

[PROVISIONAL TRANSLATION FROM PERSIAN]

[Translator's notes appear in square brackets]

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

The Difficult Task of Monitoring Constitutional Compliance¹

Section 7, Minorities

[Page:] 616, 617, 618

Regarding preservation of the rights of minorities according to the Constitution

In the Name of God

Number 79-2237

Dated 6 Shahrivar 1379 [27 August 2000]

Hojjatol-Islam Mr. Khatami

Esteemed President

Greetings

The Constitution of the Islamic Republic of Iran, despite proclaiming Islam and the Jafari [School] religion as the official religion of Iran in Article 12, and specifically limiting the recognized or “official religious” minorities to the three religions of Zoroastrianism, Judaism, and Christianity in Article 13 and in Article 14, has also obligated the government of the Islamic Republic of Iran to treat non-Muslim individuals with absolute adherence to Islamic fairness and justice and to preserve their human rights. In some of the Articles of the Constitution related to the people's basic rights, the use of such terms as “individuals”, “persons”, “anyone”, “any Iranian”, “no one”, and so on, has covered [the minorities] in an “absolute manner” and has considered their basic rights as being protected and respected.

For example, in Article 22: “The dignity, life, property, rights, domicile, and occupations of people may not be violated...;” or Article 23, which states: “...No one can be subjected to questioning and aggression for merely holding an opinion;” or Article 28, which establishes that, “People are free to choose whatever profession they wish as long as this profession is not against Islam, public interest,

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

and the rights of others”; or Article 31, which says: “Every Iranian individual and family has the right to have a dwelling that meets their needs.” In the same manner, we can point to Articles 30, 32, 33, 34, 35, 37, 41, and so on. However, to avoid a lengthy exposition, [I will] refrain from listing their contents.

Similar texts are also contained in some of the international conventions that the Iranian government has approved and have now become a part of its internal laws, such as the International Declaration on Civil and Political Rights and also the International Covenant on Economic, Social, and Cultural Rights, and Resolution number 111 of the International Labour Organization. In the talks given by the officials of the Islamic Republic of Iran on different occasions, and in particular, during recent years, especially in the pronouncements by Your Honour, absolute protection has been extended to the citizenship rights of all Iranians, and the need to preserve their basic rights, regardless of race, ethnicity, religion, or belief, and these talks are referenced and relied upon. Recently, the Expediency Discernment Council, in interpreting the general policies of the regime and the priorities among these policies regarding various matters, has approved (apparently in Mehr, 1377 [September-October 1998]) the following in Item 1 under the section concerning the general policy of the regime about races and religions: “Protection of the people of Iran, regardless of their ethnicity, tribe, language, or religion as a single people. . .” and in Item 3: “Protection of life, property, security, and other rights of all people in the context of the Constitution.”

Nevertheless, the Committee for Investigation and Oversight of Enforcement of the Constitution is faced with a high volume of complaints and inquiries on the part of non-Muslims, particularly some unofficial sects, because when it comes to action and enforcement, these regulations are not upheld and there are numerous examples of instructions and orders issued about them, including dismissal from their jobs, even taking back the wages of the days that had already been worked, not issuing work permits, confiscation of property, and even imprisonment and execution sentences based on belonging to a “perverse religious sect.”

Investigations by the Committee have sometimes been fruitful, but in many cases did not have any success, particularly in past cases and decisions that are considered legally binding. For example, in cases where the court has ruled that the real estate and assets of the “perverse sect” in a particular area and location should be confiscated and given to the Mostazafan Foundation, no legal basis has been stated and such action has generally relied upon Sharia and Islamic ordinances. A few examples of such orders and decisions are enclosed for Your Honour’s attention. In responding to these inquiries, which are, on one hand, reliant upon the Articles of the Constitution, and on the other, based on the speeches of the official authorities of the country, such as the esteemed president and head of the [Islamic] Consultative Assembly and other officials—while many of the decisions are related to previous years, legally ordered, and complicated by the peculiar religious sensitivities existing about them, of which you are aware—the Committee is truly faced with a problem. For example, in Enclosure number 5, you may note that the Sharia judge of the Revolutionary Court of Bushehr, in a letter to the Deeds and Property Registration Office in Khormoj, stated, “given that all assets and properties of the perverse Baha’i sect in Khormoj and suburbs have been confiscated and vested in the Bushehr Branch of the Mostazafan Foundation, it is required that all deeds to lands, orchards and houses which are registered under the name of individual Baha’is be transferred to the Bushehr Branch of the Mostazafan Foundation. . .”

Given that responding to and resolving such inquiries, which is expected from the president and his selected Committee, has a close relationship with Sharia principles and legal [court] decisions, we considered it necessary to request, while informing Your Honour about such matters and presenting a small number of examples of them, that, if possible, through consultation with other leaders of the

three branches of government and possibly the Expediency Discernment Council and ultimately the esteemed great leader, that a solution be found for these issues. Of course, solving some of these issues—for instance, part of attachment number one (the matter of licences for veterinary medicine)—is under the jurisdiction of the Executive Branch, and the Committee has made suggestions for its resolution; however, thus far we have no information about any decisions taken on it.

Hosein Mehrpour

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