

March 5, 2021

The Honorable Judge Hasan Babaie
Branch 54 of the Court of Appeals, Province of Tehran
Special Court for Article 49 of the Constitution

The Honorable Judge Mohammad Sadegh Savadkouhi
Branch 8 of the Court of Appeals of Mazandaran Province

Your Excellencies,

We, the undersigned, are disturbed by reports of recent judicial decisions endorsing mass confiscations of property belonging to the Baha'is in the village of Ivel. These reports describe appellate court decisions handed down on August 1, 2020 and October 13, 2020 by respectively Judge Babaie and Judge Savadkouhi endorsing these confiscations.

Specifically, in Tehran, on August 1, 2020, Branch 54 of the Special Court for Article 49¹ of the Constitution issued a "final and binding" order concluding that it was illegal for Baha'is to own property in the village of Ivel. This ruling of the Special Court confirmed the decision of the preliminary (lower) provincial court, Special Court for Article 49 of the Constitution, Mazandaran Branch, which, on November 4, 2019, handed down a decision to confiscate all remaining properties, i.e., all properties not already seized, belonging to Bahá'ís in the village of Ivel. Further, in its November 4, 2019 ruling, the lower court concluded that "the perverse sect of Baha'ism is confirmed as heretical and nejasat (ritually unclean)" [and] "there is no legitimacy in their ownership." By upholding this ruling, the appellate court has unjustly endorsed brazen discrimination based on religious beliefs to strip properties from Bahá'í families, who have owned these properties for many years, in some cases since the mid-1800s.

In a separate but related lawsuit, on October 13, 2020, Branch 8 of the Court of Appeals of Mazandaran Province ruled on a years-delayed appeal brought by 27 Bahá'ís against eleven individuals who had been involved in the demolition of some 50 Bahá'í homes and seizure of their land in Ivel in June 2010. It ruled in favor of the perpetrators finding that their actions had violated no laws. The court cited the August 1, 2020 decision of Branch 54 as support for its ruling that ownership of property by the 27 plaintiffs in Ivel was without legal validity due to their membership in the Bahá'í Faith. (Hence, the perpetrators were breaking no laws by destroying and seizing their property.) The court order also endorsed the decision in favor of the Sitád-i-Ijrá'íy-i-Farmán-i-Imám² in nearby Sari to sell the farmlands and other real property owned by the Bahá'ís.

These decisions arise primarily out of actions taken in 2010 to destroy or seize property owned by Baha'is in Ivel. Baha'is have lived in Ivel since the mid-19th century and have played a significant role in the development of the village. For instance, the village's first elementary

¹ Article 49 of the Constitution of the Islamic Republic of Iran authorizes the government to confiscate property.

² Sitád-i-Ijrá'íy-i-Farmán-i-Imám, the Execution of Imam Khomeini's Order, also known simply as Sitad or its acronym in English, EIKO, is a very prominent, governmentally-controlled institution created by order of the late Ayatollah Khomeini in 1989. It is the holder of proceeds generated from many asset seizures.

school, which grew to include six grade levels, was developed by the Baha'is of Ivel and was open to all village children regardless of religion. In 1946, responsibility for it was assumed by the government.

We are dismayed that the above decisions represent a repugnant endorsement of discrimination based upon religious belief in violation of fundamental international norms as contained in Article 18 of the Universal Declaration of Human Rights, which Iran supported and is now considered to establish legal obligations for all U.N. member states, and Article 18 of the International Covenant on Civil and Political Rights, which Iran has signed and ratified. Such obligations must be observed by Iran, with the support of its judiciary, if it is to be considered a respected member of the international community. We therefore urge you to vacate these decisions and restore the rights of the Baha'is of Ivel to live on their farms and in their homes once again without threat of confiscation based on their religious affiliation.

Signed:

Abdorrahman Boroumand Center for Human Rights in Iran

American Islamic Congress

American Islamic Forum for Democracy

Anti-Defamation League Task Force on Middle East Minorities

Baha'is of the United States

Coordination des Associations et des Particuliers pour la Liberte de Conscience

Dietrich Bonhoeffer Institute

Freedom House

International Organization to Preserve Human Rights

Independent Old Catholic Church

Jubilee Campaign, USA

United for Iran

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