



## **League for the defence of Human Rights in Iran**

# **INTERNATIONAL FEDERATION OF HUMAN RIGHTS (FIDH) & IRANIAN LEAGUE FOR THE DEFENSE OF HUMAN RIGHTS (LDDHI)**

## **Submission to the Universal Periodic Review of Iran**

### **I/ UN cooperation and ratification**

The Islamic Republic of Iran is a party to four major United Nations human rights treaties: the Convention on the Rights of the Child (ratified on 13 July 1994), the Convention on the Elimination of Racial Discrimination (ratified on 29 August 1968), the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (both ratified on 24 June 1975). However, Iran has a poor record of cooperation with treaty bodies. It has not reported to the Human Rights Committee or to the Committee on Economic, Social and Cultural Rights for more than a decade. The concluding observations of each of those bodies adopted in 1993 remain largely unimplemented. In spite of repeated promises to ratify CEDAW and CAT and the submission of the relevant bills to the Majlis, those key instruments have not yet been ratified by the Islamic Republic. In addition, since 2005, special procedures have not been able to visit the country, in spite of requests by the Special Rapporteur (SR) on torture and other cruel, inhuman or degrading treatment or punishment, the SR on the independence of judges and lawyers, the independent expert on minority issues, the SR on summary and arbitrary executions, the Working Group on enforced and involuntary disappearances and the SR on freedom of religion or belief. The High Commissioner has intervened with the Iranian authorities in a number of individual human rights cases through appeals, closed letters and public statements, regarding cases involving juvenile executions, cruel, inhuman or degrading treatment or punishment, including stoning, the rights of women, freedom of assembly, freedom of religion as well as the rights of minorities. In addition, Iran has a practice of entering general reservations upon signature or ratification, which has repeatedly been cited by treaty bodies as a major factor impeding the enjoyment of some human rights protected under the conventions.

### **II/ Legal and Institutional framework**

The 1979 Constitution of Iran guarantees a wide range of human rights and fundamental freedoms (Articles 19 to 42). However, in practice there is a number of serious impediments to the full protection of human rights and the independent functioning of the various State institutions.

Despite the separation of powers provided for in Article 57 of the Constitution, the Supreme Leader, currently Ayatollah Ali Khamenei, supervises the executive, legislative and judicial branches and other key institutions. His institutional rule is reinforced by the system of advisory councils provided for in the Constitution. The Guardian Council is composed of six theologians appointed by the Supreme Leader and six jurists nominated by the judiciary. It has the power to veto the bills passed by Parliament if it considers them to be inconsistent with the Constitution and the sharia law. The Expediency Council serves as an advisory body for the Supreme Leader with an ultimate adjudicating power in disputes over legislation between Parliament and the Guardian Council. The Supreme Leader also appoints the head of the judiciary who in turn appoints the head of the Supreme Court and the Chief Public Prosecutor<sup>1</sup>.

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1 Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran (Distr.:

### **III/ Electoral violence and repression**

FIDH and LDDHI expressed their deepest concern regarding the repression in Iran following the presidential elections on 12th June 2009. Spontaneous protests to denounce the official result of the election have been violently repressed and thousands of people have been arbitrarily arrested, including many protesters, reformers, students, journalists and human rights defenders.

Unarmed civilians protesting in the streets have been killed during the peaceful demonstrations. Following a large-scale demonstration in Tehran on 20th June 2009, shots were fired at the crowd from the top of governmental buildings where paramilitary Bassidji militias were stationed. The Iranian authorities have acknowledged the death of 21 persons during these events. On 10 August 2009, the commission of inquiry conducted by Mehdi Karroubi and Mir Hossein Moussavi, two reformist candidates in the last election, presented a non-exhaustive list of 69 protesters killed by the authorities and the names of 245 persons still arbitrarily detained. During a press conference on 11 August 2009, the Iranian Spokesman of Judiciary finally admitted that 4000 persons had been arrested during the post-election events, declaring that only 300 protesters still remained in detention.

Five independent UN experts have voiced their grave concern regarding the use of excessive police force, arbitrary arrests and killings following the presidential election. They called upon the authorities to fully guarantee the rights to freedom of expression and assembly throughout the country. The UN High Commissioner for Human Rights also expressed her concern following reports of arbitrary arrests and illegal use of excessive force by semi-official forces and reminded the Iranian government of its obligations under international human rights law.

The vast majority of the persons arrested have been deprived of any contact with members of their family, and have not had access to a legal counsel or necessary medical care.<sup>2</sup> In August 2009, a number of detained political opponents were brought before the revolutionary court, in unfair trials, accused of organizing the demonstrations following the presidential election, of participation in riots, action against national security, disturbing public order, vandalising public and government property and having ties with counter-revolutionary groups. This travesty of justice, without lawyers, aimed only at intimidating political opposition and showing to the public confession of major figures of the opposition acknowledging that there had been no electoral fraud but a general plot against the regime. Such a practice is common in Iran, and it has been demonstrated in the past that torture is being used to extract this type of confession.

Local sources have reported widespread use of torture and ill-treatment, including rape, against people arrested in the wake of the election. On 13th August 2009, the U.N. special rapporteur on torture said he had brought more than 300 cases of alleged torture and ill-treatment to the attention of Iranian authorities. In August 2009, FIDH and LDDHI received allegations about at least 3 cases of deaths in custody as result of torture. However, our organisations have not been able to verify those allegations due to the lack of access but the IRI Supreme Leader Ayatollah Khamenei effectively acknowledged that gross abuses had occurred in those centers, when he ordered the closure of Kahrizak Detention Center on 29 July. The recent arrests of peaceful protesters also constitutes a violation of the rights to freedom of peaceful assembly (Article 21 of ICCPR) and to freedom of expression (Article 19 of the ICCPR), to which Iran is a State party.

### **IV/ Civil Society**

#### **A/ Human Rights defenders and other peaceful activists bear the brunt of repression**

For the past few years, the repression and harassment of human rights defenders have continued unabated, with an ongoing repression against women human rights defenders, and an alarming increase of harassment against human rights activists belonging to minorities or working on minority issues. The peak of that trend was the closure, in December 2008, of one of the few independent human rights NGOs operating in the country and the arbitrary arrest of its administrative assistant in January 2009. With this closure, victims of

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General / 1 October 2008)

2 FIDH and LDDHI submitted a list of 172 persons detained arbitrary to the Working Group on Arbitrary Detention on 7 July 2009, and an updated list of 191 persons on July 16, 2009, [list of persons detained following the presidential elections](http://www.fidh.org/IMG/pdf/ARRESTEDFinal09.pdf), accessible at : <http://www.fidh.org/IMG/pdf/ARRESTEDFinal09.pdf>

human rights violations in Iran are left without access to any effective remedy.

On 21st December 2008, the headquarter of the Defenders of Human Rights Centre (DHRC) in Tehran, FIDH member organisation in Iran, was violently searched without judicial search warrant and shut down by the police. The sealing of the office of DHRC, founded a few years back by five Iranian lawyers, including Ms. Shirin Ebadi, 2003 Nobel Peace Prize Laureate, took place without any judicial order, in violation of Article 17 of the Law for Activities of Parties, approved on 29 August 1981 by the Islamic Consultative Assembly, under which the only authority that may issue an order for the dissolution of civil or political groups is a court of law.

On 14 January 2009, Ms. Jinus Sobhani, the administrative assistant of the Defenders of Human Rights Centre (DHRC), was arrested at her residence. She was eventually released on 11 March 2009, thanks to the national and international mobilization on her behalf. Mr Mohammad Ali Dadkhah, a prominent human rights lawyer and founding member of DHRC, was also arrested on 6 July 2009. Mr. Abdolfattah Soltani, a lawyer at the Bar of Tehran and a founding member of the Defenders of DHRC, and Mr. Ahmad Zeydabadi, a political analyst and civil society activist, have been detained since 16 and 12 June 2009 respectively. Mr. Abdolfattah Soltani was first detained in section 240 of Evin prison, in Tehran, and was subsequently transferred to the Intelligence Ministry - run section 209, where some of the political prisoners are detained. He remains in detention as of mid-August 2009. Mr. Bahman Ahmadi Amoei and his wife, Ms. Jila Baniyaghoob, a well-known women's rights activist and journalist were arrested on 20th June in Tehran by plain-clothes officers of the Ministry of Intelligence. Mr. Bahman Ahmadi Amoei is currently detained *incommunicado* in Evin prison. Ms. Baniyaghoob was subsequently released on 19th August 2009.

### **B/ Continuous attacks on women's rights defenders**

The Iranian legislation is deeply discriminatory in relation to women. A campaign was therefore launched by local activists in 2006, to demand the domestic legislation be amended in order to ensure equality between women and men.

The Observatory for the Protection of Human Rights Defenders, a joint program of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), has documented acts of harassment and legal proceedings against 54 activists involved in this "One Million Signatures" Campaign, repressed for their involvement in the Campaign since its creation in 2006. The increasing popularity of this movement unfortunately led to an increasing repression against its members.

For instance, on 29th January 2009, Ms. Alieh Eghdamdoust, sentenced to three years' imprisonment as a result of her participation on 12th June 2006 protest in Haft Tir Square, was incarcerated in Evin prison, Tehran. On 17 July 2009, Shadi Sadr, a human rights lawyer and prominent women's rights defender, was arrested while she was heading toward the Friday Prayers in Tehran University, by plain-clothes individuals who forced her into a car without identifying themselves or justifying their actions. She was released on bail on 28th July 2009.

On 13th April 2009, Ms. Ronak Safarzadeh, a member of the women's rights organisation *Azar Mehr* in Sanandaj, Iranian Kurdistan, and an active member of the "One Million Signatures" Campaign, was sentenced to six years' imprisonment for "spreading propaganda against the State" and for her alleged and unproven membership in the political opposition group *Pejak*. Ms. Safarzadeh was arbitrarily arrested and has been detained since the 9th October 2007 in Sanandaj prison following her participation in the International Childhood Day on 8th October 2007. Ms. Zeynab Bayazidi was arrested on the 9th of July and subsequently sentenced on 10th August 2008 to 4 years imprisonment in exile under charges of belonging to an illegal organization (the Kurdistan Human Rights Organization) and for her involvement in the One Million Signatures Campaign.

### **C/ Arrests of students and journalists**

On 24th February 2009, more than 70 students were arrested, following a protest at the Amir Kabir University in Tehran. The students, in a rare anti-government demonstration, were expressing their disagreement with the burial in the university area of the bodies of victims of the Iran - Iraq war. They were carrying banners complaining that their university was being turned into a cemetery and saying that the Evin prison had been turned into a university, an allusion to the high number of students imprisoned there. The

protest was followed by clashes between protesters and security forces. Forty students were later released.

FIDH and LDDHI transmitted to the UN Working Group on Arbitrary detention a list of 49 students currently detained following the post -electoral repression.<sup>3</sup>

Abdollah Momeni, spokesperson for the Iranian Alumni Association (Advar-e Tahkim Vahdat), was arrested at Mehdi Karoubi's campaign headquarters in June 2009. According to eyewitness reports, he was severely beaten and dragged by officers who arrested him without a warrant. He is still under detention.

Even before the crackdown of June 2009, independent journalists and media had been targeted by the regime. Four journalists, arrested and ill-treated during their detention in 2004, were sentenced in absentia (they left the country when they were released on bail) to severe sentences of imprisonment in February 2009: Rouzbeh Mirebrahimi to two years of imprisonments and 82 lashes, Omid Memarian to two years and a half of imprisonment and 100 lashes, Shahram Rafiezadeh to nine months and 20 lashes and Javad Gholam-Tamimi to three years and three months of imprisonment and 10 lashes. Mr. Adnan Hassanpour and Mr. Abdoulvahid (also known as Hiwa) Boutimar, two Kurdish journalists and active members of the Iranian civil society, were sentenced to death on 16th July 16 2007; their sentences were quashed on appeal and they are waiting for a second trial.

In July 2009, LDDHI transmitted to the relevant UN special procedures a list containing the names of 33 Iranian journalists arrested in the post -election wave of repression.<sup>4</sup>

## **V/ Crackdown against religious and ethnic minorities**

The repression against activists belonging to ethnic and religious minorities is dramatically on the rise in Iran. Accused of terrorism, acting against national security, even treason without concrete evidence, they are sentenced in closed hearings, often after harsh torture.<sup>5</sup>

The repression against the Baha'i community has continued without regression. Six Baha'i leaders, members of the national coordinating group of Baha'i in Iran, the national-level coordinating group formed with the knowledge of the government to assist 300,000 member Baha'i community in Iran, were arrested in Tehran on 14 May 2008, by agents of the Ministry of Intelligence and are currently detained at the Evin prison in Tehran. A seventh person, acting as a secretary for the group, was arrested on 5 March 2008.

In the last few years, the repression against persons belonging to the Kurdish minority has been severe. Several political activists have been condemned to death and six of them are currently on death row. Accused of belonging to a Kurdish armed group PJAK, those persons are considered as "fighting God" (mohareb).

Furthermore, two Sunni religious representatives were killed in Kurdistan at the beginning of October and pressure against secular religious leaders is on the rise. The religious intolerance of the regime also has an impact on Shiite groups that do not share the official version of Islam promoted by the authorities. The religious group Aleyasin advocating in favor of religious pluralism has also been constantly under pressure. The pattern is the same regarding other minorities in Iran, notably the Baluch and the persons belonging to the Arabic minority of Khuzestan.

## **VI/ Death Penalty<sup>6</sup>**

Despite the increasing support for the United Nations General Assembly resolutions calling for a universal moratorium on the use of the death penalty, Iran continues to defy the international community by the high

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3 Op. cit. accessible at the FIDH website.

4 Op. cit. accessible at the FIDH website.

5 Human rights situation in the Islamic Republic of Iran / FIDH / Briefing note - March 2009, accessible at : <http://www.fidh.org/Human-rights-situation-in-the>

6 FIDH report on the death penalty in the Islamic Republic of Iran, entitled « A State Terror Policy », accessible at : [http://www.fidh.org/IMG/pdf/Rapport\\_Iran\\_final.pdf](http://www.fidh.org/IMG/pdf/Rapport_Iran_final.pdf)

number of executions, in conditions that blatantly violate international human rights standards. At least 346 persons were reportedly executed in 2008 (an increase in comparison to the number of executions carried out in 2007 - 317 persons). The numbers of executions is estimated around 196 since the beginning of 2009<sup>7</sup>, LDDHI reports that 120 executions took place since the presidential election. However, these numbers are certainly below reality since there are no publicly available statistics on executions carried out in the country.

The Iranian legislation establishes notably the sentence of death for the following crimes (among others): a married person committing adultery must be stoned to death; heresy; killing a Muslim; drug trafficking (specific law on drug trafficking), armed robbery; rape; homosexual acts and fornication of a non-Muslim with a Muslim woman<sup>8</sup>. This situation blatantly violates article 6 of the ICCPR on the right to life, under which the death penalty must be restricted to the “most serious crimes”. That notion must not go beyond “intentional crimes with lethal or extremely grave consequences” and the death penalty “must not be imposed for sexual relations between consenting adults”.

For the first time since years, a journalist and civil society activist was executed, which marks a terrible setback for human rights in Iran. On 4 August 2008, Mr. Yaghub Mehrnehad, a social activist in the south-eastern province of Sistan and Baluchistan and journalist for the Mardomsalari (Democracy) newspaper, was executed. Executions often take place “en masse”, in a move to terrorize the population. E.g., on 20th and 21st January 2009, 22 persons were hanged in Tehran, in Yazd and in Isfahan for murder and drug trafficking. On 30 July 2009, 24 people sentenced to death for drug trafficking were hanged in a prison where 20 traffickers were executed earlier, in July 2009.

In addition, Iran is one of the rare countries executing juvenile offenders. Mohammad Hassanzadeh, a 16-year-old Iranian Kurd, was executed on 10 June 2008 for a crime committed when he was 14. In July 2008, 138 juvenile offenders were known to be on death row in Iran, but the real numbers could be even higher. The application of the death penalty against those who committed their offenses while under the age of 18 constitutes a gross violation of international law, regardless of the age the person has reached at the time of his/her execution.

Moreover, executions in Iran are usually carried out by hanging and in public. Public executions constitute a cruel, inhuman and degrading treatment. The UN Commission on Human Rights has repeatedly called upon States not to carry out capital punishment in public or in any other degrading manner. The draft Penal Code due for deliberation by parliament retains stoning and other capital punishments.

## **Recommendations**

**FIDH and LDDHI call upon the Human Rights Council to adopt concrete recommendations requesting the Iranian authorities to take urgent steps to:**

- Release immediately and unconditionally all political prisoners, human rights defenders and civil society activists;**
- Conduct an impartial, independent and complete investigation into the serious human rights violations committed in the aftermath of the presidential elections. Those responsible for killings of protesters and acts of torture against political prisoners should be identified and brought before independent and impartial Tribunals. Iran should adhere to the Convention Against Torture (CAT) and ensure the conformity of Iranian legislation with CAT's provisions;**
- Put an end to the harassment, intimidation and persecution of political opponents and human rights defenders and guarantee the rights to freedom of expression and association;<sup>9</sup>**

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7 Figures provided by Amnesty International, accessible at :

<http://www.amnestyinternational.be/doc/article15092.html>

8 Articles 83§2, 513, 207, 185, 82§4, 110, 82§3 respectively of the Islamic Penal Law

9 United Nations Press Releases on 19 June, 7 July and 13 August 2009.

- Eliminate, in law and in practice, amputations, flogging and other forms of torture and other cruel, inhuman or degrading treatment or punishments and to abolish, in law and in practice, stoning, public executions<sup>10</sup> and in particular executions of juvenile offenders;<sup>11</sup>
- Eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and ratify the CEDAW; eliminate as well all forms of discrimination against persons belonging to religious, ethnic, linguistic or other minorities;<sup>12</sup>
- Uphold the due process of law,<sup>13</sup> put an end to arbitrary detentions by addressing the root causes of this phenomenon and guarantee the independence of the judiciary;<sup>14</sup>
- Redress its inadequate record of cooperation with international human rights mechanisms by cooperating fully with all international human rights mechanisms, including facilitating visits to its territory of special procedures mandate holders and implementing the existing recommendations of human rights treaty bodies.<sup>15</sup>
- A Special Rapporteur should be appointed by the Council in order to investigate and gather information on the post-election violence in the Islamic Republic of Iran and more generally on the human rights situation, which has indeed seriously deteriorated in the last years.

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10 Concluding observations of the Human Rights Committee: Iran (Islamic Republic of), 03/08/93. CCPR/C/79/Add.25. (Concluding Observations/Comments), accessible at : [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.C.79.Add.25.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.79.Add.25.En?Opendocument)

11 Concluding Observations of the Committee on the rights of the Child (CRC), Islamic Republic of Iran, CRC/C/15/Add254, 31 March 2005.

12 Concluding observations of the Committee on the Elimination of Racial Discrimination : Iran (Islamic Republic of) 10/12/2003. CERD/C/63/CO/6.

13 Human Rights Committee Concluding Observations, op. cit.

14 E/CN.4/2004/3/Add.2, 27 juin 2003, accessible at : <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/ac7321e336031ba9c1256d790055d61e?Opendocument>

15 For a full view on existing recommendations visit : [http://ap.ohchr.org/documents/dpage\\_e.aspx?c=86&su=92](http://ap.ohchr.org/documents/dpage_e.aspx?c=86&su=92)