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**Promotion and protection of all human rights,
civil, political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the World Union for Progressive Judaism (WUPJ), a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[9 March 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Right to the Truth for 12 Iranian Jews: Arbitrary Detention & Disappearances in the 1990s

1. On 31 December 2009, Pakistan – for the Organization of the Islamic Conference (OIC) – sent a letter to the Human Rights Council president demanding that the Report on secret prisons should not be recognised as an official document and therefore not presented to the Human Rights Council.
2. The Joint Study on Global Practices in relation to secret detention (...) and the working group on enforced or involuntary disappearances affirm: “Reports from the Islamic Republic of Iran indicate a pattern of incommunicado detention of political prisoners in secret, or at least unofficial, detention facilities.” (A/HRC/13/42 / §175). The 10 July 2009 joint urgent appeal sent to the Government of the Islamic Republic of Iran concerns “more than 100 protestors arrested by public authorities. The vast majority of those arrested were allegedly deprived of any contacts with their family, and did not have access to legal counsel”. Their communication of 14 October 2009 concerned “many of the persons concerned (...) as well as other people whose fate and whereabouts were unknown” (§179).
3. The World Union for Progressive Judaism would add to that list the 12 Jews held incommunicado since the early 1990s, despite private and public requests for access to them – and for their release. These 12 Jews are being held as politico-religious prisoners merely for having attempted to leave the country over 15 years ago in order to join their relatives in Israel, Europe and America – thereby following in the footsteps of over 100,000 Iranian Jews who have left the country since the 1950s.

ICRC Background on Prolonged Disappearances / The Missing – End the Silence.

4. Seven years ago, an International Committee of the Red Cross (ICRC) Conference of governmental and non-governmental experts was held in Geneva from 19–21 February 2003 on a universal theme: The Missing: End the Silence: “Uncertainty about the fate of their relatives is a harsh reality for countless families in armed conflict and internal violence.” The purpose in launching this process was to “respond to the need of families that have lost contact with their loved ones and raise this concern higher on the agendas of governments, the United Nations and NGOs.” This theme was then stressed at the 28th International Conference of the Red Cross and Red Crescent in Geneva on 2–6 December 2003 and has been repeated since then.
5. On 2 December 2003, Executive Vice-Chairman of the Conference of Presidents of Major Jewish Organizations Malcolm Hoenlein and Secretary-General of the Iranian American Jewish Federation Sam Kermanian wrote to UN Secretary-General Kofi Annan on the subject of twelve missing Iranian Jewish males and requested his intervention: “We believe that this is a priority humanitarian issue given the length of their detention, separation from families and denial of even the most fundamental rights.” In 2000, relatives sent a letter to President Mohammad Khatami on this matter (cc. UNSG).
6. **WUPJ Text Submitted to Iranian President Mohammad Khatami on 11 December 2003** (At Commission of Churches on International Affairs – World Council of Churches, Geneva)
 - Comments and a question from David G. Littman, Representative at the UN–Geneva of the WUPJ, (Delegated by Rabbi François Garaï)
 - Thursday, 11 December 2003 (15:30-17:00)

- Floor Open for written questions and comments to: H.E. Mohammad Khatami, President of the Islamic Republic of Iran (after his lecture on ‘Interreligious Dialogue and International Relations’)

Comments:

Your Excellency, as you are aware “Member States which ratified UN Human Rights Conventions remain bound, under all circumstances, by the provisions of those Universal Instruments – and also by the obligations under customary international law.” (letter from the OHCHR, dated 14 Sept. 2000)

The Working Group on Arbitrary Detention (WGAD) has referred to many aspects (§12-15) of the Institutional and Legal Framework for Detention in its report to the 2004 Commission on Human Rights (Visit to Islamic Republic of Iran, 15-27 Feb. 2003; see: E/CN.4/2004/3/Add.2 – 27 June 2003)

In February 2003, the International Committee of the Red Cross convened in Geneva its first ever International Conference of Government and non-Governmental Experts, to discuss the issue of missing persons. It was agreed that families had the right to know the whereabouts of their loved ones.

Question:

Your Excellency, nearly ten years ago, twelve young Iranian Jews disappeared on their way to the Iranian border with Pakistan, with the aim of emigrating to the West – as they were not allowed to travel legally. A few months ago a member of the Majles (Parliament) disclosed to Iranian reporters that he knew of ten people from a non-Muslim minority [Iranian Jews] who were detained in Iranian prisons for long periods. Nobody knows where they are. Secrecy surrounds their imprisonment. The list of these persons is provided below, aged 15 to 45, some from the same family. I appeal to you to give this forum, comprised of religious leaders of different denominations, your assurance regarding an official investigation into the whereabouts of these 12 missing Jews. This is a humanitarian appeal, unconnected with politics. On these grounds alone, I make this plea in the form of a ‘question’ to you.¹

1. Babak TEHRANI was 15 when he “disappeared” in a city near the border with Pakistan.
2. Shahin Nik-Khou ZAHEDAN, a young male person, who “disappeared” along with TEHRANI.
3. Behzad SALARI was arrested in 1994, when he was 20 years old.
4. Farhad EZZATI “disappeared” along with Behzad SALARI.
5. Homayoun BALAZADEH, “disappeared” when he was in his thirties – and is now about 45.
6. Omid SOLOUKI, who also “disappeared” at that time, born in 1972.
7. Reuben BEN-MATZLIAH, who also “disappeared” was born in Shiraz.
8. Abraham BEN-MATZLIAH, “disappeared” along with his brother and with Omid SOLOUKI.
9. Cyrus GAHREMANI was born in Kermanshah.
10. Abraham GAHREMANI, “disappeared” at the same time as Cyrus, his brother.
11. Nourollah RABII’-ZADEH

12. Yitzhak Hassis KHORAM-ABAD was arrested near the city of Hamadan.

7. WGAD's 2003 Report on a visit to Iran states under 2 – Abuse of “solitary confinement” (§54-55): “Solitary confinement covers the generalized use of incommunicado imprisonment; the Working Group considers that owing to the absence of guarantees such ‘imprisonment within imprisonment’ is arbitrary in nature and must be ended. Furthermore, such absolute solitary confinement, when it is of long duration, can be likened to inhuman treatment within the meaning of the Convention against Torture.” Several ICRC conferences (Red Cross and Red Crescent) have unanimously established a fundamental human right that families had the right to know about the whereabouts of their loved ones.

8. Ten years ago, in his wide-ranging Report on Iran to the 56th session (E/CN.4/2000/35), Special Rapporteur Maurice Danby Copithorne devotes a section to the status of minorities. In his conclusion, he wrote: “one of the backwaters of the human rights situation in Iran is the status of minorities, ethnic and religious.” In Annexe II, he referred, *inter alia*, to the case of the thirteen arrested Jews from Shiraz. A year before, the situation of Iran's Jewish community was raised by a member of the CERD (Regis de Gouttes of France, 4 August 1999); The Government of Iran's promised a “written response” to his question on Iranian Jews and on other Iranian minorities but nothing was received then or since.

Missing Persons: a Handbook for Parliamentarians – 2009

9. A December 2009 Missing Persons Manual, elaborated jointly by the Inter-Parliamentary Union (IPU) and the ICRC, contains an annotated version of the Model Law on the Missing drafted by the ICRC's Advisory Services. It offers a comprehensive legal framework designed to help both States and their competent national authorities to adopt or improve their national legislation on the Missing.

The Ancient Jewish Community of Iran: From Antiquity until Modern Times

10. An important Jewish community existed in Mesopotamia and Persia from biblical times. Tens of thousands of Jews were deported to Assyria from the northern Kingdom of Israel (after the defeat in 732 BCE) and to Babylonia from the southern Kingdom of Judaea (597-581 BCE) following the fall of Jerusalem and the destruction of the First Temple, built by King Solomon in the tenth century BCE. After his conquest of Babylonia in 538 BCE, Cyrus the Great authorised the Jews to return to their homeland. About 50,000 did, while thousands remained in exile “by the rivers of Babylon.” This magnanimity is praised in several books of the Bible and Cyrus, in almost messianic terms, especially in the later book of Isaiah: “Thus saith the Lord to his anointed, to Cyrus...” (44: 28 – 45:1). For 200 hundred years of Persian rule in Judaea, Jewish community life flourished (the local coins bear the name ‘Yehud’), and in Persia-Mesopotamia for a millennium.²

11. The Cyrus the Great Cylinder of baked-clay, dating from 539 BCE and in the Akkadian language with cuneiform script, was excavated in 1879 by the Assyrian-born, British archaeologist Hormuzd Rassam (and since preserved in the British Museum). Its commitment to religious tolerance and a policy of ending some forms of forced labour has sometimes been described as the ‘First Charter of Human Rights’. In 1971 The Cylinder was translated into all six official UN languages.³ The Iranian Government is negotiating to display it at an exhibition as a unique historical Human Rights legacy.

12. Nearly 1,200 years after Cyrus the Great, the vast regions conquered by Arab armies from the 7th century were henceforth governed by Islamic legislation. The indigenous majority inhabitants – mainly Jews and Christians – either converted to Islam or became dhimmis – non-Muslims ‘protected’ by the *dhimma* ‘pact’, granted to them by a treaty of total submission that ended the jihad war.⁴

13. On the initiative of Iranian President Mohammad Khatami – soon after he took office in 1997 – the Year 2001 was officially designated by the United Nations General Assembly as ‘United Nations Year of Dialogue Among Civilizations’. Acting on behalf of the OIC, Teheran hosted a widely publicized ‘Islamic Symposium on Dialogue Among Civilizations’ on 3–5 May 1999. In an official paper: “General principles, A. 9”, the Islamic Republic of Iran set out its official position: Compliance with principles of justice, equity, peace and solidarity, as well as the fundamental principles of international law and the United Nations Charter.” (§5)⁵

14. The Jewish community of Iran, which numbered about 120,000 in 1945, had declined to 70,000 by 1978, many members leaving for Israel and Western countries. Their number is now thought to be less than 15,000 and that remnant – as so often in the past – is in danger of traditional discrimination and gradual disappearance as a religious minority, after a history in the country of 2,750 years.

15. Ten years ago, one of the aims of the Shiraz ‘show trial’ was to create a situation of insecurity so that remaining Iranian Jews would follow those who had left precipitately, abandoning their homes before and after the Ayatollah Khomeini’s return in 1979 and the creation of the Islamic Republic of Iran. This succeeded when the falsely accused Jews of Shiraz were tried on ‘espionage’, stemming from contact with their relatives in Israel. Despite their being freed, departures have since continued.

16. The WUPJ calls on the Government of the Islamic Republic of Iran to end the interminable ‘silence’ on all of those who have ‘disappeared’ in Iran over the years and are still detained, including the twelve ‘missing’ Jews – secretly incarcerated for over 15 years. The freeing of these missing prisoners held incommunicado and without trial, would be welcomed by the international community – on the basis Right to the Truth. Such a gesture would be a sign that the Iranian Government truly wishes to assume the mantle of Cyrus the Great 2,550 years, as illustrated in his famous Cylinder, by accepting the principles laid down in the humanitarian conferences held in 2003 by the ICRC and at the subsequent 28th International Conference of the Red Cross and Red Crescent – and reiterated since.

Notes:

¹ The original text was handed in as a ‘question’ (on WUPJ notepaper), with a covering note – to be selected or not by the WCC officer on the podium. In the end, President Khatami replied at great length to the first ‘set of questions,’ and then time ran out. However, he did ask for all the written questions to be handed to him afterwards so that he could provide answers in writing. No reply to our Question & Appeal ever reached the WUPJ.

² For an historical overview and 19th century documents from the Alliance Israélite Universelle (Paris), see David Littman, ‘Jews under Muslim Rule: The Case of Persia’, *Wiener Library Bulletin*, (London, June 1979) 32, n.s. 49/50: 2-15 [Original French texts : ‘Les Juifs en Perse avant les Pahlevi,’ *Les Temps Modernes*, N° 395, Paris, June 1979, pp. 1910-1935 (enlarged reprint brochure, Edition de l’Avenir, Geneva, November 1979).]

³ “I announce that I will respect the traditions, customs and religions of the nations of my empire and never let any of my governors and subordinates look down on or insult them until I am alive. From now on (...) I will impose my monarchy on no nation. Each is free to accept it, and if any one of them rejects it, I never resolve on war to reign. While I am the king of Iran, Babylon, and the nations of four directions, I never let anyone oppress any other, and if it occurs, I will take his or her right back and penalize the oppressor. And while I am the monarch, I will never let anyone take possession of movable and landed property of the others by force or without compensation. While I am alive, I

prevent unpaid, forced labour. Today, I announce that everyone is free to choose a religion. People are free to live in all regions and take up a job provided that they never violate other's rights. No one could be penalized for his or her relatives' faults. I prevent slavery and my governors and subordinates are obliged to prohibit exchanging men and women as slaves within their own ruling domains. Such a tradition should be eliminated the world over..." [UN Press Release (SG/SM/1553/HQ263, 14 October 1971)]

⁴ The inferior status of dhimmitude for the indigenous populations: Christians, Jews, Zoroastrians and others varied in different regions and periods, but in Iran, Yemen and North Africa it survived in its harshest form into the 20th century. A traditional climate of tolerated contempt is revealed in thousands of Islamic juridical and other texts, as well as in historical dhimmi sources. The legal inequality of dhimmis with Muslims is exemplified by the invalidity of their testimony in an Islamic court, based on a strict interpretation of *shari'a* law. (Bat Ye'or, *The Dhimmi: Jews & Christians under Islam*, AUP, 1985/2008 ch. 2: Aspects of the Dhimmi Condition, p 51-97.

⁵ This matter was raised in some detail then – with reference to the Special Rapporteur's Report on Iran – by the WUPJ representative a year after the "Rushdie Affair" (14/2/89). See oral statement by David Littman on 20 Feb. 1990 (E/CN.4/1990/SR.31) in "Human Rights and Human Wrongs", N° 8, pp. 25-28, WUPJ, 1990 (statement of the observer for Iran on 28 Feb. 1990 (E/CN.4/1990/SR.43), when he referred to the final report of Mr Galindo Pohl, suggesting the need for: "an academic study of the compatibility of Islamic and international law."

* Text prepared by David G. Littman, historian, WUPJ representative to the UN Office in Geneva.
