

5 February 2021

An Open Letter to the Chief Justice of the Islamic Republic of Iran

Chief Justice Ebrahim Raisi,

We are a group of Canadians in the legal profession – including a former Prime Minister, former Ministers of Justice and Attorneys-General, retired Justices of the Supreme Court of Canada, retired judges, legal academics and practicing lawyers – who are deeply concerned about new and intense violations of the basic human rights of the Bahá'í religious minority of Iran.

Members of the Bahá'í Faith have been persecuted in Iran since the Faith's establishment over 170 years ago. Under the current Iranian government, Bahá'ís have experienced home raids, attacks on properties, confiscation of possessions, dismissals from employment, denial of access to higher education, imprisonment, and execution. Bahá'ís have sought legal remedies, but to little avail.

Recently, one of the oldest Bahá'í communities in Iran has come under intense attack.

The Bahá'í community in the village of Ivel (pron. ee-VELL) has existed since the founding of the Bahá'í Faith in the mid-1800s. At one time this was a thriving and peaceful multi-generational community largely made up of farmers and small business owners. Over decades, however, this community has faced severe persecution. Since the 1940s, many of Ivel's Bahá'ís have been forced from their homes, imprisoned, harassed, and their property torched and demolished.

The year 2020 brought an alarming new chapter in this saga, when two Iranian courts issued judgments that declared ownership of lands by 27 Bahá'ís in the village to be illegitimate on the basis of their religious belief. In a novel interpretation of Article 49 of the Iranian Constitution which permits confiscation of illegitimately obtained property, on August 1, 2020 Judge Hasan Babaie of a constitutional court in Tehran pronounced that ownership of property by adherents of the “perverse sect of Bahá'ísm” was illegal. This decision was affirmed in an appeal court judgment of Judge Mohammad Sadegh Savadkouhi on October 13, 2020, after a legal process that denied the Bahá'ís and their lawyers any opportunity to see the relevant files, to prepare a statement of defence, or to produce any documents or arguments.

On its face, Article 49 of the constitution allows the government to confiscate “illegitimate” properties that were obtained through “usury, usurpation, bribery, embezzlement, theft, gamble, misuse of Islamic government endowments, misuse of government contracts and transactions, uncultivated lands and others belonging to the public, houses of ill repute, and other illegitimate sources.” The 2020 rulings now establish a dangerous constitutional precedent of judicially sanctioned confiscation that nullifies legitimate property interests based only on the owners’ religious affiliation, thus departing not only from international human rights standards but also from the text and intent of the Iranian constitution itself.

History is filled with examples of unjust and oppressive governments arbitrarily deciding that the race, gender, religion, or beliefs of an individual determines whether or not they can own land and participate in the public and economic life of society. The Iranian authorities, like some other governments around the world today, are continuing this heinous practice that violates the most basic international human rights norms. Religious and political discrimination against law-abiding citizens of Iran, and its Bahá’í community in particular, not only results in Iran remaining condemned and isolated in the international community, but also can provide solid grounds for prosecution of Iran’s authorities before international criminal courts and other international institutions. Conversely, swift restoration of the rights of the Bahá’ís of Ivel can serve as a precedent to correct abuses suffered by other Iranian Bahá’ís, and indeed all those who have experienced persecution and confiscation merely because of their beliefs.

We know the Bahá’í Faith to stand for values of peace, justice, and unity – values which have been under sustained attack by the Iranian authorities for decades. Violations of the human rights of Iran’s Bahá’ís have already been decried by the Canadian government, the United Nations and numerous human rights organizations. Today, as members of the Canadian legal profession who believe in the rule of law, we too stand with the Bahá’ís of Iran and call upon you, as the head of the Iranian judiciary, to address this new abuse inflicted upon the Bahá’ís of Ivel.

The Right Honourable / Le très honorable Brian Mulroney

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