

THE UNIVERSAL HOUSE OF JUSTICE

DEPARTMENT OF THE SECRETARIAT

1 December 1998

To selected National Spiritual Assemblies

The Universal House of Justice has received copies of two important documents prepared by the lawyer who courageously agreed to conduct an appeal against the conviction of the three Bahá'ís imprisoned in Mashhad, despite various threats and intense pressure to dissuade him. The lawyer, Mr. Mahmud Kiani Bahjestani, a Muslim, submitted an appeal to the Supreme Court on behalf of Mr. Sirus Zabihi-Moghaddam, Mr. Hedayat Kashefi-Najafabadi and Mr. Ataollah Hamid-Nasirizadeh, the first two of whom have been sentenced to death, and the third to ten years' imprisonment. Mr. Bahjestani was not able to interview his clients, nor was he permitted to have copies of the material in the defendants' files held by the court. He was, however, allowed to view those files and to make such notes as he wished. He did not appear before the Supreme Court but submitted his appeal in writing.

The first of the documents enclosed is a provisional translation of the notes taken by Mr. Bahjestani from his clients' files held by the judiciary in Mashhad. The second is a provisional translation of the appeal submission itself.

As you are aware, Bahá'í prisoners have rarely been allowed a lawyer during their so-called trials. Reference to page 3 of the enclosed extracts from the defendants' files (pages 38–40) and to section 4 on page 3 of the appeal submission makes it clear that, before the initial trial, Branch 8 of the Mashhad court summarily imposed a lawyer of its own choosing, Mr. Ehtesham Shahabi, on the accused, failing to observe the legal requirement to allow them ten days to arrange for their own lawyer. The last sentence of the extract from pages 118–120 of the accused's files shows that when Branch 3 of the Mashhad court came to retry the case, it having been referred back by the Supreme Court, the defendants were once more deprived of their right to select their own advocate, as Mr. Shahabi had again been appointed to represent them. In light of the foregoing, the international uproar at the evident injustices in their case may well have been a significant factor in the prisoners' having for the first time been allowed to engage a lawyer, to make their appeal.

The two enclosed documents confirm beyond any shadow of a doubt the total baselessness of the claim by the Iranian Government that Mr. Ruhollah Rohani was executed for crimes threatening the security of Iran, and that the three prisoners arrested in Mashhad with him at about the same time, who have now appealed against their sentences, are guilty of any such crimes. In the absence of any merit in the Government's claims, its attribution of crimes against the state to these prisoners appears to be merely another attempt to silence the protests of civilized countries and to justify its inhuman treatment of its Bahá'í citizens.

The first item in the lawyer's extracts from his clients' files is a copy of the text of a document that the authorities asked the prisoners to sign, committing themselves to desist from participation in Bahá'í activities. Had the prisoners complied with the authorities' wishes by making this commitment, they would surely have been freed. You will note that there is nothing in this commitment regarding activities by the accused against the security of the country.

The spuriousness of the charge that the three defendants acted against national security becomes even clearer when one studies the text of the lawyer's appeal submission to the Supreme Court. Unfortunately, however, jurisdiction over the Bahá'í community has been given to the Ministry of Information, which deals with security and intelligence matters and comes under the direction of the religious leader of the Islamic Republic of Iran (Ayatollah Khamenei). Further, the appeal of the three accused is dealt with by the judiciary, which also falls under a fundamentalist

ally of Mr. Khamenei, and this department has normally paid no attention to the appeals of Bahá'ís in the past. Consequently, it is not known whether the submission of the lawyer in the present case will be treated any differently. It is hoped that intensive pressure brought to bear on the Iranian Government from outside the country and the resolutions passed by such bodies as the European Union and the United Nations will make a difference....

Department of the Secretariat