



UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

Testimony of Leonard Leo, Chair
U.S. Commission on International Religious Freedom

Before the Tom Lantos Human Rights Commission

Hearing on
“The Current Status of Human Rights and Religious Freedom in Iran”

February 25, 2010

On behalf of the U.S. Commission on International Religious Freedom (USCIRF), I thank the Tom Lantos Human Rights Commission for inviting me to brief you on the situation of freedom of thought, conscience, and religion or belief in Iran and our recommendations for U.S. policy. I respectfully request that my written comments be submitted into the congressional record.

Since its inception, USCIRF has recommended that Iran be named a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom. The State Department designated Iran a CPC the first time it named countries under the International Religious Freedom Act of 1998 (IRFA) in 1999 and has done so every year since. USCIRF again recommends this year that Iran be designated a CPC.

Over the past few years, and especially after the contested June 2009 presidential election, the Iranian government has imposed harsh prison sentences on prominent reformers from the Shi’a majority community, many of whom have been tried on criminal charges of “insulting Islam,” criticizing the Islamic Republic, and publishing materials that allegedly deviate from Islamic standards. USCIRF has long been on record opposing the application of these kinds of blasphemy and other similar laws. Furthermore, the UN Special Rapporteur on the Right to Freedom of Opinion and Expression has said that such charges brought by Iranian courts “lack any objective criteria” and are open to “subjective and arbitrary interpretation by judges implementing them.”

This systematic repression extends to religious minorities, particularly Baha’is, as well as Christians and Sufi Muslims, all of whom have suffered intensified physical attacks, harassment, detention, arrests, and imprisonment. Heightened anti-Semitism and repeated Holocaust denial threats and activities by senior government officials have increased fear among Iran’s Jewish community. Members of those minority groups that are formally recognized – Zoroastrians, Christians, and Jews – also face legal and other forms of discrimination.

Just last week at the Universal Periodic Review (UPR) of Iran at the UN Human Rights Council in Geneva, Iran’s abysmal human rights and religious freedom record went on display, and expectedly, the Iranian government response was defiant toward any recommendations made by Western governments aimed at improving conditions in the country.

The Islamic Republic’s Treatment of Majority and Minority Muslims

The Constitution of the Islamic Republic of Iran proclaims Islam, specifically the doctrine of the Twelver (Shi’a) Jaafari School, to be the official religion of the country. It stipulates that all laws and regulations, including the Constitution itself, be based on Islamic criteria. The head of state, Ayatollah Ali Khamenei, is the Supreme Leader of the Islamic Revolution and has direct control over the armed forces, the internal security forces, and the judiciary.

In recent weeks, the Iranian government has started convicting and executing reformers and peaceful protestors on the charge of waging war against God (*moharebeh*). At least ten others have been charged, convicted, and sentenced to death for *moharebeh*. The Iranian government’s use of religious crimes to crack down on peaceful dissidents who disagree with the government’s interpretation and application of Islamic law is intolerable and should receive the strongest

possible rebuke from the international community. The Iranian government has been repressing its citizens on the basis of religious identity for years, but in recent months it has been increasingly manipulating the reach of its religious laws to silence, and in some cases put to death, Shi'a Muslims simply for exercising their internationally protected rights of freedom of expression and freedom of thought, conscience, religion, or belief.

A number of senior Shi'a religious leaders who have opposed various religious and political tenets and practices of the Iranian government also have been targets of state repression, including house arrest, detention without charge, trial without due process, torture, and other forms of ill treatment. In December 2009, Grand Ayatollah Hussein-Ali Montazeri, once the designated successor to Ayatollah Ruhollah Khomeini, died after years of imprisonment, harassment, and house arrest because he was a strong critic of clerical rule in Iran. In 2006, Ayatollah Mohammad Kazemini Boroujerdi, a senior Shi'a cleric who advocates the separation of religion and state was arrested and imprisoned. He and 17 of his followers were initially sentenced to death, but the death sentences were later withdrawn. He is serving an 11 year prison term and is reportedly in poor health. Some of his supporters have claimed that Ayatollah Boroujerdi has suffered physical abuse while in prison.

Muslim minorities also continue to face repression. Some Iranian Sunni leaders have reported widespread abuses and restrictions on their religious practice, including detentions and torture of Sunni clerics, as well as bans on Sunni teachings in public schools and Sunni religious literature, even in predominantly Sunni areas. Sunni Muslim leaders are regularly intimidated and harassed by intelligence and security services and report widespread official discrimination. The Sunni community still has been unable to build a mosque in Tehran. There also have been allegations that the Iranian government discriminates against the Sunni community in government employment, particularly leadership positions in the executive and judicial branches.

Sufi Muslims face growing government repression of their communities and religious practices, including increased harassment and intimidation of prominent Sufi leaders by the intelligence and security services, and many Shi'a clerics and prayer leaders have denounced Sufism and Sufi activities in both sermons and public statements. Government restrictions on Sufi groups and houses of worship (*husseiniya*) have become more pronounced. In February 2009, at least 40 Sufi Muslims in Isfahan were arrested after protesting the destruction of a Sufi place of worship; all were released within days. In December 2008, after the closure of a Sufi place of worship, authorities arrested without charge at least six members of the Gonabadi Dervishes on Kish Island and confiscated their books and computer equipment. Their status today is unknown. Furthermore, there have been reports over the past few years that the government is considering an outright ban on Sufism.

The government's monopoly on, and enforcement of, the official interpretation of Islam negatively affect the human rights of women in Iran, including their right to freedoms of movement, association, and thought, conscience, and religion, as well as freedom from coercion in matters of religion or belief. The Iranian justice system does not grant women the same legal status as men. For example, testimony by a man is equivalent to the testimony of two women. Provisions of both the Civil and Penal Codes, in particular those sections dealing with family and property law, discriminate against women. Over the past few years, several women's rights activists have been arrested by authorities and some remain in prison for their involvement in

collecting signatures for the Campaign for Equality aimed at ending discrimination against women in the application of Islamic law in Iran.

Non-Muslims Religious Minorities

The constitution of Iran formally recognizes Christians, Jews, and Zoroastrians as protected religious minorities who may worship freely and have autonomy over their own matters of personal status. Nevertheless, the primacy of Islam and Islamic laws and institutions adversely affects the rights and status of non-Muslims. Members of these groups are subject to legal and other forms of discrimination, particularly in education, government jobs and services, and the armed services. In 2004, the Expediency Council, an advisory body appointed by the Supreme Leader, authorized collection of equal blood money for the death of Muslim and non-Muslim men, but Baha'is, Sabean Mandaean men, and all women remain excluded from the revised ruling. According to Iranian law, Baha'i blood is *mobah*, which means members of the Baha'i faith can be killed with impunity.

Since 2005, the Iranian government has intensified its campaign against non-Muslim religious minorities. A consistent stream of virulent and inflammatory statements by political and religious leaders and an increase in harassment and imprisonment of, and physical attacks against, these groups indicate a renewal of the kind of oppression seen in the years immediately following the Iranian Revolution in the late 1970s. In December 2009, the UN General Assembly adopted a resolution condemning the Iranian government's poor human rights record, including its continued abuses targeting religious minorities and the escalation and increasing frequency of violations against members of the Baha'i faith. In early 2008, the Iranian parliament began considering a new law that would impose serious punishments, including the death penalty, on converts from Islam. Although the Iranian government in the past has applied the death penalty for apostasy under Islamic law, it has not been explicitly codified. If the proposed law is passed, it would further endanger the lives of all converts from Islam, particularly members of the Baha'i faith, who are already considered apostates, even if they are fourth- or fifth-generation Baha'i adherents.

The Baha'i community, the largest non-Muslim religious minority numbering at least 300,000, has long been subject to particularly severe religious freedom violations in Iran. Iranian authorities view Baha'is as "heretics" and they may face repression on the grounds of apostasy. Since 1979, Iranian government authorities have executed more than 200 Baha'i leaders in Iran, and more than 10,000 have been dismissed from government and university jobs. In recent months, Baha'is in Iran have faced harsh treatment, including increasing numbers of arrests, detentions and violent attacks on private homes and personal property. Baha'i property has been confiscated or destroyed and dozens of Baha'is have been harassed, interrogated, detained, imprisoned, or physically attacked.

In March and May 2008, seven Baha'i leaders – Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naemi, Saeid Rezaie, Mahvash Sabet, Behrouz Tavakkoli, and Vahid Tizfahm – were arrested and taken to the notorious Evin prison in Tehran, where they remain today. After numerous postponements, the trial for the five men and two women started last month. They were formally 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. Attorneys for the seven Baha'is, who have had extremely limited access to their clients and files, say that the charges against the seven have no merit and are baseless. It appears that the Iranian government has already predetermined the outcome, and is once again using its courts as an instrument of religious persecution in blatant violation of international human rights law. The trial resumes on April 10.

Nearly 300 Baha'is have been arbitrarily arrested since early 2005 and, at present, at least 60 Baha'is remain in prison on account of their religious identity. The Baha'i International Community reports that 47 Baha'is were arbitrarily arrested between October 2009 and mid-February 2010. Thirteen Baha'is were arrested in early January and 10 of them are still in detention. Another 13 were detained just two weeks ago; 11 of them are still in jail. Dozens are awaiting trial while others have been sentenced to prison terms ranging from 90 days to several years. All of those convicted are in the process of appealing the verdicts. Although the Iranian government maintains publicly that Baha'is are free to attend university, reports over the past year indicate that the policy of preventing Baha'is from obtaining higher education remains in effect. Furthermore, during the past few years, young Baha'i schoolchildren in primary and high schools increasingly have been vilified, pressured to convert to Islam, and in some cases, expelled on account of their religion.

Christians, particularly Evangelical and other Protestants, in Iran continue to be subject to harassment, arrests, close surveillance, and imprisonment; many are reported to have fled the country. Over the past few months, there have been several incidents of Iranian authorities raiding church services, detaining worshippers and church leaders, and harassing and threatening church members. Last month, in the southwestern city of Shiraz, seven Christians were detained, and, according to the Farsi Christian News Network, most face charges of apostasy. In late December, at least 15 Christians were arrested in Tehran; 12 have since been released while three Christians – Maryam Jalili, Mitra Zahmati and Farzan Matin – remain in detention without access to legal counsel. Between June and August 2009, there were at least 30 cases of Christians arrested and detained across the country, mostly during church gatherings. Many were held for days and weeks, and all were released by September. In March 2009, two women, Marzieh Esmaeilabad and Maryam Rustampoor, were arrested for practicing Christianity after authorities raided and confiscated materials from their home. Iranian officials reportedly claimed the two women were engaging in “anti government” activities, although the charges were never substantiated. After more than eight months in prison, the two women were released in November, although they could still face charges of proselytizing and/or apostasy.

During the past year, the tiny Sabean-Mandaean religious community reportedly faced harassment and repression by authorities similar to that faced by other religious minorities. There were reports that members of the Sabean-Mandaean community experienced societal discrimination and pressure to convert to Islam, and they were often denied access to higher education.

Official policies promoting anti-Semitism are on the rise in Iran, though members of the Jewish community have usually been targeted on the basis of “ties to Israel,” whether real or perceived. Since coming to power, President Ahmadinejad and other top political and clerical leaders have made public remarks denying the existence of the Holocaust, and anti-Semitic tracts have

increased in the government-controlled media. There continues to be an increase in this officially sanctioned, anti-Semitic propaganda, involving official statements, media outlets, publications, and books. In recent years, numerous programs broadcast on state-run television depicted anti-Semitic messages, a prominent newspaper held a Holocaust denial editorial cartoon contest, and the Iranian government sponsored a Holocaust denial conference. According to the State Department, despite minimal restrictions on Jewish religious practice, education of Jewish children has become increasingly difficult in recent years, and distribution of Hebrew religious texts is strongly discouraged.

Conclusions and Recommendations for U.S. Policy

In the eight months since the contested June 2009 elections, we have been reminded how the Iranian government deals with those individuals who dissent or express views that are a perceived threat to the theocratic regime. The facts demonstrate that the Iranian government not only represses its majority Muslim population, but also its Muslim and non-Muslim religious minority communities.

Earlier this month, the United States and the European Union condemned ongoing human rights violations in Iran and called on the Iranian government to fulfill its international human rights obligations. But just last week at the Universal Periodic Review of Iran (UPR) at the UN Human Rights Council, Iran made a mockery of the process by rejecting a number of recommendations from countries urging the Iranian government to comply with its international human rights responsibilities, including those related to freedom of religion or belief. In fact, Iran's head of delegation at the UPR, Secretary General of the High Council for Human Rights of the Judiciary, Mohammad Javad Larijani, and other delegation members claimed that religious minorities in Iran are protected and allowed to engage in religious activity freely without disruption under Iran's constitution. In addition, Mr. Larijani specifically responded to a question about the status of Baha'is in Iran by saying that no Baha'i had ever been prosecuted because of his or her faith, only because of "cult-like activity." It is essential that the U.S. government and international community vigorously refute these fabricated assertions.

In late January, the Senate passed legislation that would impose targeted sanctions on Iran. Along with the sanctions contained in S. 2799, the Senate bill includes Sense of Congress provisions supported by USCIRF that the President should: press the Iranian Government to respect its citizens' human rights and religious freedoms; identify Iranian officials responsible for violating these rights; and respond appropriately, including prohibiting their entry into the U.S. and freezing their assets. The bill also calls for additional funds for the Secretary of State to collect and share information on human rights abuses. Reportedly, during the conference between the Senate bill and the House-passed measure (H.R. 2194) concerns raised by Senator McCain with regard to the need to impose sanctions on human rights violators in Iran would be addressed. USCIRF is hopeful that the issuance of the recent joint U.S.-EU statement, along with a new law, would signal that the U.S. government is moving toward holding Iranian officials to account for the flagrant human rights and religious freedom abuses they have committed.

As a country of particular concern, or CPC, Iran under IRFA can be subjected to economic sanctions, in addition to other punitive measures. Despite being designated a CPC for 10 years, no IRFA-related sanction has been imposed on Iran, with the U.S. government relying merely on

existing sanctions already in place. USCIRF has concluded that the rapidly deteriorating conditions for religious freedom justify specific, additional sanctions under IRFA.

Mr. Chairman, USCIRF urges the Obama Administration first to fulfill the statutory requirement under IRFA Section 402b(2) of identifying Iranian government agencies and officials responsible for particularly severe violations of religious freedom and then take the following “commensurate actions” under IRFA Section 405:

- bar from entry into the United States and freeze the assets of Iranian government officials who have engaged in particularly severe religious freedom violations; and
- work with our European allies also to ban from entry and freeze the assets of Iranian officials who have engaged in particularly severe religious freedom violations.

Such actions would send an unambiguous message to the Iranian government of the need for demonstrable actions that would help end 30 years of repression, and send a strong signal that the United States stands in solidarity with the Iranian people and is deeply concerned about human rights and religious freedom abuses in Iran.

In addition, USCIRF also recommends that the U.S. government should:

- at the highest levels, vigorously speak out publicly about the deteriorating conditions for freedom of thought, conscience, and religion or belief in Iran, and draw attention to the need for the international community to hold authorities accountable in specific cases where severe violations have occurred;
- work within its current overall policy framework, including with the P5+1 (the United States, Britain, France, Russia, China + Germany), to ensure that violations of freedom of religion and belief, and related human rights, are part of all formal and informal multilateral or bilateral discussions with representatives of the Iranian government, including:
 - ensuring that the revised amendment to the Penal Code, which would codify the death penalty for apostasy, is rescinded;
 - permitting Baha’is to practice their faith, rescinding any existing laws that permit members of the Baha’i faith to be killed with impunity, and allowing full access for Baha’is to study in public universities without discrimination;
 - releasing from prison the seven Baha’i leaders and other Baha’is and Christians in prison on account of their religion or belief as well as dropping all charges against those Baha’is and Christian converts who have cases pending;
 - releasing from prison Ayatollah Boroujerdi and other dissident Muslims, including any Sufi Muslims in prison on account of their religion or belief;

--halting state-sponsored acts of anti-Semitism, and, while vigorously protecting freedom of expression, counteract anti-Semitic rhetoric and other organized anti-Semitic activities by the President and other high-level government officials; and

--releasing from prison all women's rights activists who advocate for ending discrimination against women in the application of Islamic law in Iran

- continue to support an annual UN General Assembly resolution condemning severe violations of human rights, including freedom of religion or belief, in Iran, and call for officials responsible for such violations to be held accountable;
- press for a resolution condemning severe violations of human rights, including freedom of religion or belief, in Iran at the UN Human Rights Council;
- call on the UN Human Rights Council to monitor carefully and demand Iran's compliance with the recommendations of the representatives of those UN special procedures that have already visited Iran, particularly the Special Rapporteur on Freedom of Religion or Belief (1995), the Working Group on Arbitrary Detention (2003), and the Special Rapporteur on Freedom of Opinion and Expression (2003), and restore the position of UN Special Representative on the Islamic Republic of Iran with the task of investigating and reporting on human rights abuses in Iran; and
- encourage the UN Human Rights Council to continue to use its procedures to maintain oversight of conditions for freedom of religion or belief in Iran, including continued visits and reporting by the Special Rapporteur on Freedom of Religion or Belief, and other relevant special rapporteurs and working groups, to which Iran has issued a standing invitation.