

THE UNIVERSAL HOUSE OF JUSTICE

DEPARTMENT OF THE SECRETARIAT

1 October 1998

To selected National Spiritual Assemblies

Further to our email of 29 September 1998 concerning the Bahá'ís in Iran who have been sentenced to death, the Universal House of Justice has asked us to provide the following background information to assist you in explaining to your government contacts and the media the sequence of events and their implications.

As you know, Mr. Ruhollah Rohani was executed in Mashhad under mysterious circumstances on 21 July 1998. The execution was carried out in secrecy on the very day after his wife had been invited to visit him in prison. No official announcement of his death was made, no document affirming the death sentence was produced, no document certifying the cause of his death was issued. It is known that he had faced trial in Branch 8 of the Revolutionary Court in Mashhad during the month of Bahman (January/February) of this year, as had three other Bahá'ís: Messrs. Sirus Zabihi-Moghaddam, Hedayat-Kashefi Najafabadi, and Ataollah Hamid Nasirizadeh. All four had been sentenced to death, but the verdict of the court in each case had to be submitted to the Supreme Court in Teheran for ratification. The Supreme Court reportedly confirmed the death sentence only in the case of Mr. Rohani, and, for technical reasons, returned the cases of the other three to Mashhad, this time to Branch 3 of the Revolutionary Court, for retrial.

Whereas in the previous trial the prisoners had no lawyer to defend them, a lapse apparently noted by the Supreme Court, at the retrial a lawyer not approved by the defendants was assigned to them. The accused had vehemently objected to some of the statements of their defense counsel which appeared to prejudice their case. The prisoners were then told that the verdict of the court would be decided later. A few days ago, it was communicated orally to the prisoners that the death sentence has been confirmed in the cases of Messrs. Moghaddam and Najafabadi, and that Mr. Nasirizadeh has been sentenced to ten years' imprisonment.

The accused have been given a chance to appeal to the court that sentenced them. Therefore, the appeal will take place in the same Branch 3 of the Revolutionary Court of Mashhad. The difference this time is that they will be permitted to engage their own lawyer. It is very difficult, of course, to find a lawyer who will take on this type of case, because Bahá'í lawyers are not permitted to practice in Iran; and in the rare instances in the past when Muslim lawyers have undertaken to defend Bahá'ís, they were subjected to harassment and abuse.

The nature of the defense that a lawyer can provide in such an appeal is also severely circumscribed. The lawyer is able to meet the defendants in prison and may be permitted to see the court file from which he may make notes, but he may not photocopy any of the documents it contains. In essence his defense amounts to a written statement prepared by him for inclusion with the submission to be made by the Revolutionary Court to the Supreme Court in Teheran. The Supreme Court will then study the file and, if it is satisfied that the proper procedures were followed, will refer the case to one of its branches. The judge or judges of this branch, without meeting with lawyers or anyone else, will then review the file and issue their judgment, either confirming or annulling the verdict.

The fact remains that the Bahá'ís have not had an advocate of their own to argue their case in open court and that, even if they were to find a lawyer to handle their appeal, no adequate defense is possible.

Department of the Secretariat

