

urged that “the ban on the Baha’i organization should be lifted to enable it to organize itself freely through its administrative institutions, which are vital in the absence of a clergy, so that it can engage fully in its religious activities.” See Bureau of Democracy, Human Rights, and Labor, “Iran: International Religious Freedom Report” (Washington, D.C.: U.S. Department of State, 2001, <http://www.state.gov/g/drl/rls/irf/2001/5691.htm>).

This fell on deaf ears in the hardened hearts of the ardent “Islamic” ruling elite. Confronted with the Special Rapporteur’s concerns, Iranian officials declared that the Baha’is “are not a religious minority, but a political organization which was associated with the Shah’s regime, is against the Iranian Revolution and engages in espionage activities.” (Id.)

Given that Baha’is shun partisan politics like the plague, this argument was as specious as it was spurious. The charge of espionage is especially incredible. In its open letter to Iran’s Prosecutor-General, the editors of Iran Press Watch wrote:

Since, on comparative legal grounds, the case bears no facial semblance to any act of “classical spying” that is criminalized under any statutory “Espionage Act” under any system of jurisprudence, we can only conclude that the State cannot meet its burden of proof by laying out a prima facie case for espionage.

We hasten to correct the State’s misapprehension on some of the finer points of comparative espionage law. In the West, espionage statutes are typically explicit in phrasing the crime of espionage as an act of obtaining information relating to the national defense to be used to the advantage of any foreign nation (often with no distinction made between friend or enemy). In light of the foregoing, what “state secrets” have been compromised? Where is the threat to the State’s external security and internal stability? The accused are not agents of Israel. They are not even “minor” espionage agents. In fact, there is not a shred of reliable evidence that any of the seven accused were involved with any known conspiracy.

(Iran Press Watch, “Trial of Iranian Baha’i leadership: An Open Letter to Ayatollah Dorri-Najafabadi.”, <http://www.iranpresswatch.org/2009/02/an-open-letter-to-ayatollah-dorri-najafabadi>.)

Subsequent to the suspension of formal Baha’i administration in 1983, the affairs of the Baha’i community were managed by an informal three-member committee in each locality. Each local Baha’i coordinating body was known as the Khademin (“Servants”). Later on, a three-member national committee was formalized as the institution of “The Friends in Iran.” Nationally and locally, the Yaran (“Friends”) and the Khademin were charged with oversight of the internal affairs of the Baha’i faith-community, managing such affairs as arranging for worship services, sending letters of introduction for traveling Baha’is, recording marriages, handling divorces, assisting with burials, and so forth.

In 2009 – nearly three decades after the Baha’i administration was formally dissolved — Ayatollah Qorban-Ali Dorri-Najafabadi, Attorney General of the Islamic Republic of Iran and Iran’s Prosecutor General, wrote an official letter to the Minister of Intelligence, Ghulam-Husayn Ejejee (http://www.iranpresswatch.org/2009/03/najafabadi-moi/). The Attorney General declared, any and all expressions of affiliation with the Baha’i Faith to be illegal, thus banning the Yaran and the Khademin. This is all the more ironic, considering the fact that the Iranian regime had tolerated the existence of the Yaran and Khademin for a quite a number of years.

In a recent update, Iran Press Watch reported:

The activities of the “Friends” were completely transparent and were devoid of any hidden agenda. Incidentally, during this period, a particular office was designated in the Ministry of Intelligence to follow the activities of the Baha’is. This office would contact the “Friends” directly with any questions about a specific activity. Even Ayatollah Dorri Najafabadi, Iran’s chief prosecutor, has referred to this close monitoring. (Iran Press Watch, “Update on the Current Condition of the Seven Detained Baha’i Leaders” (2009).)

The Constitution of the Islamic Republic of Iran is replete with human rights slogans. Yet these are all conditioned on “conformity with Islamic criteria” — which can effectively trump any of the constitutional guarantees enshrined in this duplicitous document, to wit:

Article 19 proclaims: “All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; and color, race, language, and the like, do not bestow any privilege.” Except for the Baha’is.

Article 20 declares: “All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria.” Except for the Baha’is.

Article 23 stipulates: “The investigation of individuals’ beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.” Except for the Baha’is.

Article 26 announces: “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.” Except for the Baha’is, who are not members of one of the “recognized minority religious associations” and are therefore excluded.

Article 28 promises: “Every person is entitled to choose the employment he wishes, so long as it is not contrary to Islam or the public interest or the rights of others. The Government is bound, with due regard for the needs of society for a variety of employment for all men, to create the possibility of

employment, and equal opportunities for obtaining it.” Except for the Baha’is.

Article 29 avers: “Every person is entitled to the enjoyment of Social Security. This covers retirement, unemployment, old age, being laid off, being without a guardian, casual misfortune, accidents, and occurrences giving rise to the need for health services and medical care and treatment, through insurance etc. The Government is bound, in accordance with the laws, to use public revenues and the revenue drawn from individual contributions to provide the services and financial support mentioned above for every individual in the country.” Except for the Baha’is.

Article 30 states: “The Government is bound to make available, free of charge, educational facilities for all up to the close of the secondary stage, and to expand free facilities for higher education up to the limits of the country’s own capacity.” Except for the Baha’is.

Article 32 commands: “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. Within at most 24 hours the file on the case and preliminary documentation must be referred to the competent legal authority. Legal procedures must be initiated as early as possible. Anyone infringing this principle will be punished in accordance with the law.” Except for the Baha’is.

Sadly, the Yaran have languished in the notorious Evin prison for well over nine months now, without access to their celebrated defense counsel, 1993 Nobel Peace Prize laureate, Shirin Ebadi, who has been denied access not only to her clients, but to their files. Judging from remarks by Ayatollah Dorri-Najafabadi, the Yaran are presumed guilty rather than presumed innocent, as required by Article 37 of the Constitution of the Islamic Republic of Iran:

“Innocence is the basic principle. No person is considered legally guilty, except in cases where his guilt is established in a competent court.” Except for the Baha’is. Except for the Yaran.

Article 38 decrees: “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. Any person infringing this principle is to be punished in accordance with the law.” Except for the Baha’is. Except for the Yaran.

The Iranian regime’s treatment of its Baha’i citizens arguably violates a number of fundamental rights ostensibly enshrined in the Iranian Constitution. While Iran’s persecution of the Baha’i religion is certainly the most egregious aggregated breach of constitutional guarantees and of international human rights standards, the Baha’is are no means alone. In the Report of the Secretary-General on the situation of human rights in the Islamic Republic of

Iran (October 2008), par. 59 reports the following:

In addition, the special procedures have raised a number of communications concerning members of the Nematollahi Sufi Muslim community, the Kurdish community, the Sunni community, the Baluchi community, the Azeri-Turk community and the Christian community who have reportedly been subjected to arbitrary arrests and torture, allegedly in connection with peaceful demonstrations for their rights, such as the right to speak their own language and to hold religious ceremonies. (UN General Assembly, Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, 1 October 2008. A/63/459. Online. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/490032342.html>.)

Who should be prosecuted for these violations of the constitutional rights of the Baha'is and of other minorities in Iran? The answer is simple: The Iranian regime itself.

Baha'u'llah, prophet-founder of the Baha'i Faith, proclaimed:

O Son of Spirit! The best beloved of all things in My sight is Justice; turn not away therefrom if thou desirest Me, and neglect it not that I may confide in thee. By its aid thou shalt see with thine own eyes and not through the eyes of others, and shalt know of thine own knowledge and not through the knowledge of thy neighbor. Ponder this in thy heart; how it behooveth thee to be. Verily justice is My gift to thee and the sign of My loving-kindness. Set it then before thine eyes. (The Hidden Words of Baha'u'llah, Arabic, #2.)

Here, if justice is divine, then Iranian theocracy is profane and secular international law is sacred.

As the Baha'i International Community has proclaimed, "Indeed, Baha'is understand that at the most fundamental level, human rights are God-given rights." (See Baha'i International Community, "Human Rights." Online at <http://info.bahai.org/article-1-8-0-3.html>.) If true, only the godless can take them away.

What is the point of the foregoing? It is this thesis: International law must constrain "Islamic" law.

Freedom of religion is firmly entrenched in sections 18 of both the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1976). (See <http://www.unhchr.ch/udhr/lang/eng.htm> and http://www.unhchr.ch/html/menu3/b/a_ccpr.htm.)

The United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981) guarantees freedom of religion and belief, and freedom from discrimination based on that religion or belief. (See http://www.unhchr.ch/html/menu3/b/d_intole.htm.) Article 6 provides:

In accordance with article I of the present Declaration, and subject to the provisions of article 1, paragraph 3, the right to freedom of thought,

conscience, religion or belief shall include, inter alia, the following freedoms:

- (a) To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;
- (b) To establish and maintain appropriate charitable or humanitarian institutions;
- (c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
- (d) To write, issue and disseminate relevant publications in these areas;
- (e) To teach a religion or belief in places suitable for these purposes;
- (f) To solicit and receive voluntary financial and other contributions from individuals and institutions;
- (g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
- (h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;
- (i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

As discussed above, the Iranian regime now permits none of these freedoms for the Baha'i religious minority.

What, then, is to be done? What should we urge our respective government leaders to do? What is the duty of the international community under the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief? The answer inheres in Article 3, which commands:

Discrimination between human being[s] on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.

The imminent trial of the Yaran now places Iran itself on trial. The closed trial of the Yaran, moreover, will put Iranian "Islam" on open trial. This Shi'ite charade of justice promises to be a spectacle of a debacle, a travesty of due process, a perversion of Iranian "Islamic" justice, a flagrant repudiation of universal standards of human rights, a shock to the judicial conscience, an affront to human dignity, an international scandal and a national disgrace.

The international community, according to Article 3 of the Declaration on the

Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, is duty-bound to roundly condemn such actions, and to make compliance with this requirement of international law a precondition to normalized diplomatic relations.

Iran will soon judge the Yaran. In so doing, Iran will reflexively be judged by the Yaran.

If Iran condemns the Baha'i "Friends" (Yaran), then, under the clear terms of Article 3, Iran "shall be condemned" in the open court of international opinion.

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