini's right to a fair trial as guaranteed under article 14 of the ICCPR and article 10 of the UDHR.

30. Such allegations include that in violation of article 14.3 (b) of the ICCPR, which guarantees the right of the accused to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing, Mr. Abedini was denied access to his lawyer until less than 24 hours before the commencement of the trial.

31. Furthermore, in violation of article 14.3 (d) and (e) of the ICCPR, on the second day of the trial, he and his lawyer were barred from the courtroom while the witnesses including acquaintances and lay ministers (religious leaders) testified.

32. The Working Group considers that the non-observance of the international norms relating to the right to a fair trial in this case, namely article 10 of the UDHR and article 14(3) (b), (d) and (e) of the ICCPR, is of such gravity as to give the deprivation of liberty of Mr. Abedini an arbitrary character. Thus the deprivation of liberty of Mr. Abedini falls within category III of the categories applicable to the consideration of cases submitted to the Working Group.

Disposition

33. In the light of the preceding, the Working Group on Arbitrary Detention renders the following opinion:

The deprivation of liberty of Mr. Abedini has been arbitrary, being in contravention of articles 2, 7, 10, and 19 of the UDHR, and articles 14(3), 18(1), 19(2), and 26 of the ICCPR; it falls within categories II, III, and V of the categories applicable to the consideration of the cases submitted to the Working Group.

34. Consequent upon the opinion rendered, the Working Group requests the Government to take the necessary steps to remedy the situation of Mr. Abedini and bring it into conformity with the standards and principles set forth in the UDHR and the ICCPR.

35. The Working Group believes that, taking into account all the circumstances of the case, the adequate remedy would be to release Mr. Abedini and accord him an enforceable right to compensation in accordance with article 9.5 of the ICCPR.

36. In accordance with article 33(a) of its Revised Methods of Work, the Working Group considers it appropriate to refer the allegations of torture to the Special Rapporteur on torture for appropriate action.

[Adopted on 26 August 2013]