



PREPARED WRITTEN TESTIMONY OF

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**Tom Lantos Human Rights Commission**

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**“The Worsening Plight of Religious Minorities in Iran”**

**I. Introduction**

Chairman Wolf, Chairman McGovern, and Members of the Commission, I am deeply honored to present this report on behalf of Pastor Saeed and Naghmeh Abedini, and their two children, Rebekka and Jacob. My primary purpose for submitting this testimony is to give the Members of this Commission the opportunity to hear Pastor Saeed’s story of abuse, torture, and wrongful imprisonment in Iran directly from his wife, Naghmeh, and to impress upon the Commission the desperate need for greater urgency from our U.S. government in working for his immediate release. I want to begin by thanking you and your staff for your unyielding work defending human rights and for holding this hearing to raise the case of a U.S. citizen imprisoned in Iran.

I would be remiss to begin my remarks without acknowledging the strong and bipartisan congressional support that Pastor Saeed has received. More than 100 Members of the House and Senate—including more than twenty Members of this Commission, both Republican and Democrat—have publically condemned Iran for detaining Pastor Saeed, and have called for his immediate release. This includes both of the co-chairs of this Commission. Religious liberty is not a partisan issue. It is an issue involving the fundamental rights of one our own, a U.S. citizen.

I am encouraged by the fact that dozens of Members from both parties are standing together for Pastor Saeed. I am hopeful that today’s hearing will highlight the commitment to this case that so many of you have shown, and that the world will hear the U.S. government speaking with one voice in strong defense of our fellow citizen, Pastor Saeed Abedini.

Pastor Saeed was convicted by the Islamic Republic of Iran for his religious beliefs after what can only be described as a sham trial. He has been beaten, tortured, and told he will hang for his Christian faith. He was sentenced to eight years in one of Iran's most notoriously brutal and deadly prisons. He is currently suffering innumerable human rights abuses as Iran violates its own constitution and numerous international treaties to which it has willingly bound itself, including the Universal Declaration of Human Rights.

In addition to the horrific abuse and torture Pastor Saeed has faced at the hands of his brutal Iranian captors, Pastor Saeed has, at times, been nearly abandoned by his own U.S. government. While Pastor Saeed has been unlawfully detained by the Iranian government since late July 2012 and U.S. authorities were almost immediately notified of his situation, it has been only recently that anyone from the State Department or the White House has publicly called for his release. It was not until mid-January of this year, 2013, that the State Department even publicly mentioned Pastor Saeed's case and only to say that his detention raised "serious concerns."<sup>1</sup>

It took an additional week of media coverage of Pastor Saeed's case before the first Executive Branch official called for Pastor Saeed's release.<sup>2</sup> While the State Department, White House Press Secretary Jay Carney, and Secretary of State John Kerry have since issued statements publicly calling for Iran to immediately release Pastor Saeed, action on Pastor Saeed's behalf has been slow and cryptic at best. It is upon this backdrop that I come before you today expressing my concern about the level of support that this U.S. citizen has received from his own government.

It is my hope that through the continued interest of this Commission and other concerned Members of Congress that Pastor Saeed's case will be elevated to the highest levels of our Executive Branch and that the State Department would truly do everything within its power to bring this U.S. citizen home to his wife and children. I view today's hearing as this Commission's commitment to that cause, and I ask all Members of the Commission to encourage our President and Secretary of State to lend their voices as well.

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<sup>1</sup>Daily Press Briefing from Victoria Nuland, Department Spokesperson, Office of the Spokesperson, U.S. Dep't of State (Jan. 11, 2013) [hereinafter Press Briefing – Jan. 11, 2013], *available at* <http://www.state.gov/r/pa/prs/dpb/2013/01/202738.htm#IRAN>.

<sup>2</sup>Jordan Sekulow, *NSC: "Release" American Citizen Saeed Abedini "Immediately" as Trial Nears*, ACLJ (Jan. 18, 2013), <http://aclj.org/iran/nsc-release-american-citizen-saeed-abedini-immediately>.

## II. Background on American Pastor Saeed Abedini

Pastor Saeed Abedini (known as Saeed Abedinialangashi inside Iran) is a 32-year-old husband and father from Idaho, who is currently imprisoned in the notorious Evin Prison in Tehran, Iran. Pastor Saeed is a dual U.S.-Iranian citizen who was born in Iran. In July 2012, Pastor Saeed was traveling to Iran to visit family and to finalize the Iranian government's approval of the last board member for an orphanage he was building in Northwest Iran, an orphanage for which he had received approval from the Iranian government to construct. This was Pastor Saeed's ninth trip to Iran since 2009, and there was no indication that this particular trip would end up differently than any of the others which had proceeded without issue.

However, on July 28, 2012, members of the Iranian Revolutionary Guard took Pastor Saeed into custody, asserting that he had to face criminal charges for his Christian activities. After intense interrogations, Pastor Saeed was placed under house arrest and told to wait for a court summons. On September 26, 2012, instead of receiving a summons informing him where to appear for court, five members of the Revolutionary Guard raided Pastor Saeed's parents' home in Tehran, confiscated many of his belongings, told him to pack a bag, and took him to an unknown location. After four days without word of Pastor Saeed's whereabouts, the Revolutionary Guard informed his family that he was in solitary confinement in Evin Prison.

Pastor Saeed remained in solitary confinement for approximately four weeks before he was moved to section 3, ward 209, of Evin Prison. During his solitary confinement, Pastor Saeed was only brought out of his small, dark cell to be subjected to abusive interrogations. During these interrogations, a local prosecutor by the name of Ghenaatkar made it clear that Pastor Saeed would face national security charges for exercising his fundamental right to religious freedom. The prosecutor alleged that Pastor Saeed had attempted to undermine the government of Iran through his conversion from Islam to Christianity, working with foreign Christian satellite TV, starting a network of house churches, and conducting Christian conferences and leadership training outside of Iran.

While incarcerated in Evin Prison, Pastor Saeed has been beaten and threatened with death because of his faith. Pastor Saeed reported that he suffered "intense pains after beatings in interrogations." Also, in a letter Pastor Saeed penned from prison on January 10, 2013, he wrote that he had been "told I will hang for my faith in Jesus."<sup>3</sup> This threat of death by hanging became a stronger reality as Pastor Saeed's case (No. ط د ۱۹۰۴۸/۹۱ or TD19048/91) was assigned to Judge Pir-Abassi of Branch 26 of the Tehran Revolutionary Court, a judge with a well-known reputation as a "hanging judge."<sup>4</sup> Because of Judge Pir-Abassi's reputation, in April 2011, the European Union

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<sup>3</sup>Letter from the American Pastor Saeed Abedini, Imprisoned in Iran for his Christian Faith (Jan. 10, 2013) (on file with author), available at <http://c0391070.cdn2.cloudfiles.rackspacecloud.com/pdf/letter-from-american-pastor-saeed-abedini-1-10-2013.pdf>.

<sup>4</sup>Press Release, *Iran: USCIRF Uncovers Testimony Alleging that Three "Hanging Judges" are Responsible*, U.S. COMM'N ON INT'L RELIGIOUS FREEDOM (May 26, 2010), <http://www.uscirf.gov/news-room/press-releases/3059-52610-iran-uscirf-uncovers-testimony-alleging-that-three-qhanging-judgesq-are-responsible.html>.

individually sanctioned him for presiding over numerous unfair trials of human rights activists following the 2009 Iranian election and for handing down long prison sentences as well as several death sentences to those convicted.<sup>5</sup> Similarly, in its 2012 Annual Report, the U.S. Commission on International Religious Freedom recommended to the U.S. Department of State that the U.S. government issue sanctions against Judge Pir-Abassi, to bar him “from entry into the United States and [to] freeze [his and his immediate family members’ financial] assets” because he is responsible for “particularly severe religious freedom violations.”<sup>6</sup> To date, the U.S. Department of State has not sanctioned Judge Pir-Abassi.

One week before Pastor Saeed’s trial, his attorney was notified of the trial date and for the first time given access to his court file. Iran charged Pastor Saeed with intentionally attempting to undermine the national security of Iran through his work establishing a network of Iranian house churches in the years following his conversion from Islam to Christianity in 2000. Pastor Saeed was denied access to his attorney, Naser Sarbazi, until less than 24 hours before his trial began. As such, Pastor Saeed’s attorney was unable to adequately provide effective assistance of counsel and present a complete defense to the charges against Pastor Saeed.

These now-formal charges stemmed from informal charges first levied against Pastor Saeed in 2009 for his work organizing a network of house churches in Iran between his conversion in 2000 and 2005. In 2009, he reached an agreement with Iranian authorities whereby he would refrain from working with the house churches and Iran would not bring charges against him. Thereafter, with Iran’s knowledge and urging, Pastor Saeed began humanitarian efforts and construction of a non-sectarian orphanage. Pastor Saeed kept his end of the agreement; Iran did not.

Pastor Saeed appeared before Judge Pir-Abassi for trial on January 21, 2013. His attorney confirmed in Iranian news that Pastor Saeed was on trial for allegedly undermining the national security of Iran through his leadership in Christian house churches.<sup>7</sup> Pastor Saeed’s attorney was given one day to present a defense on behalf of Pastor Saeed. Pastor Saeed’s attorney argued that Pastor Saeed’s intention in gathering with fellow Christian believers was motivated solely by his faith and that he had no intent to undermine the government of Iran. Despite the unfair nature of the trial, Judge Pir-Abassi requested that Pastor Saeed’s attorney make a statement to the media that the trial was conducted fairly and that Pastor Saeed would be released on bail soon. Yet, throughout his detention, Pastor Saeed’s family had repeatedly sought bail, a request that has never been granted. Nonetheless, the court has continued to hold the deeds of property that were put forth toward procuring Pastor Saeed’s bail.

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<sup>5</sup>2011 O.J. (L 100/1) 359, *available at* <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:100:0001:0011:EN:PDF>.

<sup>6</sup>U.S. COMM’N ON INT’L RELIGIOUS FREEDOM ANN. REP. 93–94 (2012), *available at* [http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf).

<sup>7</sup>*Likelihood of Imminent Release, “Saeed Abedini” American Citizen*, VEKALAT.ORG (Jan. 21, 2013), <http://www.vekalat.org/public.php?cat=1&newsnum=2982840>.

On the second day of his trial, Pastor Saeed and his attorney were barred from the courtroom while the court questioned acquaintances and lay ministers about Pastor Saeed. As such, Pastor Saeed was denied the right to hear and challenge the evidence presented against him in absentia. An individual present at trial reported that the court asked about one of the witnesses' association with Pastor Saeed, the witness's conversion to Christianity, the current status of the Christian house churches, and how Pastor Saeed funded his travels and the orphanage. It is unknown if the trial continued in secret after the second day of trial.

On January 27, 2013, one week after Pastor Saeed's trial began, his attorney was summoned to court on information from court officials that Pastor Saeed would be released on bail. When Pastor Saeed's attorney arrived as requested, he found Pastor Saeed being led into the courtroom. At that time, Judge Pir-Abassi pronounced Pastor Saeed guilty and sentenced him to eight years in prison. In rendering the guilty verdict, the court relied heavily on the evidence presented of Pastor Saeed's activities with the Christian house churches between 2000 and 2005. No written verdict has been issued, and Pastor Saeed's attorney was told that he had twenty days to file an appeal of the verdict.

Pastor Saeed's family in Tehran has visitation rights with him on Mondays. However, following his conviction, Pastor Saeed is no longer permitted to make phone calls, which entirely cuts him off from contacting his wife and two young children in the United States.

During the week of his trial, Pastor Saeed was transferred to a new prison ward at the request of his attorney. Pastor Saeed had been denied medical treatment in the previous ward for infections that resulted from several beatings. The doctor and nurse at the previous ward refused to treat him because, as a Christian, he was considered "unclean" and an infidel.

Even since his transfer, Pastor Saeed has suffered numerous beatings along with other abuses. In a February 18, 2013 letter, Pastor Saeed detailed, "Various (bullying) groups, the psychological warfare, a year of not seeing my family, physical violence, actions committed to humiliate me, insults, being mocked, being confronted with extremists in the prison who create another prison within the prison walls, and the death threats..."<sup>8</sup>

The continuous beatings he has sustained have caused internal bleeding. He is still not receiving sufficient medical treatment. Iran has refused to allow the Swiss Embassy in Tehran, America's protecting power in Iran, access to Pastor Saeed.

On February 4, 2013, Pastor Saeed's attorney filed an appeal on Pastor Saeed's behalf.

As of the date of this hearing, Pastor Saeed has been wrongfully imprisoned in Iran because of his religious beliefs for 171 days.

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<sup>8</sup> Letter from Pastor Saeed (Feb. 18, 2013) (on file with author), *available at* <http://c0391070.cdn2.cloudfiles.rackspacecloud.com/pdf/saeed-letter-from-prison-feb.pdf>.

### III. Iran's Violation of Its Own Constitution, Human Rights Treaties, and International Law

The actions taken by Iranian governmental officials in this matter have violated various international agreements to which Iran is a signatory, including: the UN Charter, the Universal Declaration of Human Rights (“UDHR”), the Cairo Declaration on Human Rights in Islam (“CDHRI”), and the International Covenant on Civil and Political Rights (“ICCPR”). Moreover, the actions taken by Iranian officials have violated Iran’s own constitution. Iran’s constitutional and treaty obligations require the Iranian government to provide a fair and public trial as well as various human rights protections, including freedom of religion and protections against torture. The Iranian government’s treatment of Pastor Saeed constitutes egregious violations of these solemn obligations.

#### A. Due Process Violations: A Fair & Public Trial

One of the fundamental guarantees under the Constitution of Iran and customary international law is that each individual taken into custody must be informed of the reasons for the detention and be given a fair and public trial. The Iranian Constitution requires its government to promptly inform the accused of the reasons for the arrest: “No person may be arrested except according to and in the manner laid down in the law. If someone is detained, the subject matter of the charge, with reasons (for bringing it), must *immediately* be communicated and explained in writing to the accused.”<sup>9</sup> Additionally, absent a judicial determination that an open trial would harm “public morality or discipline,” the Iranian government must provide the accused with a *public* trial: “Trials are to be held openly and members of the public may attend without any restriction . . . .”<sup>10</sup> Notably, Pastor Saeed and his attorney were excluded from the second day of his own trial.

The Iranian government’s actions in this respect also violate numerous international agreements to which Iran is a signatory that recognize that human dignity demands a fair and public trial and, therefore, require the presumption of innocence until proven guilty.<sup>11</sup> For example, the UDHR states: “Everyone is entitled in full equality to a *fair and public hearing by an independent and impartial tribunal*, in the determination of his rights and obligations and of any criminal charge against him.”<sup>12</sup> Additionally, the ICCPR requires that

[a]ll persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be *entitled to a fair and public hearing* by a competent, *independent and impartial tribunal* established by

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<sup>9</sup>QANUNI ASSASSI JUMHURII ISLAMAI IRAN [THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN] 1358 [1980] art. 32 [hereinafter CONSTITUTION OF IRAN] (emphasis added).

<sup>10</sup>*Id.* art. 165.

<sup>11</sup>*See* The Cairo Declaration on Human Rights in Islam, art. 19; Int’l Covenant on Civil and Political Rights, arts. 9, 14; Universal Declaration of Human Rights, G.A. Res. 217 (III) A, arts. 10, 11(A), U.N. Doc. A/RES/60/1 (Dec. 10, 1948).

<sup>12</sup>Universal Declaration of Human Rights, *supra* note 11, art. 10 (emphasis added).

law. . . . Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.<sup>13</sup>

By failing to provide Pastor Saeed with a fair and public trial, the Iranian government has violated not only its own constitution, but also its treaty obligations under other international covenants. Pastor Saeed and his attorney were excluded from the entire second day of his trial, and Pastor Saeed was unable to meet with his attorney until mere hours before the trial was to begin. Further, Judge Pir-Abassi, who presided over Pastor Saeed's case, not only failed to qualify as impartial but is a notorious human rights violator who has been sanctioned by the European Union. As a result, the "trial" of Pastor Saeed did not meet the standard of fairness required by the Constitution of Iran and customary international law.

### **B. Violations of Human Rights: Inviolability of Dignity and Life**

According to the Constitution of Iran and multiple international agreements to which Iran is a signatory, the Iranian government has committed itself to protecting basic human rights.<sup>14</sup> The Constitution of Iran provides that "[a]ll people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights."<sup>15</sup> Moreover, the Constitution of Iran states that "the *dignity, life, property, rights, residence, and occupation of the individual are inviolate, except in cases sanctioned by law.*"<sup>16</sup>

Likewise, under international treaties to which Iran is a signatory, the Iranian government has an obligation to allow for peaceful freedom of expression and belief and to treat its citizens with basic human dignity. According to the Charter of the United Nations all Member States pledge themselves to "promote . . . universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to [*inter alia*] religion."<sup>17</sup> The UDHR states: "All are equal before the law and are entitled without any discrimination to equal protection under the law."<sup>18</sup> Specifically, "[e]veryone has the right to freedom of opinion and expression."<sup>19</sup> The ICCPR provides even stronger provisions: "Everyone shall have the right to hold opinions without interference," and "[e]veryone shall have the right to freedom of expression; *this right shall include freedom to seek, receive and impart information and ideas of all kinds.*"<sup>20</sup> Such rights necessarily include the right to hold religious opinions, to obtain and disseminate information, and to express ideas.

By denying Pastor Saeed his right to equal treatment under the law regardless of his beliefs and his right to peacefully express those beliefs, the Iranian government is

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<sup>13</sup>Int'l Covenant on Civil and Political Rights, *supra* note 11, art. 14 (emphasis added).

<sup>14</sup>See CONSTITUTION OF IRAN, *supra* note 9, arts. 19, 22; Universal Declaration of Human Rights, *supra* note 11, arts. 7, 19; Int'l Covenant on Civil and Political Rights, *supra* note 11, art. 19.

<sup>15</sup>CONSTITUTION OF IRAN, *supra* note 9, art. 19.

<sup>16</sup>*Id.* art. 22 (emphasis added).

<sup>17</sup>U.N. Charter arts. 55, 56.

<sup>18</sup>Universal Declaration of Human Rights, *supra* note 11, art. 7.

<sup>19</sup>*Id.* art. 19.

<sup>20</sup>Int'l Covenant on Civil and Political Rights, *supra* note 11, art. 19 (emphasis added).

blatantly contravening its international treaty duties. By discriminating against Pastor Saeed for his Christian beliefs, the Iranian government is also violating the provisions within its own constitution that protect freedom of expression and equal protection under the law.

### C. Violations of Religious Freedom: Thought, Conscience, and Religion

The Constitution of Iran provides unique protections for those holding Christian beliefs, as article 13 states: “Zoroastrian, Jewish, and *Christian* Iranians are the only recognized religious minorities, who, within the limits of the law, are *free to perform their religious rites and ceremonies*, and to act according to their own canon in matters of personal affairs and religious education.”<sup>21</sup> Moreover, the Constitution of Iran prohibits its government from punishing an individual for simply holding a certain religious belief: “The investigation of individuals’ beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.”<sup>22</sup>

As a Member State of the UN,<sup>23</sup> Iran is obligated to adhere to the international parameters set forth in the Charter of the United Nations (“UN Charter”). One of the stated purposes listed in the UN Charter is “[t]o achieve international cooperation . . . in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to [*inter alia*] religion.”<sup>24</sup> Articles 55 and 56 of the UN Charter further emphasize the significance of respect for human rights and for fundamental freedoms, stating that:

[w]ith a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the [UN] shall promote:

...

*universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to [*inter alia*] religion.*

...

*All Members pledge themselves to take joint and separate action in cooperation with the [UN] for the achievement of the purposes set forth [above].*<sup>25</sup>

Other international agreements to which Iran is a signatory also prohibit discrimination and persecution based on religious grounds.<sup>26</sup> For example, article 18 of the ICCPR states:

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<sup>21</sup>CONSTITUTION OF IRAN, *supra* note 9, art. 13 (emphasis added).

<sup>22</sup>*Id.* art. 23.

<sup>23</sup>*Member States*, U.N., <https://www.un.org/en/members/> (last updated July 3, 2006).

<sup>24</sup>U.N. Charter art. 1, para. 3 (emphasis added); *see also* U.N. Charter arts. 55–56.

<sup>25</sup>U.N. Charter arts. 55, 56 (emphasis added).

<sup>26</sup>*See* Int’l Covenant on Civil and Political Rights, *supra* note 11, arts. 2(1), 18, 26, 27; Universal Declaration of Human Rights, *supra* note 11, arts. 2, 18.

Everyone shall have *the right of freedom of thought, conscience and religion*. This right shall include *freedom to have or to adopt a religion or belief of his choice*, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. . . . Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.<sup>27</sup>

Consequently, by detaining and imprisoning Pastor Saeed for his Christian beliefs, the Iranian government has ignored its own constitutional protections for religious minorities. Furthermore, Iran has disregarded its duties as a UN Member State and as a signatory to various international agreements that obligate Iran to uphold freedom of religion.

#### **D. The Use of Torture**

Article 38 of the Constitution of Iran states: “Any kind of torture used to extract an *admission* of guilt or to obtain information is *forbidden*. Compelling people to give evidence, or confess or take an oath is not allowed. Such evidence or confession or oath is *null and void*.”<sup>28</sup> There is evidence that Pastor Saeed was beaten as part of his interrogations while detained by Iranian governmental officials. This type of governmental action violates the constitutional protections against such treatment of individuals in Iran's own Constitution. The beatings that Pastor Saeed has endured constitute a form of torture in violation of the supposed rights provided under the Constitution of Iran.

Iran's governmental actions in this matter also violate its obligations under international agreements. The UDHR states: “*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*.”<sup>29</sup> The CDHRI, to which Iran is a signatory, condemns the subjecting of an individual to “physical or psychological torture or to any form of humiliation, cruelty or indignity.”<sup>30</sup> The ICCPR also states: “No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.”<sup>31</sup> The Iranian government has brutally interrogated Pastor Saeed, at times beating and subjecting him to inhuman treatment during his detention as well as denying him medical care for his injuries. Consequently, these actions demonstrate Iran's disregard of its international obligations and its duty to protect the dignity of life.

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<sup>27</sup>Int'l Covenant on Civil and Political Rights, *supra* note 11, art. 18 (emphasis added).

<sup>28</sup>CONSTITUTION OF IRAN, *supra* note 9, art. 38 (emphasis added).

<sup>29</sup>Universal Declaration of Human Rights, *supra* note 11, art. 5 (emphasis added).

<sup>30</sup>The Cairo Declaration on Human Rights in Islam, *supra* note 11, art. 20.

<sup>31</sup>Int'l Covenant on Civil and Political Rights, *supra* note 11, art. 7.

#### IV. Overview of U.S. Government Action on Behalf of Pastor Saeed Abedini

Despite the fact that the Executive Branch maintains clear authority to direct U.S. foreign policy, it has been the Congress that has demonstrated the most consistent concern for Pastor Saeed's well-being. Today's hearing, which is affording Naghmeh the opportunity to formally raise her voice to Congress, is just the latest in an impressive line of bipartisan congressional actions taken on behalf of Pastor Saeed.

On January 15, 2013, thirty-seven Members of the U.S. House of Representatives, led by Congressman Robert Aderholt (AL), sent a letter to then-Secretary of State Hillary Clinton requesting the State Department's "full engagement" on behalf of Pastor Saeed.<sup>32</sup>

Also on January 15, 2013, twelve U.S. Senators, led by Senator James Risch (ID), sent a similar letter asking for then-Secretary Clinton to "exhaust all efforts to secure Mr. Abedini's prompt return."<sup>33</sup>

On January 24, 2013, during then-Senator John Kerry's confirmation hearing to become Secretary of State, Senator Marco Rubio (FL) submitted a question for the record about Pastor Saeed's case. On January 29, 2013, then-Senator Kerry responded in writing: "I . . . condemn Iran's continued violation of the universal right of freedom of religion and call on the Iranian authorities to respect Mr. Abedini's human rights and release him."<sup>34</sup>

On January 30, 2013, Senator Lindsey Graham (SC) sent a letter asking President Obama to "personally add your voice to those calling for Pastor Abedini's immediate and unconditional release." Senator Graham went on to say that "[t]here is no better symbol of American values, specifically freedom of religion, or demonstration of loyalty to the welfare of our citizens abroad than vocal and sustained support directly from the President of the United States."<sup>35</sup>

On February 12, 2013, sixty-four Members of the U.S. House of Representatives, led by Congressman Trent Franks (AZ) and Congressman Henry Waxman (CA), and twenty Senators, led by Senator Mark Kirk (IL) and Senator Frank Lautenberg (NJ), again sent a letter imploring Secretary Kerry to do more on behalf of Pastor Saeed, and specifically to "use every diplomatic avenue possible, in cooperation with our allies and the United

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<sup>32</sup>Letter from Robert B. Aderholt et al., Member of Congress, to Hillary Clinton, Secretary of State (Jan. 15, 2013) (on file with author), *available at* <http://c0391070.cdn2.cloudflare.com/pdf/signed-letter-sec-clinton-pastor-saeed-abedini-iran.pdf>.

<sup>33</sup>Letter from James Risch et al., United States Senator, to Hillary Clinton, Secretary of State (Jan. 15, 2013) (on file with author), *available at* <http://c0391070.cdn2.cloudflare.com/pdf/clinton-saeed-abedini-senate-letter-iran.pdf>.

<sup>34</sup>David French, *Senator Kerry – Nominee for Secretary of State – Issues Clear and Unequivocal Call for Pastor Saeed's Release*, ACLJ (Jan. 29, 2013), <http://aclj.org/iran/senator-kerry-nominee-secretary-of-state-issues-clear-unequivocal-call-pastor-saeed-release>.

<sup>35</sup>Letter from Lindsey O. Graham, United States Senator, to Barack Obama, President of the United States (Jan. 30, 2013) (on file with author), *available at* <http://c0391070.cdn2.cloudflare.com/pdf/graham-obama-saeed-abedini.pdf>.

Nations Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, to secure Mr. Abedini's unconditional release and publically condemn his arbitrary detention in a statement."<sup>36</sup>

In addition to these highly public actions, numerous Members have made public statements calling for Pastor Saeed's release. All told, at least 103 Members of the U.S. House and the U.S. Senate have directly engaged Pastor Saeed's case.

Unfortunately, we have not seen the same level of commitment from the Executive Branch. As previously outlined, it took nearly six months for the State Department to even publically mention Pastor Saeed's case, at which time they only said that his detention raised "serious concerns."<sup>37</sup>

Slowly and painstakingly, additional mentions of Pastor Saeed's case were made by the State Department, the clearest of which was in response to a question posed during a daily press briefing to State Department spokesperson Victoria Nuland on January 25, 2013. When asked about Pastor Saeed, Ms. Nuland responded:

We remain very concerned about U.S. citizen Saeed Abedini, who is detained in Iran on charges related to his religious beliefs. Mr. Abedini's attorney had only one day to present his defense. And we remain deeply concerned about the fairness and the transparency of his trial. We condemn Iran's continued violation of the universal rights of freedom of religion, and we call on the Iranian authorities to respect Mr. Abedini's human rights and to release him. We are in close contact with his family as well and we're actively engaged in the case.<sup>38</sup>

Unfortunately, this statement has remained essentially unchanged to this day, despite repeated requests from the ACLJ, Members of Congress, hundreds of thousands of concerned citizens, and the media for additional involvement from the State Department. Most recently, on March 7, 2013, Ms. Nuland stated, "Well, as you know, we remain concerned about Mr. Abedini. We raise this at regular intervals. We also remain deeply concerned that the Iranians have not yet granted access to him by our Swiss protecting power. We continue to believe he should be released immediately."<sup>39</sup>

On January 28, 2013, White House Press Secretary Jay Carney issued a very similar statement:

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<sup>36</sup>Letter from Trent Franks et al., Member of Congress, to John F. Kerry, Secretary of State (Feb. 12, 2013) (on file with author), *available at* <http://c0391070.cdn2.cloudfiles.rackspacecloud.com/pdf/franks-waxman-lautenberg-kirk-letter-to-secretary-kerry-saeed-abedini-case-in-iran.pdf>.

<sup>37</sup>Press Briefing – Jan. 11, 2013, *supra* note 1.

<sup>38</sup>Daily Press Briefing from Victoria Nuland, Department Spokesperson, Office of the Spokesperson, U.S. Dep't of State (Jan. 25, 2013), *available at* <http://www.state.gov/r/pa/prs/dpb/2013/01/203286.htm#IRAN>.

<sup>39</sup>Daily Press Briefing from Victoria Nuland, Department Spokesperson, Office of the Spokesperson, U.S. Dep't of State (Mar. 7, 2013), *available at* <http://www.state.gov/r/pa/prs/dpb/2013/03/205831.htm#IRAN2>.

Well, we are deeply disappointed that Saeed Abedini has been sentenced to eight years in prison in Iran on a charge related to his religious beliefs. Mr. Abedini's attorney had only one day to present his defense, so we remain deeply concerned about the fairness and transparency of his trial. We condemn Iran's continued violation of the universal right of freedom of religion, and we call on the Iranian authorities to release Mr. Abedini. As you know the State department is in close contact with the Abedini family and is actively engaged on this case. For further details, I think the State Department is the best place to go. We obviously have a variety of means, including this podium to express our views on matters like this, and we are very concerned about this and very concerned about the process that led to this.<sup>40</sup>

As previously noted, the only comment on Pastor Saeed's case by Secretary of State John Kerry came during his confirmation process. We were hopeful that Secretary Kerry's response to Senator Rubio indicated that, under his leadership, the State Department would take a more aggressive posture on behalf of Pastor Saeed. However, we have been disappointed that Secretary Kerry has not commented on Pastor Saeed's case since being confirmed by the U.S. Senate.

At each stage, these comments from the Executive Branch seem to occur only as the result of outside pressure rather than an internal proactive effort to aid Pastor Saeed. Many will recall the story of the American hikers who mistakenly wandered into Iran, or the current story of the retired FBI agent who is missing in Iran. In both of these cases, those involved received presidential level support and engagement—and rightfully so. It is discouraging, however, that Pastor Saeed's case seems to have received a lesser prioritization. Neither the Secretary of State nor the President have reached out to Naghmeh, Pastor Saeed's wife.

Behind the scenes, we remain concerned that the State Department's private efforts are significantly underwhelming, as well. While the U.S. understandably does not have direct diplomatic relations with Iran, we have been frustrated by a lack of desire from our State Department to aggressively engage with intermediary nations. We believe that some of this engagement is occurring, but have no reason to believe that they are more than simply token efforts. We have been specifically frustrated that the State Department has not even been willing to share with Naghmeh specific details about the efforts they are taking behind the scenes. Given their low level of public engagement on this case, coupled with the vague generalities that we are told about the ongoing private efforts, we are left with significant doubt that our government is doing everything it can to free Pastor Saeed.

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<sup>40</sup>Press Briefing by Press Secretary Jay Carney (Jan. 28, 2013), *available at* <http://www.whitehouse.gov/the-press-office/2013/01/28/press-briefing-press-secretary-jay-carney-1282013>.

## V. Recommendations

We believe that there is a great deal more that our White House and State Department can and should do for Pastor Saeed. To date, there has been only minimal public involvement from the White House press secretary and a State Department spokesperson. Their brief statements have come only as responses to questions asked by reporters. There is no formal written statement from either the President or the newly confirmed Secretary of State condemning Iran and calling for Pastor Saeed's release. These two statements should be made immediately, and we would be grateful to the Members of this Commission if they would echo our request for them.

Second, the State Department should privately provide Naghmeh and her legal counsel with specific details about the work that is supposedly being done behind the scenes on Pastor Saeed's behalf. Given the vague generalities that Naghmeh is routinely given, there is very little reason for her to believe that the State Department is doing anything beyond what we have the capacity to do on our own.

Third, our foreign diplomats need to publically engage for Pastor Saeed. One of the reasons that we have been told that this has not occurred—and why the European Union appears to be well ahead of the United States in this regard—is that the U.S. believes private engagement is more effective. We do not accept this excuse for two reasons: 1) The U.S. has fairly routinely taken the opposite approach in similar situations, and with positive results, and 2) this case has long ago crossed the Rubicon of privacy. Pastor Saeed's family has chosen to take his case public. World leaders around the globe have engaged this case. Nearly 500,000 people have signed a petition in support of Pastor Saeed.<sup>41</sup> Naghmeh has conducted national and international media interviews about Pastor Saeed's plight. Pastor Saeed would be recognized walking down the street in America. This case is not private any longer. The Abedini family has weighed the relevant risks of going public, and has made a conscious decision to do so. By taking a more aggressive approach to this case, our State Department would not be compromising any anonymity for the Abedini family. The case is public because the Abedini's made it public, and it is time for our government to be proactively public about it, as well.

It is simply not acceptable that the leader of our country, our highest ranking foreign diplomat, and even our mission to the United Nations remains silent, even given that numerous world leaders—including most recently the European Union's United Nations representative<sup>42</sup>—have come to Pastor Saeed's public defense. It is time for the highest levels of Pastor Saeed's government to do the same for him.

In closing, I want to again express my gratitude to this Commission for taking an active role in Pastor Saeed's case. Your leadership on this life-or-death case is critical, and we

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<sup>41</sup> *Save an American Pastor from an Iranian Prison Sentence*, ACLJ, <http://aclj.org/iran/save-american-pastor-from-iranian-prison-sentence> (last visited Mar. 13, 2013).

<sup>42</sup> Permanent Delegation to the United Nations Office and Other International Organisations in Geneva, Interactive Dialogue with the Special Rapporteur on Iran (Mar. 11, 2013), *available at* [http://eeas.europa.eu/delegations/un\\_geneva/documents/eu\\_statments/human\\_right/20130311\\_id\\_sriran.pdf](http://eeas.europa.eu/delegations/un_geneva/documents/eu_statments/human_right/20130311_id_sriran.pdf).

urge the State Department to follow your lead. It is time for our government to exhaust every option for bringing Pastor Saeed home to his wife and children. While we recognize the unique difficulty presented by the unlawful detention of a U.S. citizen by a rogue nation with which we understandably have no diplomatic relations, it is nevertheless our belief that more can yet be done for Pastor Saeed. Moreover, it is our hope that by raising the profile of Pastor Saeed's case in the U.S. and internationally, the plight of the hundreds of persecuted Christians in Iran will be improved and that one day Iran will respect the God-given inalienable right to religious liberty.