

Calendar No. 269

113TH CONGRESS
1ST SESSION

S. RES. 75

Condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2013

Mr. KIRK (for himself, Mr. DURBIN, Mr. RUBIO, Mr. BENNET, Mr. WHITEHOUSE, Mr. CASEY, Mr. JOHANNES, Mr. WYDEN, Mr. MENENDEZ, Mr. CARDIN, Mr. BLUNT, Mr. BOOZMAN, Mr. HELLER, Mr. MORAN, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. KAINE, Mr. MERKLEY, Mr. LEAHY, Ms. COLLINS, Ms. WARREN, Ms. BALDWIN, Mr. SANDERS, Mr. SCHATZ, Mr. INHOFE, Ms. HIRONO, Mrs. SHAHEEN, Mr. TOOMEY, Mr. GRASSLEY, Mr. COBURN, Ms. MIKULSKI, Mr. PRYOR, Mr. TESTER, Mr. COCHRAN, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on Foreign Relations

DECEMBER 18, 2013

Reported by Mr. MENENDEZ, with an amendment and an amendment to the preamble

[Omit the part struck through and insert the part printed in *italic*]

[Strike the preamble and insert the part printed in *italic*]

RESOLUTION

Condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

Whereas, in 1982, 1984, 1988, 1990, 1992, 1994, 1996, 2000, 2006, 2008, 2009, 2012, and 2013, Congress declared that it deplored the religious persecution by the Government of Iran of the Baha'i community and would hold the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Baha'i Faith;

Whereas the United States Commission on International Religious Freedom 2012 Report stated, "The Baha'i community has long been subject to particularly severe religious freedom violations in Iran. Baha'is, who number at least 300,000, are viewed as 'heretics' by Iranian authorities and may face repression on the grounds of apostasy.";

Whereas the United States Commission on International Religious Freedom 2012 Report stated, "Since 1979, Iranian government authorities have killed more than 200 Baha'i leaders in Iran and dismissed more than 10,000 from government and university jobs.";

Whereas the United States Commission on International Religious Freedom 2012 Report stated, "Baha'is may not establish places of worship, schools, or any independent religious associations in Iran.";

Whereas the United States Commission on International Religious Freedom 2012 Report stated, "Baha'is are barred from the military and denied government jobs and pensions as well as the right to inherit property. Their marriages and divorces also are not recognized, and they have difficulty obtaining death certificates. Baha'i cemeteries, holy places, and community properties are often seized or desecrated, and many important religious sites have been destroyed.";

Whereas the United States Commission on International Religious Freedom 2012 Report stated, “The Baha’i community faces severe economic pressure, including denials of jobs in both the public and private sectors and of business licenses. Iranian authorities often pressure employers of Baha’is to dismiss them from employment in the private sector.”;

Whereas the Department of State 2011 International Religious Freedom Report stated, “The government prohibits Baha’is from teaching and practicing their faith and subjects them to many forms of discrimination that followers of other religions do not face.”;

Whereas the Department of State 2011 International Religious Freedom Report stated, “According to [Iranian] law, Baha’i blood is considered ‘mobah’, meaning it can be spilled with impunity.”;

Whereas the Department of State 2011 International Religious Freedom Report stated that “members of religious minorities, with the exception of Baha’is, can serve in lower ranks of government employment”, and “Baha’is are barred from all leadership positions in the government and military”;

Whereas the Department of State 2011 International Religious Freedom Report stated, “Baha’is suffered frequent government harassment and persecution, and their property rights generally were disregarded. The government raided Baha’i homes and businesses and confiscated large amounts of private and commercial property, as well as religious materials belonging to Baha’is.”;

Whereas the Department of State 2011 International Religious Freedom Report stated, “Baha’is also are required to register with the police.”;

Whereas the Department of State 2011 International Religious Freedom Report stated that “[p]ublic and private universities continued to deny admittance to and expelled Baha’i students” and “[d]uring the year, at least 30 Baha’is were barred or expelled from universities on political or religious grounds”;

Whereas the Department of State 2011 International Religious Freedom Report stated, “Baha’is are regularly denied compensation for injury or criminal victimization.”;

Whereas, on March 6, 2012, the United Nations Special Rapporteur on the situation of human rights in the Islamic Republic of Iran issued a report (A/HRC/19/66), which stated that “the Special Rapporteur continues to be alarmed by communications that demonstrate the systemic and systematic persecution of members of unrecognized religious communities, particularly the Baha’i community, in violation of international conventions” and expressed concern regarding “an intensive defamation campaign meant to incite discrimination and hate against Baha’is”;

Whereas, on May 23, 2012, the United Nations Secretary-General issued a report (A/HRC/19/82), which stated that “the Special Rapporteur on freedom of religion or belief . . . pointed out that the Islamic Republic of Iran had a policy of systematic persecution of persons belonging to the Baha’i faith, excluding them from the application of freedom of religion or belief by simply denying that their faith had the status of a religion”;

Whereas, on August 22, 2012, the United Nations Secretary-General issued a report (A/67/327), which stated, “The international community continues to express concerns about the very serious discrimination against ethnic and religious minorities in law and in practice, in particular the Baha’i community. The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran expressed alarm about the systemic and systematic persecution of members of the Baha’i community, including severe socioeconomic pressure and arrests and detention. He also deplored the Government’s tolerance of an intensive defamation campaign aimed at inciting discrimination and hate against Baha’is.”;

Whereas, on September 13, 2012, the United Nations Special Rapporteur on the situation of human rights in the Islamic Republic of Iran issued a report (A/67/369), which stated, “Reports and interviews submitted to the Special Rapporteur also continue to portray a disturbing trend with regard to religious freedom in the country. Members of both recognized and unrecognized religions have reported various levels of intimidation, arrest, detention and interrogation that focus on their religious beliefs.”, and stated, “At the time of drafting the report, 105 members of the Baha’i community were reported to be in detention.”;

Whereas, on November 27, 2012, the Third Committee of the United Nations General Assembly adopted a draft resolution (A/C.3/67/L.51), which noted, “[I]ncreased persecution and human rights violations against persons belonging to unrecognized religious minorities, particularly members of the Baha’i faith and their defenders, including escalating attacks, an increase in the number of ar-

rests and detentions; the restriction of access to higher education on the basis of religion; the sentencing of twelve Baha'is associated with Baha'i educational institutions to lengthy prison terms; the continued denial of access to employment in the public sector; additional restrictions on participation in the private sector; and the de facto criminalization of membership in the Baha'i faith.”;

Whereas, on December 20, 2012, the United Nations General Assembly adopted a resolution (A/RES/67/182), which called upon the government of Iran “[t]o eliminate discrimination against, and exclusion of . . . members of the Baha'i Faith, regarding access to higher education, and to eliminate the criminalization of efforts to provide higher education to Baha'i youth denied access to Iranian universities,” and “to accord all Baha'is, including those imprisoned because of their beliefs, the due process of law and the rights that they are constitutionally guaranteed”;

Whereas, on February 28, 2013, the United Nations Special Rapporteur on the situation of human rights in the Islamic Republic of Iran issued a report (A/HRC/22/56), which stated, “110 Bahai's are currently detained in Iran for exercising their faith, including two women, Mrs. Zohreh Nikayin and Mrs. Faraneh Torabi, who are reportedly nursing infants in prison.”;

Whereas, in March and May of 2008, intelligence officials of the Government of Iran in Mashhad and Tehran arrested and imprisoned Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saïd Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet,

and Mr. Vahid Tizfahm, the seven members of the ad hoc leadership group for the Baha'i community in Iran;

Whereas, in August 2010, the Revolutionary Court in Tehran sentenced the seven Baha'i leaders to 20-year prison terms on charges of "spying for Israel, insulting religious sanctities, propaganda against the regime and spreading corruption on earth";

Whereas the lawyer for these seven leaders, Mrs. Shirin Ebadi, the Nobel Laureate, was denied meaningful or timely access to the prisoners and their files, and her successors as defense counsel were provided extremely limited access;

Whereas these seven Baha'i leaders were targeted solely on the basis of their religion;

Whereas, beginning in May 2011, Government of Iran officials in four cities conducted sweeping raids on the homes of dozens of individuals associated with the Baha'i Institute for Higher Education (BIHE) and arrested and detained several educators associated with BIHE;

Whereas, in October 2011, the Revolutionary Court in Tehran sentenced seven of these BIHE instructors and administrators, Mr. Vahid Mahmoudi, Mr. Kamran Mortezaie, Mr. Mahmoud Badavam, Ms. Nooshin Khadem, Mr. Farhad Sedghi, Mr. Riaz Sobhani, and Mr. Ramin Zibaie, to prison terms for the crime of "membership of the deviant sect of Baha'ism, with the goal of taking action against the security of the country, in order to further the aims of the deviant sect and those of organizations outside the country";

Whereas six of these educators remain imprisoned, with Mr. Mortezaie serving a 5-year prison term and Mr.

Badavam, Ms. Khadem, Mr. Sedghi, Mr. Sobhani, and Mr. Zibaie serving 4-year prison terms;

Whereas, since October 2011, four other BIHE educators have been arrested and imprisoned, with Ms. Faran Hessami, Mr. Kamran Rahimian, and Mr. Shahin Negari serving 4-year prison terms, and Mr. Kayvan Rahimian serving a 5-year prison term;

Whereas the efforts of the Government of Iran to collect information on individual Baha'is have recently intensified as evidenced by a letter, dated November 5, 2011, from the Director of the Department of Education in the county of Shahriar in the province of Tehran, instructing the directors of schools in his jurisdiction to "subtly and in a confidential manner" collect information on Baha'i students;

Whereas the Baha'i community continues to undergo intense economic and social pressure, including an ongoing campaign in the town of Semnan, where the Government of Iran has harassed and detained Baha'is, closed 17 Baha'i owned businesses in the last three years, and imprisoned several members of the community, including three mothers along with their infants;

Whereas ordinary Iranian citizens who belong to the Baha'i Faith are disproportionately targeted, interrogated, and detained under the pretext of national security;

Whereas the Government of Iran is party to the International Covenants on Human Rights and is in violation of its obligations under the Covenants; and

Whereas the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195) authorizes the President and the Secretary of State to im-

pose sanctions on individuals “responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members on or after June 12, 2009”: Now, therefore, be it

Whereas, in 1982, 1984, 1988, 1990, 1992, 1994, 1996, 2000, 2006, 2008, 2009, 2012, and 2013, Congress declared that it deplored the religious persecution by the Government of Iran of the Baha’i community and would hold the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Baha’i Faith;

Whereas the United States Commission on International Religious Freedom 2013 Report stated that “[t]he Baha’i community has long been subject to particularly severe religious freedom violations,” and that “[s]ince 1979, the government has killed more than 200 Baha’i leaders in Iran and dismissed more than 10,000 from government and university jobs,” in addition to prohibiting them from establishing “places of worship, schools, or any independent religious associations”;

Whereas the United States Commission on International Religious Freedom 2013 Report found that Baha’i marriages and divorces are not recognized and Baha’i holy places and community properties are often seized or destroyed, and stated, “The Baha’i community faces severe economic pressure, including denials of jobs in both the public and private sectors and of business licenses. Iranian authorities often pressure employers of Baha’is to dismiss them from private sector employment.”;

Whereas the Department of State 2012 International Religious Freedom Report stated that the Government of Iran “pro-

hibits Baha'is from teaching and practicing their faith and subjects them to many forms of discrimination not faced by members of other religious groups" and "requires Baha'is to register with the police";

Whereas the Department of State 2012 International Religious Freedom Report stated that "[the] government raided Baha'i homes and businesses and confiscated large amounts of private and commercial property, as well as religious materials," and found that "Baha'is are regularly denied compensation for injury or criminal victimization";

Whereas the Department of State 2012 International Religious Freedom Report stated that "[the] government, since the Islamic Revolution, formally denies Baha'i students access to higher education," and "[p]ublic and private universities continued to deny admittance and expel Baha'i students";

Whereas, on May 23, 2012, the United Nations Secretary-General issued a report (A/HRC/19/82), which stated that "the Special Rapporteur on freedom of religion or belief. . .pointed out that the Islamic Republic of Iran had a policy of systematic persecution of persons belonging to the Baha'i faith, excluding them from the application of freedom of religion or belief by simply denying that their faith had the status of a religion";

Whereas, on November 27, 2012, the Third Committee of the United Nations General Assembly adopted a draft resolution (A/C.3/67/L.51), which noted, "[I]ncreased persecution and human rights violations against persons belonging to unrecognized religious minorities, particularly members of the Baha'i [F]aith and their defenders, including escalating attacks, an increase in the number of arrests and

detentions, the restriction of access to higher education on the basis of religion, the sentencing of twelve Baha'is associated with Baha'i educational institutions to lengthy prison terms, the continued denial of access to employment in the public sector, additional restrictions on participation in the private sector, and the de facto criminalization of membership in the Baha'i [F]aith.”;

Whereas, on December 20, 2012, the United Nations General Assembly adopted a resolution (A/RES/67/182), which called upon the government of Iran “[t]o eliminate discrimination against, and exclusion of. . . members of the Baha'i Faith, regarding access to higher education, and to eliminate the criminalization of efforts to provide higher education to Baha'i youth denied access to Iranian universities,” and “to accord all Baha'is, including those imprisoned because of their beliefs, the due process of law and the rights that they are constitutionally guaranteed”;

Whereas, on February 28, 2013, the United Nations Special Rapporteur on the situation of human rights in the Islamic Republic of Iran issued a report (A/HRC/22/56), which stated that “110 Bahai's are currently detained in Iran for exercising their faith,” and found that Baha'is in the cities of Semnan, Gorgan, and Hamadan have especially faced increasing persecution over the last three years, including raids, arrests, physical violence, arson, vandalism to their homes, business, and grave sites, and government closings of Baha'i-owned businesses;

Whereas, on February 28, 2013, the United Nations Secretary-General issued a report (A/HRC/22/48), which stated, “An ongoing anti-Baha'i media campaign resulted in increasing attacks on its members and their properties. This national campaign that consists of [a]nti-Baha'i pamphlets,

posters, seminars and the broadcasting of anti-Baha'i speeches on radio networks appears to be tacitly condoned by the authorities. In addition, anti-Baha'i speeches [were] reportedly delivered to different audiences including schools, youth organizations and the general public.”;

Whereas, on October 4, 2013, the United Nations Special Rapporteur on the situation of human rights in the Islamic Republic of Iran issued a report (A/68/503), which stated, “The Special Rapporteur continues to observe what appears to be an escalating patten of systematic human rights violations targeting members of the Baha'i community, who face arbitrary detention, torture and ill-treatment, national security charges for active involvement in religious affairs, restrictions on religious practice, denial of higher education, obstacles to State employment and abuses within schools.”;

Whereas, in March and May of 2008, intelligence officials of the Government of Iran in Mashhad and Tehran arrested and imprisoned Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, and Mr. Vahid Tizfahm, the seven members of the ad hoc leadership group for the Baha'i community in Iran, known as the Yaran-i-Iran, or “friends of Iran”;

Whereas, in August 2010, the Revolutionary Court in Tehran sentenced the seven Baha'i leaders to 20-year prison terms, the longest sentences given to any current prisoners of conscience in Iran, on charges of “spying for Israel, insulting religious sanctities, propaganda against the regime and spreading corruption on earth”;

Whereas the lawyer for these seven leaders, Mrs. Shirin Ebadi, the Nobel Laureate, was denied meaningful or timely ac-

cess to the prisoners and their files, and her colleagues and successors as defense counsel were provided extremely limited access, and Ms. Ebadi stated that there was no evidence to sustain the charges against the seven;

Whereas, on May 13, 2013, four United Nations human rights experts, the Special Rapporteur on the situation of human rights in Iran, Ahmed Shaheed, the head of the Working Group on Arbitrary Detention, El Hadji Malick Sow, the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, and the Independent Expert on Minorities issues, Rita Izásk, released a statement “call[ing] on the Iranian authorities for the immediate release of seven Baha’i community leaders, known as the Yaran, nearing the fifth anniversary of their arrests, whose detentions were declared arbitrary by the UN Working Group on Arbitrary Detention, on 20 November 2008”;

Whereas, beginning in May 2011, Government of Iran officials in four cities conducted sweeping raids on the homes of dozens of individuals associated with the Baha’i Institute for Higher Education (BIHE) and arrested and detained several educators associated with BIHE;

Whereas, in October 2011, the Revolutionary Court in Tehran sentenced seven of these BIHE instructors and administrators, Mr. Vahid Mahmoudi, Mr. Kamran Mortezaie, Mr. Mahmoud Badavam, Ms. Nooshin Khadem, Mr. Farhad Sedghi, Mr. Riaz Sobhani, and Mr. Ramin Zibaie, to prison terms for the crime of “membership of the deviant sect of Baha’ism, with the goal of taking action against the security of the country, in order to further the aims of the deviant sect and those of organizations outside the country,” with six of them remaining imprisoned;

Whereas, since October 2011, six other BIHE educators have been arrested and imprisoned, with Ms. Faran Hessami, Mr. Kamran Rahimian, and Mr. Shahin Negari serving 4-year prison terms, and Mr. Kayvan Rahimian, Dr. Foad Moghaddam, and Mr. Amanollah Mostaghim serving 5-year prison terms;

Whereas the efforts of the Government of Iran to collect information on individual Baha'is have recently intensified as evidenced by a letter, dated November 5, 2011, from the Director of the Department of Education in the county of Shahriar in the province of Tehran, instructing the directors of schools in his jurisdiction to "subtly and in a confidential manner" collect information on Baha'i students;

Whereas, since September 2013, the Government of Iran has imprisoned four Baha'i mothers, Taraneh Torabi, Zohreh Nikayin, Neda Majidi, and Elham Rouzbehi, along with their infant children, and Ms. Torabi, Ms. Nikayin, and Ms. Rouzbehi remain imprisoned with their children;

Whereas, on August 24, 2013, Mr. Ataollah Rezvani, an active member of the Baha'i community of Bandar Abbas, Iran, was found shot in his car on the outskirts of the city, in what may be a religiously motivated murder during a time of increased pressure on Iran's religious minorities and a surge in anti-Baha'i rhetoric by various clerics;

Whereas, in September 2013, the Government of Iran released a number of prisoners of conscience, and none of the prisoners released were known to be Baha'is;

Whereas the Government of Iran is party to the International Covenants on Human Rights and is in violation of its obligations under the Covenants; and

Whereas the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195) authorizes the President and the Secretary of State to impose sanctions on individuals “responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members on or after June 12, 2009”: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) condemns the Government of Iran for its
3 state-sponsored persecution of its Baha’i minority
4 and its continued violation of the International Cov-
5 enants on Human Rights;

6 (2) calls on the Government of Iran to imme-
7 diately release the seven imprisoned leaders, the ~~ten~~
8 *twelve* imprisoned educators, and all other prisoners
9 held solely on account of their religion;

10 (3) calls on the President and Secretary of
11 State, in cooperation with responsible nations, to im-
12 mediately condemn the Government of Iran’s contin-
13 ued violation of human rights and demand the im-
14 mediate release of prisoners held solely on account
15 of their religion; and

16 (4) urges the President and Secretary of State
17 to utilize all available authorities, including the Com-
18 prehensive Iran Sanctions, Accountability, and Di-
19 vestment Act of 2010, to impose sanctions on offi-

1 cials of the Government of Iran and other individ-
2 uals directly responsible for serious human rights
3 abuses, including abuses against the Baha'i commu-
4 nity of Iran.

Calendar No. 269

113TH CONGRESS
1ST Session

S. RES. 75

RESOLUTION

Condemning the Government of Iran for its state-sponsored persecution of its Bahai' minority and its continued violation of the International Covenantants on Human Rights.

DECEMBER 18, 2013

Reported with an amendment and an amendment to the
preamble