

[PROVISIONAL TRANSLATION FROM PERSIAN]

[Translator's notes appear in square brackets]

[Personal information has been **redacted**.]

The Difficult Task of Monitoring Constitutional Compliance<sup>1</sup>

Section 7, Minorities

[Page:] 632, 633, 634

In the Name of God

Number 80-3419

Dated 29 Dey 1380 [19 January 2002]

Hojjatol-Islam Khatami

Esteemed President of the Islamic Republic of Iran

Greetings

Pursuant to letter number M/80-7812, dated 17 Dey 1380 [7 January 2002], in regard to finding a solution for preserving the citizenship rights of the members of the Baha'i sect in view of the report and suggestions by the esteemed deputy to the president for legal and [Islamic] Consultative Assembly affairs, and noting the memorandum issued by the Office of the Prime Minister in 1367 [1988-1989], I convey the following.

The subject of the citizenship rights of the people connected to unofficial religious sects, particularly the Baha'i sect, which has also continued to be discussed in the documents of the relevant human rights organizations of the United Nations from 1359 [1980-1981] until now, is among the significant topics that have been investigated numerous times by this committee<sup>2</sup>, owing to the complaints and appeals we have received, some of which have been brought to your attention. Among them, in letter number 77-156, dated 14 Shahrivar 1377 [5 September 1998], we informed your highness for the first time about this matter as a formidable problem which has confronted the Islamic Republic. Also, in letters number M/KH/78-910, dated 26 Mordad 1378 [17 August 1999], and M/79-2237, dated 6 Shahrivar 1379 [27 August 2000], some general statements and explanations were sent to you about some of the conflicting legal concepts of the Constitution and the recent resolution of the Expediency Discernment Council with regard to preserving the citizenship rights of all Iranian citizens. We attach

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<sup>1</sup> From a book: The Difficult Task of Monitoring Constitutional Compliance - *Vazifeh Doshvar-e Nezarat bar Ejraeh Ghanoon-e Asasee* 1376 – 1384 (1997-2006). Dr. Hosein Mehrpour, Tehran, Saales Publication, 1384 (2005)

<sup>2</sup> [Committee for Investigation and Oversight of Enforcement of the Constitution]

copies of these letters again, as a reminder for possible follow-up of the orders that you had issued to the Supreme Council for National Security, the results of which are not yet clear.

Numerous other letters were also sent to you regarding employment, education, confiscation of property, etc., which I will not repeat, so as not to take your time. However, in relation to your recent reply to the letter from the legal deputy, alluding to the memorandum of 1367 [1988-1989] issued by the Prime Minister's Office, I believe it is necessary to remind you that this memorandum has not resolved the problem and has failed to prevent the deprivation of unofficial sects from their citizenship rights. This is because the Judiciary, the Cabinet, and the Supreme Council for Cultural Revolution have ratified regulations that are contrary to the contents of the aforementioned memorandum, and the courts have rendered decisions that contradict the memorandum, as well.

After the memorandum of the president was issued in 1367, various authorities have rendered the following resolutions and directives:

1. The Supreme Council for Cultural Revolution resolved in 1369 [1990-1991] that Baha'is, solely upon its being confirmed that they are Baha'is, do not have the right to enter the universities, and if, in the course of an individual's university study, it becomes clear that they are Baha'is, they would be deprived of continuing their education.
2. In 1373, the Cabinet passed an executive policy for Article 10 of the Law of the Department of Veterinary Affairs, stating that belief in one of the official religions of the country is a condition for getting a veterinary licence. Therefore, a Baha'i veterinarian who applies for a licence to engage in work is deprived of getting a licence because of being a Baha'i.
3. In the years 1374, 1375, and 1376 [1995 to 1998], the [Islamic] Consultative Assembly, based on the Law of Selection of Teachers and the Unification Procedure Law for Employment of Teachers in other ministries and in its [subsequent] executive policy, ratified that any type of employment in a governmental or semi-governmental department, even on a contractual or daily wage basis, was conditioned upon believing in one of the official religions of the country.
4. In numerous cases, the courts have issued orders for the confiscation of the properties of Baha'i individuals, solely because they are Baha'is and [the allegation] that this sect is inherently a spy [agency] for America and Israel. Some examples of these incidents were sent to the attention of your highness and the esteemed head of the Judiciary. However, thus far, no decision has been made about it.

Of course, in many cases, the Public Places Supervision Office, City Council, or Association for Union Affairs have refrained from confirming the eligibility or giving a business permit to individuals solely because they are Baha'i. Even if we could enforce the president's memorandum over such decisions, or if, with your approval, we started to bring those [organizations] under renewed enforcement [of the president's memorandum] and to oblige them to follow its contents, still, the aforementioned memorandum naturally cannot prevent the resolutions of the Islamic Consultative Assembly, the Cabinet, and the Supreme Council for Cultural Revolution.

It appears that if the regime of the Islamic Republic of Iran, as attested to by the resolution of the Expediency Discernment Council and [consistent with] the views of the president, is intent upon recognizing and upholding the citizenship rights of all citizens of Iran, regardless of whether they are followers of official or unofficial religions; and if it considers such rights as ownership, security of assets, education, employment, and so on, as being citizenship rights, the enforcement of which has no relationship with recognizing any religion over another, it is necessary that in a meeting of the heads of the three branches of government and the esteemed leader, the following actions be taken:

1. Lifting the condition for employment of believing in one of the official religions. If necessary, this condition can be enforced for certain important and sensitive positions in specific situations.
2. Lifting the prohibition against pursuit of education at universities for the followers of specific beliefs.
3. No one should be prosecuted, put on trial, or subjected to confiscation of their assets based on a specific belief and the allegation that such belief is tantamount to their being a spy.
4. Regarding the court orders for confiscation of assets, issued and finalized because of the connection of certain individuals to a specific religious belief, a solution must be found, and a way be opened for appeal [of such court orders], and after the annulment of those court orders the confiscated assets must be returned to the [original] owners.

Naturally, in order to carry out this solution, some of the laws and regulations must be changed. Without doing so, relying solely on the 1367 [1988-1989] memorandum cannot lead us to the goal of protecting the rights of all citizens of the country.

Hosein Mehrpour

[Legal counsel] for the president and head of Investigation and Oversight of Enforcement of the Constitution