

Submission to the Human Rights Committee On the Islamic Republic of Iran's Compliance with ICCPR

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The Iranian League for the Defence of Human Rights (LDDHI)

fidh

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جامعه دفاع از حقوق بشر در ایران
Iranian League for the Defence of Human Rights

Third periodic reports of States parties: Iran

Human Rights Committee

103rd session (17 Oct - 4 Nov. 2011), Geneva

September 2011

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Preamble: The third periodic report of the Islamic Republic of Iran on the ICCPR to the Human Rights Committee¹ as well as the State party's replies² to 'the List of Issues to be taken up in connection with the consideration of the third periodic report of the Islamic Republic of Iran'³ have failed to demonstrate the State party's adherence to the basic tenets of the Covenant on every count, i.e. the rights of citizens to liberty and equality free from any kind of discrimination, the right to life, freedom of thought, conscience, religion, freedom of expression, freedom of assembly and association, electoral rights and rights to due process and fair trial, among others. This briefing aims to address only a few aspects of the expanse of the State party's violations of the Covenant.

1. Constitutional and legal framework within which the Covenant is implemented - Article 2 & Question 1

The Constitution of the Islamic Republic of Iran has seemingly recognised many rights for the Iranian citizens, concerning freedom of the press and expression, freedom of assembly and association, women's rights and others. However, they are all extremely restricted and qualified by requiring their compatibility with Islam's criteria. This strict condition is expressly stated, among others, in the following Articles of the Constitution: 4 (laws), 10 (family), 14 (treatment of non-Muslims), 20 (equality of all people including men and women), 24 (freedom of press and expression), 26 (freedom of political parties), 27 (freedom of assembly), and 28 (freedom of employment). One of the worst is Article 14, under which human rights are denied to those who "*engage in conspiracy or activity against Islam and the Islamic Republic of Iran.*"

This discriminatory approach prevails consistently throughout the Constitution and other laws. Thus, the Islamic Republic of Iran is a fully fledged theocracy based on the theory that divine law is the unique source of legitimacy and political authority. Divine law in this sense, however, is quite narrowly interpreted by a very small group of clerics within the Twelver Ja'afari School of Shi'a that follows and adheres to the concept of "*Velayat-e Faqih*", i.e. the Guardianship of the Shi'a Canonist, presently Ayatollah Khamanei. Many leading Islamic scholars, including many prominent Shi'a scholars, are critical of this concept and approach, which forms the foundation of and is reason for many gross violations of human rights in Iran.

According to the Iranian Constitution, Islam and its 'true version' i.e. the said Twelver Ja'afari School of Shi'a is the official religion of the country. The Sunni school of Islam has been granted a higher status than other religions, which in practice remains only on paper. Furthermore, only three other religions have been recognised: Zoroastrianism, Judaism, and

¹ CCPR/C/IRN/3

² CCPR.C.IRN.Q.3.Add.1

³ CCPR/C/IRN/Q/3

Christianity. The State party has clearly admitted this in-built discrimination by consistently referring in its report to 'recognised religious minorities' and stating that non-Shiites cannot be president, and non-Muslims cannot hold "certain positions such as a judge" (Paragraph 609).

Hence, the State party's report has implicitly admitted that there are other official positions, which non-Muslims cannot hold. As a result, since the 1979 revolution, not a single non-Shi'a person has been appointed as minister of the Cabinet, deputy minister, governor-general, ambassador or high level military or police commander. Furthermore, female presidential candidates have been consistently barred from standing for election.

A number of other unrecognised faiths, notably the Baha'i faith, various branches of the Sufis, and even different schools of Shi'a are not recognised and their followers are frequently and harshly persecuted.

Non-believers and atheists do not even have the right to exist. Any Muslim who repudiates their belief in Islam is considered an apostate and could potentially be sentenced to death. Any person who is born to Muslim parents is automatically considered to be a Muslim, and if they choose to follow a different faith or no faith at all, they will be apostates.⁴ The overall result is the extensive persecution of the Baha'is, Sufis, Christians (in particular those who convert from Islam), as well as Sunni Muslims, dissenting Shi'a groups and, certainly, atheists.⁵

2. Denial of equal rights for women – Articles 2, 3 & 26 - Questions 2, 3, 4, 28

The Iranian laws deprive women of equal rights with men. The following is a non-exhaustive list of the discriminatory provisions of the Civil Code, the Islamic Penal Code and other laws:

- The husband is head of the family;
- If women fail to perform their conjugal duties without a *sharia*-based pretext, they will not be entitled to living expenses;
- Women must prove the existence of certain conditions to apply to court for divorce, whereas men face no restrictions for divorcing their wives;
- Women must obtain permission from their husbands to travel abroad;
- Men may ban women from working;
- Father, and in his absence the paternal grandfather, is the guardian of children;
- Female children's share of inheritance is half of the male children's;
- A wife inherits from her husband only one-eighth of the moveable property and one-eighth of the price of real estate; that share will be raised to one-quarter if the man

⁴ See: **Other 'offences'punishable by death** in Section 4.1. below

⁵ For a detailed report on discrimination against religious minorities and ethnic communities in Iran, please see: <http://www.fidh.org/IMG/pdf/IrandiscrimLDDHI545a.pdf>

does not have any children. The rest of the estate shall be taken by distant relatives and in their absence by the State. In contrast, a husband inherits the entire estate of the wife, if she does not have any children, and one quarter if she does.

- Muslim women may not marry non-Muslim men; in contrast, Muslim men do not face that restriction;
- Testimony of two women equals testimony of one man in the majority of legal and judicial cases;
- Blood money for a woman is half of a man's.
- Men have right of polygamy

Women's rights defenders seeking to abolish or reform those laws and achieve equal rights have been subjected to serious reprisals for their legitimate work. Many have faced intimidation, harassment and, in some cases, detention or travel bans, often on the basis of "external security threats" invoked by the authorities.⁶ Freedom of assembly has also been routinely denied to women by the authorities. In particular, dozens of members of the Campaign for Equality (also referred to as the 'One Million Signatures' Campaign), a grassroots campaign to abolish gender discrimination in Iranian laws, have been imprisoned on often spurious charges such as "propaganda against the system" and "acting against national security".

One Million Signatures Campaign (Campaign for Equality)

A group of women set up the 'One Million Signatures Campaign Demanding Changes to Discriminatory Laws', which is commonly known as the 'Campaign for Equality', in August 2006 in an effort to collect signatures to ask the parliament to change and amend the gender-based discriminatory laws.

Ever since, the Campaign activists have faced constant harassment and detentions and many have received imprisonment sentences. Tens of women activists have been forced to take refuge abroad to avoid imprisonment.

As of September 2011, several members of the Campaign remained in prison, including Zaynab Bayazidi, Mahboubeh Karami, Ronak Safazadeh [aka Safarzadeh], Alieh Eghdamdoost, Bahareh Hedayat, Maryam Bidgoli, Farnak Farid, Fereshteh Shirazi.⁷

[See also the case of Shiva Nazarahari under **Human rights defenders**]

Mourning Mothers

"Mourning Mothers" are women whose children have been executed, killed, or disappeared since the early 1980s. They started by organising silent public protests each Saturday evening

⁶ See Report of the UN Secretary General, *The situation of human rights in the Islamic Republic of Iran*, UN Document A/63/370, 15 September 2010

⁷ For more details in relation to Question 8, see **Appendix I: Partial List of Women Prisoners of Conscience, September 2011**

in Tehran's Laleh Park after the post-election violence in June 2009. They and their supporters have been increasingly targeted with harassment, arbitrary arrest and detention.

Some of their supporters who have spent some time in detention in 2010 and 2011 and persecuted including on judicial level, include: Omolbanin Ebrahimi, Elham Ahsani, Fatemeh Rastegari-Nasab, Farzaneh Zeynali, Mansoureh Behkish, Jila Karamzadeh-Makvandi and Leyla Seyfollahi.⁸

Other women

Shadi Sadr and Mahbubeh Abbas-Gholizadeh, two founders of the "Stop Stoning to Death" Campaign were sentenced in absentia to six years of imprisonment with 74 lashes and two and a half years of imprisonment with 30 lashes, respectively, on 17 May 2010. They have both left Iran to avoid imprisonment.

Maryam Zia, a children rights activist, was sentenced to one year imprisonment on 9 September 2010.

Ms. Haleh Sahabi, a member of 'Mothers for Peace', while on leave from prison to take part in her father's funeral, died as a result of an attack by security agents against the funeral procession in June 2011.

At least two women political prisoners were executed in 2010 and 2011.

- Shirin Alam-Huli, a Kurdish political activist, was hanged together with four other political prisoners, on 9 May 2010. She had been arrested in June 2008, allegedly tortured during her interrogation, and subsequently condemned to death. She had been pressured to confess ties with the Kurdish opposition party PJAK - the Iranian branch of PKK - on television, which is a usual practice of the Iranian regime.
- Zahra Bahrami, an Iranian-Dutch woman, who had been arrested during anti-government protests in Tehran on or around 27 December 2009, was executed on 29 January 2011 for alleged possession of 500 grams of cocaine. She had refuted the charge during her trial and said she had been coerced to confess to it under "physical and psychological torture" in Section 209 of Evin Prison, which is run by the Ministry of Intelligence. She was deprived of the right of appeal against the death sentence.⁹

Questions 2 and 3

In 'Reply to Questions 2 and 3' of the State party, there are numerous issues that should be tackled:

First, the State party claimed:

⁸ The last two have been sentenced to four years in prison by the court of first instance

⁹ See '**Denial of right of appeal against the death sentence**' below

7. *With regard to the reply of the Islamic Republic of Iran on Article 3 in the third periodic report, the Guardian Council has not made any interpretation on the 115th principle of the Constitution.*

Spokesperson of the Guardian Council, however, offered a different explanation, when he was questioned about Article 115 and interpretation of the term ‘*rejal*’:

To this date, the Guardian Council has recognised that term as ‘men’. In my discussions with members of the First Assembly of Experts on Leadership, I also concluded that the Assembly of Experts deemed the term to denote gender rather than its figurative meaning.¹⁰

On that basis, in practice, women candidates have always been barred from standing in presidential elections.

- Ms. A’azam Taleqani, a reputed Muslim woman activist and former MP, registered as a candidate both in 1976 and 2008, but the Guardian Council disqualified her.

Second:

8. *According to Principles 90 and 112 of the Constitution, there is no gender limit stipulated for membership on the Guardian Council and the Expediency Council.¹¹*

This statement is literally true. Nevertheless, the State party reveals later that women have never been appointed to the Guardian Council – neither as theologians nor as jurists - or the Expediency Council (Point 12 of Replies). Women cannot enter the Assembly of Experts either.

Third:

17. *Firstly, permission from the father is a precondition only for a virgin girl. Secondly, this precondition is stipulated merely for observance of the best interests of the girl concerned.*

The State party does not, however, explain why a physical condition – i.e. virginity – should compel the girl to require the father’s permission and why it would observe ‘*the best interests of the girl concerned*’

Fourth:

20. *In the case of the death of the father and the need to appoint a guardian, not only is there no legal impediment for guardianship by the mother, but also the mother has priority.*

This claim is in stark contrast to the pertaining provisions of the Civil Code (Articles 1180-1194), ‘on the natural guardianship of the father and the paternal grandfather’.

Fifth:

23. The Passport Issuance Law which requires permission from the husband for the wife to travel abroad is presently under consideration in the Islamic Consultative Assembly (Parliament).

¹⁰ Dr. Gholamhossein Elham, Fars News Agency, 24 October 2004, at <http://www.farsnews.com/newstext.php?nn=8308020109>, (links have been accessed on 25 September 2011)

¹¹ The State party’s reference to Principle 90 is wrong. The correct number is 91.

We are unaware of any pertaining bill of law being considered by the parliament. The archives of the parliament do not seem to support this claim.

Sixth:

24. By virtue of Article 16 of the Family Protection Law and Article 645 of the Islamic Penal Code, polygamy is prohibited in the Islamic Republic of Iran, but could take place under particular conditions, including insanity of the woman, conviction to prison, infertility.

Indeed, under the applicable Family Protection Law of 1975 polygamy has not prohibited polygamy. To allow it, a court authorisation is required, which would be issued under certain conditions. One of the conditions is the wife's refusal to submit to the husband. The Bill of Law to replace that law, which is currently at the parliamentary committee stage, contains similar provisions. However, the new Bill contains provisions that would greatly facilitate temporary marriage without a need to register it.

Seventh:

25. Prevention of the occupation of the spouse is equally stipulated in Article 18 of the Family Protection Law as follows: "The husband may, on the basis of a court verdict, prevent his wife from any occupation which is incompatible with the family interests or the dignity of himself or his wife. The wife may do the same. The court may prevent a man from a particular occupation if it does not disturb the livelihood of the family." Therefore, that is a right stipulated in the law equally for husband and wife, and not just for the husband.

Under the Civil Code (Article 1117), the husband's right to ban the wife from working is unconditional. Under the Family Protection Law, the husband's rights are more than the wife's.

Eighth:

40. As for compatibility of Article 630 of the Islamic Penal Code with provisions of the Covenant, firstly, "existence of suspicion", which was raised in the question, is not the precondition for realization of the Article, but realization of its requirements are very difficult. For instance, knowledge should exist on the occurrence of adultery and not mere suspicion.

Indeed, contrary to the State party's claim, Article 630 gives unconditional power to the husband to kill:

If a man observes his wife committing fornication with a strange man, and has knowledge of her willingness, he may kill them on the spot. If the woman is unwilling, he may kill only the man.¹²

3.1. Denial of the right to life - Article 6

Questions 6, 9, 25

The ICCPR is explicit that in retentionist states the death sentence should be issued for the "most serious crimes", i.e. intentional crimes with lethal or other extremely grave consequences.

¹² See also the discussion under **Right to life**

The Iranian authorities, however, apply the death penalty to a wide range of offences that do not necessarily amount to “most serious crimes” (see CCPR/C/IRN/3 - Report of the Islamic Republic of Iran to the Human Rights Committee - Paragraph 273, clauses 1-3 and 6). Furthermore, clauses 4-5 in the State party’s report refer to sexual relations, presumably between consenting adults, which are forbidden by Islam. The Iranian authorities have never offered any explanations as to why they consider such conduct to amount to “most serious crimes” that deserve punishment by death.

In addition, the same paragraph in the State party’s report has deliberately chosen to omit any mention of other “offences” that are punishable by death in Iran. Consequently, the State party has failed in its report as well as in its Reply to Question 6 (Points 43 onwards) to explain why they are among the “most serious crimes.” A glance at some of the other capital “offences” below would demonstrate that they are mostly not intentional crimes with lethal or other extremely grave consequences.

Other ‘offences’ punishable by death¹³

- *Moharebeh* (waging war) and ‘corruption on earth’, which the State party’s report has mentioned in Paragraph 39 without referring to the pertaining punishment; it has been omitted in Paragraph 273;
- Committing adultery and same-sex relations;
- Producing of obscene audio-visual products;¹⁴
- Some cases of theft;
- Some cases of drinking alcohol;
- Apostasy;¹⁵
- Cursing the prophet;
- Causing major disruption to the monetary or exchange system.

Evidently, all those “offences” are related either to sexual relations, the economy or religion, i.e. apostasy and cursing the prophet. As noted before, apostasy is a charge usually used against people who give up their belief in Islam. Neither apostasy nor cursing the prophet has any lethal or other extremely grave consequences.

Web designers sentenced to death

Article 3 of the Law for Punishment of Audio-Visual Offences provides for sentencing offenders who are deemed to be “corrupt on earth to the corresponding punishment.”

¹³ For detailed information regarding the laws and some specific cases, see:

http://www.fidh.org/IMG/pdf/Rapport_Iran_final.pdf and

http://www.fidh.org/IMG/pdf/Report_Iran_2010_En-2.pdf

¹⁴ For specific examples of persons convicted see the final paragraph in Appendix 2

¹⁵ Strangely enough, apostasy has not been mentioned in the Islamic Penal Code, but in the Press Code. The report of the Islamic Republic of Iran to the Human Rights Committee (CCPR/C/IRN/3) confirms that judges may rule based on ‘authentic religious sources’ (Paragraph 526); those religious sources provide for the death of apostates.

Messrs **Malekpour (Sa'eed)** and **Asghari (Vahid)** were sentenced to death for alleged involvement in designing pornographic and anti-Islamic websites in February 2011. The Supreme Court branch examining Malekpour's case was reported to have repealed his death sentence in June 2011. He has been in detention since 2008 when he returned to Iran from Canada.

The *moharebeh* and corruption on earth charges are vaguely defined and arbitrarily used against armed robbers and armed political groups, as well as against all types of dissidents and political opponents even if they had not possessed or used weapons, e.g. several victims of executions in 2009 and 2010.

In March 2010, the appeals court upheld the death sentence on Mohammad Amin Valian, a 20-year-old young student, on charge of *moharebeh* for allegedly throwing rocks during a demonstration. Later his sentence was commuted to imprisonment. At least two young men (the Fat'hi brothers), were executed on the charge of *moharebeh* in Isfahan in May 2011. Furthermore, Messrs Ali Akbar Siadat and Ali Saremi¹⁶ were executed on the charge of *moharebeh* in December 2010. Jafar Kazemi, Mohammad Ali Hajj Aghaei were hanged on the same charge in January 2011. The first had been accused of spying for Israel and the latter three of being supporters of opposition groups abroad. The State party never produced any evidence of their involvement in armed activities or in "acts of terrorism" as alleged in the State party's Reply to Question 12 (Point 65).

Denial of the right of appeal against the death sentence

The State party claims in its report (Paragraph 277) and its Reply to Question 6 (Point 46) that death sentences may be appealed at the Supreme Court.

Notwithstanding the formality of appeal against the death sentence in many cases, an extremely important point concerns the total absence of the right of appeal for convicts under the Anti-Narcotics Law. Convicts who are sentenced to death under the said law do not have the right of appeal to a higher court. Death sentences issued under the said law are final and binding after the confirmation of the president of the Supreme Court and/or the prosecutor general, and only those two authorities have the right to appeal the death sentence,¹⁷ i.e. the same authority who can ask for the death sentence has the right to appeal it! In practice, those death sentences are referred to the prosecutor-general for confirmation. This is in gross breach of the emphatic requirement of the ICCPR (Article 14-5) and "Safeguards guaranteeing protection of the rights of those facing the death penalty" (Paragraph 6), approved by the Economic and Social Council resolution 1984/50 of 25 May 1984.

Most death sentences are issued for drug traffickers and the number of such executions has

¹⁶ The Tehran prosecutor had stated in January 2010 that Mr. Ali Saremi had been detained during post-election unrests in 2009.

¹⁷ Anti-Narcotics Law, Article 32. As an example, see the case of Ms. Zahra Bahrami in the section 'Other women' above

been rising in the past few years. In particular, there have been credible reports of scores of executions in Vakilabad Prison of the north-eastern city of Mashhad in 2010 and 2011. After keeping silent on those report for a year, the prosecutor of Mashhad finally revealed on 22 June 2011 that there had been ‘five series of executions in the current year.’¹⁸ He failed to provide the number of executions as well as any information about the secret executions during the previous Iranian year that ended on 20 March 2011.

The State party ranks second in the world, next to China, as far as the number of executions is concerned, but it ranks first worldwide when it comes to per capita number of executions. The number of executions in Iran has been continually rising. The officially acknowledged figures of executions rose from 317 in 2007, to 346 in 2008 and 338 in 2009, while the true figures may be far higher. While in 2010, the authorities increased the degree of secrecy surrounding the executions, there were at least 252 acknowledged executions and reportedly more than 300 unacknowledged ones.¹⁹

Tehran Prosecutor Abbas Ja’fari-Dolatabadi²⁰ disclosed on 29 May 2011 that 300 death sentences had been issued on people charged with drug trafficking and drug possession, which were likely to be carried out soon. Many executions took place in areas with large ethnic populations. For example, in the month of May 2011, the Iranian authorities carried out 14 executions in the western provinces of Iran, where Kurdish and Azeri minorities live, and several in the southern province of Khuzestan, including members of the Arabic-speaking minority. The figures of executions in 2011 had risen to 400 by late September, 30 of which were carried out in public.²¹

All the credible human rights organisations contend that the true figures of executions may be higher. The date and often the executions themselves are hidden from prisoners’ family members, lawyers and the general public.

Question 9

The State party has only reiterated a general statement in its Reply (Point 61) and evaded a clear answer on the allegations of killing in the aftermath of the 2009 Presidential Election.

A committee set up by two presidential candidates, Messrs Moussavi and Karroubi, reported in September 2009 that 72 had been people killed in post-elections violence at the hands of the security agents.²² Government media and sources have offered different figures. In September 2011, Head of the Judiciary, Ayatollah Sadeq Larijani, said there had been only 1 casualty. In August 2009, the Islamic Revolution Guards Corps’ chief commander, Gen. Jafari

¹⁸ The current Iranian year started on 21 March 2011

¹⁹ Amnesty International annual reports

²⁰ Abbas Ja’fari-Dolatabadi is on the lists of serious human rights abusers of the European Union and the United States.

²¹ <http://www.amnesty.org/en/news-and-updates/iran-executes-teenager-accused-killing-%E2%80%9Ciran%E2%80%99s-strongest-man%E2%80%9D-2011-09-21>

²² See the list at: http://www.radiofarda.com/content/F8_LIST_KILLED_PEOPLE_NOROUZ/1814729.html

said 29 people had been killed, 20 of whom were supporters of the government.²³ On the other hand, Gen. Saeed Qassemi, an IRGC commander, said the number was more than 30.²⁴ President Ahmadinejad said in his news conference in New York on 22 September 2011:

*In total there were 33 lives lost. More than two-thirds of those killed belonged to the security forces and innocent bystanders. Less than one-third were those who clashed with the security/police forces.*²⁵

This seems to be based on names published by a pro-government website.²⁶ Nevertheless, the State party has consistently failed to provide names and full details of all the victims or investigate and bring to justice the killers who enjoy impunity.

Ms. Masih Alinejad, a credible investigative journalist, has been pursuing the issue closely and has interviewed families of many post-election victims. In an 11 August 2011 open letter to Mr. Ahmed Shaheed, Special Rapporteur for Human Rights in Iran, she said the number of the post-election casualties had risen to over 100 after September 2009. She listed names of 47 victims²⁷ and said families of 53 victims had shed their fears and given interviews to the media to this date.²⁸ Only two families had stated that their children were pro-government Basij members.²⁹

3.2. Denial of the right to life: Children - Article 6.5 & Questions 7 & 8

The State party maintains:

The Law on Islamic Penal Code of 1370 in its Note 1 to article 49 states that a child is a person who has not reached the age of Sharia maturity. Thus, the mature persons are separated. But the Law on Protection of Children and Juveniles of 25/9/1381 adopted by the Islamic Consultative Assembly in its article 1 states that all children and juveniles under the age of 18 are covered in this protection by law. Anyway, according to the prevailing practice by the Children's courts over the recent years, persons under the age of 18 are not sentenced to death (Paragraph 297).

And:

²³ http://www.bbc.co.uk/persian/iran/2009/08/090829_bd_jafari_guards.shtml

²⁴ <http://www.youtube.com/watch?v=WnyelFTnRe8>

²⁵ http://articles.cnn.com/2011-09-22/world/un.ahmadinejad_1_iranian-state-run-news-agency-iranian-prison-hijack/3?s=PM:WORLD

²⁶ <http://shohadaye88.wordpress.com/2010/06/12/%D8%A7%D8%B3%D8%A7%D9%85%DB%8C-33%DA%A9%D8%B4%D8%AA%D9%87-%D8%AD%D9%88%D8%A7%D8%AF%D8%AB-%D8%A7%D8%AE%DB%8C%D8%B1-%D8%AF%D8%B1%D8%B3%D8%A7%DB%8C%D8%AA-%D9%BE%D8%B1%DA%86%D9%85/>

²⁷ <http://www.rahesabz.net/story/41043/>

²⁸ <http://www.rahesabz.net/story/43078/>

²⁹ Ibid.

54. Article 87 [of the Bill on Islamic Penal Law] stipulates that for children who are 9 to 15 full solar calendar years of age at the time of committing a taziri offence, based on the case, the court shall take one of the following decisions. (Reply to Question 7)

However, Article 146 of the same Bill reiterates the provisions of the Civil Code on the age of maturity for boys and girls, i.e. 15 and 9 lunar years for criminal responsibility.

The Civil Code provides the following definition of the age of maturity: “The age of maturity for boys is 15 lunar years and for girls nine lunar years” (Note 1 to Article 1210). That means boys with just over 14.5 years of age and girls with 8.7 years of age are regarded mature by law and may face criminal responsibility and even be sentenced to death. Furthermore, the “Law on Protection of Children and Juveniles” to which the State party’s report refers has made no reference to protection or exemption of children from the death penalty.

Contrary to the claim made in the State party’s report, “the prevailing practice by the Children’s courts over the recent years” has been two-fold. They have either sentenced juvenile offenders under the age of 18 to death and have implemented the sentence. Or they have sentenced them to death but have kept them in prison until the age of 18, after which the death sentence has been carried out.

Two juveniles were executed in the southern city of Bandar Abbas in late April 2011 and one juvenile reportedly in the south-western province of Khuzestan in May 2011. On 21 September 2011, a 17-year-old juvenile by the name of Alireza Molla-Soltani was executed in public in the city of Karaj for killing a man during a fight; he said in court that he had been defending himself. He was sentenced to death on 20 August and the Supreme Court upheld the sentence on 11 September. The entire process, from the date of the fight on 16 July 2011 to his execution on 21 September took barely over two months.

Questions 7 & 8

The State party maintained:

59. According to existing statistics, until April 2011, there were six convicts awaiting execution of the death penalty and 13 convicts for qisas (retribution in kind).

Reliable reports and studies show, however, that there are currently more than 140 juveniles on death row, for alleged offences committed when they were younger than 18.³⁰

³⁰ For detailed information regarding the specific cases, see http://www.fidh.org/IMG/pdf/Rapport_Iran_final.pdf, http://www.fidh.org/IMG/pdf/Report_Iran_2010_En-2.pdf and <http://www.amnesty.org/en/library/asset/MDE13/058/2011/en/0af66a12-ad41-478c-9d9c-db820cf85de7/mde130582011en.html>

The State party has reported in its Reply to Question 8:

60. In the Bill on Islamic Penal Law, the word “mahdoor-ol-dam” (whose blood may be shed with impunity) is omitted and no one deserves death. There are punishments stipulated for all murders. There has not been any case of this nature since 2008.

Indeed, the word “mahdoor-ol-dam” has been omitted from the text of the “Bill on Islamic Penal Law”, but the concept remains in place. Article 303 of the said Bill authorises killing without a court ruling in two cases, e.g. ‘husband of a woman who kills her and her lover in the act of adultery shall not be punished by qesas (retribution).’³¹

Furthermore, in one of its comments on the bill, the Guardian Council wrote:

*16. In this Article [303]... the restricting of mahdoor-ol-dam to instances therein is deemed contrary to the sharia.*³²

4. Unfair trials, denial of judicial and legal rights - Articles 9 and 14; Questions 13, 15

Disregard of due process and the right to fair trial as required by international standards of fair trials was clearly illustrated during the mass show “trials” that started against the post-election detainees in August 2009 and continued later. In one session alone around 100 detainees including political activists, journalists, lawyers and human rights defenders were collectively put on trial. Many had been apparently coerced to “confessions” and were shown on television incriminating themselves even before standing “trial.”

The foreign media were not allowed to cover the show trials. Detainees had been reportedly subjected to torture and harsh interrogations (see **Prohibition of torture and cruel, inhuman or degrading treatment or punishment** below). Detentions without proper arrest warrants or with blank arrest warrants, refusal to show identification documents or arrest warrants at the time of detention, keeping detainees in long detention before sending them before a judge are the rule rather than exception. On other occasions, judges issue detention orders en masse, e.g. during the summer of 2009 when hundreds of detainees were sent to the notorious Kahrizak Detention Centre, where several detainees died in custody.

Many judges in the Islamic Republic of Iran are clerics who do not have any judicial qualification and training and have been appointed to their positions based on their non-academic theological background. The State party has given them extensive powers by authorising them to decide and sentence the defendants arbitrarily based on a provision specified as “judge’s knowledge”, which they frequently invoke even for handing down death sentences for murder.

³¹ See Point 40 of the State party’s Replies and the pertaining discussion about Article 630 of the applicable Islamic Penal Code above.

³² Letter No. 88/30/37023, 9 January 2010 at http://rc.majlis.ir/fa/legal_draft/state/738534?fk_legal_draft_oid=720530

Furthermore, Constitutional provisions that have been reiterated in Article 214 of the Criminal Procedure have ensured confusion and widespread divergence in judgements by allowing judges to

“make use of authentic fiqhi sources or fatwas in order to issue a verdict in the case. The courts shall not refuse to hear and issue verdicts in cases of complaints and suits based on the excuse that the written law is silent on the issue” (Paragraph 526 of the State party’s report).

In practice, judges may invoke different ‘*authentic fiqhi sources or fatwas*’ to issue different verdicts for identical ‘offences.’

Disregard for judicial process

The State party’s highest judicial authorities have displayed their total disregard for judicial process on various occasions. For example, on 30 December 2009, only three days after a large scale demonstration in Tehran, Prosecutor-General Hojjatoleslam Mohseni Eje’i said: *“The Judiciary is seriously determined to execute at least three detainees of the Ashura [27 December 2009] events who have been found to be moharebs.”* Other high ranking officials also called for quick execution of the protestors from the Friday prayer pulpits.

The same approach was recently underlined by Ayatollah Ahmad Mohseni Garakani, president of the Supreme Court: *“The death sentences issued by criminal courts are now examined in less than 10 days in the Supreme Court”*.³³ He also revealed the extremely pre-determined approach of the Supreme Court to death sentences: *“It is very easy to examine dossiers with death sentences... It would take a defendant one hour or a few hours to state their defence not longer, because the guilt of dangerous criminals is crystal clear”* (Ibid.)

Like other aspects of the judiciary, conviction, as well as review of conviction and sentence by higher courts, in particular in political cases, is in shambles. Most of the important political cases are referred to three branches of the Islamic Revolution Courts, where the defendants are very likely to receive heavy sentences, including the death sentence. Subsequently, the appeal cases are forwarded to specific branches of the Appeals Court, where the sentences of the courts of first instance are upheld. That is also the case with the Supreme Court, where three specific branches examine and uphold the death sentences in a very short period of time, in particular in political cases and *moharebeh* charges.

Ayatollah Ahmad Mohseni Garakani, president of the Supreme Court, confirmed this: *“Three [branches of the Supreme Court] are assigned to deal with cases of the rogues, criminals, rapists, moharebs, robbers and dangerous criminals”* (Ibid.).

5. Prohibition of torture and cruel, inhuman or degrading treatment or punishment, Articles 7, 9, 10 & Questions 9,

³³ Semi-official Mehr News Agency, 16 March 2011

11, 16

Torture and cruel, inhuman or degrading treatment

A number of prisoners of conscience, who were arrested after the 2009 Presidential Election and sentenced to long-term prison sentences, have written letters detailing torture and ill treatment they have been subjected during their pre-trial interrogations and even afterwards. We can, however, provide only a sample of the mass of documents available.

In his open letter of 9 September 2010 to the Supreme Leader, Mr. Abdollah Momeni, spokesperson of the Graduates Association, reported that he had been subjected to heavy beating, attempted strangulation to the point of passing out, pushing his head into the toilet, solitary confinement for 86 days in a 1.6 x 2.2 metre cell, repeated threats of execution, threats of sexual assault, forced drilling of fabricated confessions to incriminate himself in the court. He said the Judge in charge of his case, Mr. Salavati (Branch 15 of the Islamic Revolution Court), and other judicial authorities had lacked any independence; the security and intelligence agents had exerted unlimited influence on his case and trial.³⁴ Mr. Momeni is serving a prison sentence of 4 years and 11 months and is in need of medical care for his bad health conditions.

Another prisoner, Mr. Hamzeh Karami, a former commander of the Islamic Revolution Guards Corps and director of political affairs bureau of former Presidents Hashemi Rafsanjani and Khatami, reported in his letter of 24 August 2010 to the prosecutor-general that he had been threatened with execution and death, rape, detention of his family members, forced to read a prepared text in court, been subjected to beatings, lack of medical treatment, strangulation to the point of passing out, deprived of access to lawyer and other rights, and spent four months and a half in solitary confinement.³⁵ Mr. Karami is serving a prison sentence of 11 years.

Mr. Mehdi Mahmoudian, an imprisoned journalist, who was one of the first to expose the atrocities in the Kahrizak Detention Centre (see **Abuses at Kahrizak Detention Centre** below) in summer 2009, wrote a letter to the Supreme Leader that was published on 9 May 2011. He is now serving a prison sentence of 5 years. His testimony concerned both common criminals and prisoners of conscience.

Regarding the common criminals, he said drugs were easily available in the three prisons (Evin, Rajaishahr and Kachuei), where he had spent time. Sodomy with and rape of young unprotected prisoners by hardened criminals is quite common and extensively facilitated by the prison officials in Rajaishahr Prison, and AIDS and Hepatitis and other diseases are rampant.

³⁴ http://www.iranhumanrights.org/2010/09/letter-momeni-khamanei/print/#comments_controls

³⁵ <http://www.rahesabz.net/story/22084/>

In the second part, he reported tortures and ill treatment imposed on him and more than 200 other prisoners of conscience, with whom he had talked in various sections of Evin Prison and Rajaishahr Prison. These include: eye-folding during interrogations; using extremely dirty language to swear at prisoners; sexual and psychological degrading, e.g. stripping to underwear while waiting for interrogation, sexual abuse by batons or similar instruments; lies, threats and false promises in order to extract untrue confessions; threats to detain family members; actual detention of family members and forcing prisoners to read out false confessions; issuing mock death sentences; asking wives of prisoners to apply for divorce; trying to chat up wives of the prisoners; use of electrical shockers on genitals of prisoners; beating numerous prisoners by cables and batons especially in Section 2A of Evin Prison; force feeding unknown colour pills to some prisoners, which caused abnormal mental and physical effects; punishing the detainees by forcing them out in cold winter weather at night in their underwear; beating, punching, slapping, kicking the detainees. Mr. Mahmoodian had personally experienced the last two methods.³⁶

Impunity

In its Reply to Questions 11 and 16, the State party maintained:

64... since 2007, there have been 13 complaints lodged to the pertinent authorities on mistreatment and insult by different law enforcement officers against the individuals that had been arrested. The Special Prosecutor's Office for Government Employees investigated the mentioned cases and in all the cases the accused was found guilty, legal actions were taken for recovery of the plaintiff's civil rights and dignity as well as payment of compensation. Payment of compensation and blood money to those who suffered during the unrest following presidential elections of 2009 is among the recent cases of the aforementioned measures taken by the relevant national authorities.

76 (e) The Constitution and other general laws of the country, including the Laws on Safeguarding Legitimate Liberties and Citizens' Rights, prohibit resort to torture and mistreatment of prisoners. To this end, officers and prison authorities have received special training. Meanwhile, interrogation of accused persons has nothing to do with the subject of prison management.

76 (f) There are medical clinics in Evin prison, including ward 350. There is also a hospital in the prison which provides standard medical services...

A number of women – as well as men – were reportedly raped by the security forces in custody after being detained during the protests that followed the 2009 presidential election. Those allegations were never investigated; several of the rape victims later testified before a committee set up by two of the presidential candidates, and subsequently gave testimony to credible international human rights organisations. Some of those victims have now taken refuge abroad.

Furthermore, a number of women have died in custody in the past or at the hands of the security forces. Haleh Sahabi, a member of 'Mothers for Peace', died as a result of blows by

³⁶ <http://www.rahesabz.net/story/36694/>

the security forces in an attack on her father's funeral in Tehran, in June 2011.

Since 2003, several prisoners of conscience have died in custody in Evin Prison of Tehran as well as other prisons amidst reports of mistreatment, absence of adequate medical care and allegations of deliberate mishandling. A partial list of those victims includes the following people:

- Zahra Kazemi, a photojournalist, as a result of blows to her skull in custody in Evin Prison/Tehran, 2003
- Akbar Mohammadi, a student activist, in Evin Prison, in July 2006.
- Valiollah Feyz-Mahdavi, a political prisoner, in Evin Prison, in September 2006.
- Zahra Baniyaghoub, a medical doctor allegedly committed 'suicide' in temporary detention in Hamedan, in 2007
- Ebrahim Lotfollahi, a young Kurdish law student, in Sanandaj Prison, in January 2008.
- Abdolreza Rajabi, a political prisoner, in Rejaishahr Prison, in October 2008.
- Amir Hossein Heshmat-Saran, a political activist, after he was transferred to hospital from Rajaishahr Prison, in March 2009
- Omidreza Mirsayafi, a blogger, in Evin prison, March 2009.
- At least three detainees, Amir Javadifar, Mohsen Ruholamini and Mohammad Kamrani, died in the extremely non-standard Kahrizak Detention Centre in summer 2009, while at least two others – Ramin Azqazadeh Qahremani and Ahmad Nejati Kargar - died after release as a result of torture and other ill treatment they had suffered in that detention centre.³⁷
- Alborz Qassemi, died Evin Prison, February 2010
- Gholam-Reza Bayat, a young Kurdish man, died in Kamyaran, in August 2010, after being beaten up in custody.
- Mohsen Dogmechi, Rajaishahr Prison, March 2011
- Hassan Nahid, Evin Prison, March 2011
- Hoda Saber, a prisoner of conscience, in Evin Prison, June 2011³⁸
- Nasser Khanizadeh, Urumiya Prison, July 2011

Abuses at Kahrizak Detention Centre

A well-publicised case concerned the trials of security agents who had committed human rights abuses in Kahrizak Detention Centre in the aftermath of the massive protests in 2009. According to official reports, several people died as a result of beatings, torture, rape and other abuses at the makeshift detention centre under extremely inhuman conditions. Officials conceded the death of three young men. At least two other detainees died as a result of torture soon after being released from the detention centre. Ramin Pourandarjani,

³⁷ Other people died in under dubious conditions in connection with Kahrizak Detention Centre. See **Abuses at Kahrizak Detention Centre**

³⁸ For details see **Alliance of Religious Nationalists** under **Political Parties**

a physician who had worked and treated the detainees at the detention centre at the time died in November 2009 under highly dubious conditions and another physician, Abdolreza Soudbakhsh, was shot dead in September 2010.

Military courts tried 12 people without reporting their names, positions and ranks, details of the proceedings and the case or making any reference to higher-ranking officials who had issued orders for the ill-treatment of the detainees and announced the sentences in June 2010. Two defendants were sentenced to death, and others to “temporary suspension from service, fine, flogging and payment of financial compensation” (blood money) for “intentional beating leading to the deaths.” The defendants appealed and there have not been any reports of follow-up. The courts have not to this date prosecuted the former Tehran Prosecutor Saeed Mortezaei, whom a Special Parliamentary Committee blamed as the judicial authority responsible for giving orders. He was quietly moved out of the Judiciary and assigned a new post within the Executive.

Mr. Mortezaei had also been involved in the death in custody of Ms. Zahra Kazemi in 2003 (see above), but he and other perpetrators of all those crimes enjoy impunity and the Iranian judiciary has failed to bring to justice even a single perpetrator.

6. Denial of rights based on religious discrimination - Articles 2, 18, 26, 27 & Questions 22, 34

Baha’i faith

Followers of the faith are frequently arrested and spend long periods in detention or they are sentenced to imprisonment. According to figures published by the Baha’i International Community, there were 100 Baha’is in prison in mid-September 2011, some of whom were serving prison sentences.³⁹ They include seven coordinators of the Baha’i community’s affairs in Iran, who were sentenced to 20 years imprisonment each in 2010 and their sentences were upheld in March 2011. Followers of the faith are also denied the right to higher education, inheritance, pension and other rights. State institutions do not employ them and refuse to issue business licences to them. Their cemeteries, houses and other property in various cities have been regularly attacked and demolished or confiscated. Yet the State party claims in its Reply to Question 34:

116. ... We wish to emphasize that in the Islamic Republic of Iran, no one has been arrested or prosecuted merely on the basis of being follower of Baha’ism.

Christians

Christians have faced restrictions such as closure of their churches in the capital Tehran, and the western cities of Kermanshah and Urumiya. They may distribute their religious books

³⁹ See Appendix I for names of a number of Baha’i women prisoners. For extensive discussion of persecution of various religious minorities in Iran, please see the joint FIDH-LDDHI report:

<http://www.fidh.org/IMG/pdf/IrandiscrimLDDHI545a.pdf>

only at a couple of places in Tehran. Moreover, former Muslims who have converted from Islam to Christianity are frequently persecuted, ill treated and prosecuted for their beliefs and regularly accused of apostasy. A number of Christian converts have lost their lives in extrajudicial killings over the years.

Evangelical priests and missionaries are also persecuted for proselytising. Most notably, a priest by the name of Yousef Nadarkhani is currently facing the death sentence on charge of apostasy. The Appeals Court invoked the clerical teachings rather than the Islamic Penal Code to uphold his death sentence in September 2010. In July 2011, the Supreme Court seemed to repeal his death sentence. However, the case was sent back to the sentencing court with the instruction to repeal the sentence if Mr. Nadarkhani expressed remorse and repentance. In April 2011, another priest, Behrouz Sadeq Khanjani, and five other members of the Church were sentenced to one year imprisonment each in the southern city of Shiraz. Despite these and numerous other cases of arrest, harassment and persecution,⁴⁰ the State party alleged in its Reply to Question 22:

(d) ... In fact, the Government of the Islamic Republic of Iran was astonished at the points raised by the distinguished Committee because no Christian has ever been arrested for following his/her religion.

Sunni Muslims

Although Sunni Muslims have sizable communities in at least 16 of the 30 provinces of Iran, they are not permitted to build mosques in large cities such as Tehran, Mashhad, Isfahan and others. Their prayer centres in those cities are forcibly closed down, e.g. the closure of the Sunni prayer centre at Sa'adatabad of Tehran on 6 February 2011 after an attack, during which their prayer leader was arrested. The sole Sunni mosque in the north-eastern city of Mashhad, the Feyz Mosque, was demolished in 1993. The Sunni Muslims have even been prevented from holding the customary annual mass prayers at the end of the fasting month of Ramadan in private homes in the capital Tehran in September 2010 and September 2011. Scores of Sunni clerics have died in extrajudicial killings in Baluchistan and Kurdistan over the past couple of decades. Tens of others have been detained and sentenced to imprisonment. At least four clerics were sentenced to death and executed in Baluchistan in April 2008 and March 2009. The Friday imam of the Sunni Muslims in Zahedan and religious leader of Baluch Sunni Muslims, Mowlavi Abdulhamid has been banned from travelling abroad. His son-in-law has been received a 10-year prison sentence.

Sufis

Prayer centres of the various Sufi orders have been attacked and demolished and many of their members have been persecuted and imprisoned. The Nematollahi Gonabadi Order has been particularly targeted. Some of the lawyers representing them – who are also affiliates of the Order – have been disqualified or imprisoned. In March 2011, the Nematollahi Gonabadi Order published names of 189 of its followers who were facing judicial

⁴⁰ See <http://www.fidh.org/IMG/pdf/IrandiscrimLDDHI545a.pdf>

proceedings.⁴¹ One of their lawyers, Mr. Mostafa Daneshjou, who had been sentenced to seven months of imprisonment, was arrested on 18 May 2011. In June 2011, it was reported that the authorities were holding him in the Addicts Ward of Saari Prison in northern Iran. Two other lawyers, Farshid Yadollahi and Amir Eslami, have also been sentenced to six months imprisonment each. The two and two other Dervish lawyers by the names of Afshin Karampour and Omid Behroozi, and 10 writers and editors of the Gonabadi Order's website were among 80 detainees in September 2011, after attacks on Gonabadi Order's followers in the city of Kuwar in the southern Fars Province.

Others

Followers of the **Ahl-e Haq** and **Al-e Yassin** orders have been suppressed and some of them even executed. Even dissenting Shi'a groups have not been spared from suppression; e.g. the prayer centre of Ayatollah Seyyed Hossein Kazemeyni Borujerdi, an advocate of separation of religion from politics, was brutally attacked and shut down in 2006. He and some of his followers were arrested. After receiving an initial death sentence, his sentence was commuted to 11 years, which he is still serving.

7. Denial of freedom of expression, Article 19 & Question 23

While the state of basic freedoms of expression, assembly and association had been deteriorating constantly for several years, in particular since the presidency of Mahmoud Ahmadinejad in 2005, it got much worse following the disputed Presidential Elections in June 2009. The State intensified its war against the relatively independent and dissenting media, as well as journalists, writers, lawyers and human rights defenders. Censorship was imposed through a web crimes unit tasked with policing the Internet, filtering websites and blogs, and jamming signals of international media organisations.

Human rights NGOs

In 2010-2011, freedom of association remained seriously hampered, as several human rights organisations continued to remain closed, such as the Defenders of Human Rights Centre (DHRC), which was arbitrarily shut down in 2008, the Centre for the Defence of Prisoners' Rights and the Journalists Association. Independent trade unions set up by labour activists were suppressed⁴² and their activists were repeatedly detained or sentenced to imprisonment.

NGOs Bill in parliament

In April 2011, the Islamic Consultative Assembly - Iran's parliament - started deliberating in the final reading 'the Bill on the Establishment and Supervision of Non-Governmental

⁴¹ <http://121tajalli121.blogfa.com/post-27.aspx>

⁴² See section on **Labour activists and trade unionists**

Organisations' (so-called NGO Law). If the bill were to be adopted, civil society organisations, including human rights, environmental and women's organisations, charities and organisations for the disabled, employers' and professional associations such as the teachers' associations, would face an increasingly restrictive environment, as several provisions would severely limit their independence.⁴³

Human rights defenders continued also to be routinely harassed and arbitrarily detained, for lengthy periods for their membership in human rights NGOs.

Defenders of Human Rights Centre (DHRC)

DHRC was founded by the 2003 Nobel Peace Laureate Ms. Shirin Ebadi and four of her colleagues in 2004. All the five founders as well as other members of the DRHC have been continuously harassed and persecuted over the years.

Ms. Shirin Ebadi, who was forced to stay abroad after the 2009 presidential election was summoned by of the Islamic Revolution Court in December 2010. The indictment against nearly 100 defendants, who were appeared in collective show trials in August and September 2009, included strongly worded accusations against her. The government has seized her bank accounts and entire assets and auctioned them at meagre prices. Her husband and her sister were detained for a month in 2009. Mrs. Ebadi's husband was forced to incriminate her in a televised interview.

Ms. Nargess Mohammadi, spokesperson and vice-president of the DHRC, was arrested at her home on 10 June 2010 and spent 22 days in solitary confinement. She was tried in February 2011 and June 2011. On 27 September 2011, Branch 26 of the Islamic Revolution Court sentenced her to a total of 11 years in prison on charges of assembly and collusion against the national security, membership of the DHRC and propaganda against the Islamic Republic. As evidence for the charges, the court ruling mentioned her efforts to found the National Council for Peace, the Free Healthy, and Fair Elections Committee, Stop Children's Execution Campaign, visiting political prisoners, meeting with Presidential Candidate Mr. Mehdi Karroubi, awarding a human rights prize to the late dissident Ayatollah Montazeri in December 2009, cooperation with Shirin Ebadi and preparing reports on human rights violations, among others. The ruling referred to her activities as endeavours to overthrow the Islamic Republic. She remains free on bail but faces risk of arbitrary arrest.

Three other founding members of DHRC, who have faced detention or trials and imprisonment, are:

1. Mohammad Seifzadeh, a defence lawyer, was initially sentenced to nine years imprisonment and 10 years ban on professional practice, but it was reduced later to two years in prison. He remained in detention at the end of September 2011.

⁴³ Political parties, trade unions and the Bar Association, however, are regulated by different laws in Iran.

2. Mohammad Ali Dadkhah, a defence lawyer, was sentenced to 9 years of imprisonment and a 10-year ban on professional practice and teaching in the University in July 2011.
3. Abdolfattah Soltani, a defence lawyer, who has been arrested several times and spent months in detention, was detained again on 10 September 2011 and remained incommunicado at the end of September 2011 apparently for receiving the Human Rights Prize of the City of Nuremberg in 2011.

Other DHRC members have also been persecuted:

Ms. Mahnaz Parakand, a defence lawyer, was forced to leave the country for fear of persecution in April 2011. Mohammad Sharif, another defence lawyer, was expelled from his teaching post in the university in April 2011. Hadi Esmaelzadeh, defence lawyer, was charged with assembly and collusion to commit security crimes, membership of the DHRC, and propaganda against the state in July 2011. He was also expelled from his teaching post in the university.

Mr. Abdolreza Tajik, a journalist and human rights activist cooperating with DHRC was sentenced to 6 years in prison on 17 March 2011 after being arrested three times in 2009 and 2010, but remained free on bail at the end of September 2011.⁴⁴

Committee of Human Rights Reporters (CHRR)

Mr. Kouhyar Goudarzi, a member of the CHRR, was arrested and disappeared in Tehran on 30 July 2011. At the end of September 2011, his whereabouts remained unknown. He had already served one year in prison (December 2009 – 2010). His mother, Ms. Parvin Mokhtar'e (Mokhtareh), was arbitrarily arrested at her home in Kerman on 31 July 2011 by four plainclothes agents, without a warrant, and remained in detention at the end of September 2011.

Saeed Jalalifar was arrested on 31 July 2011 and sentenced to three years in prison on 28 August 2011. Shiva Nazarahari (f) was detained twice in 2009 and spent several months in detention. She was sentenced to 6 years in prison and 74 lashes but the Appeals Courts reduced the prison term to 4 years. As of end of September 2011, she remained free on bail, but she stands a risk of arbitrary arrest. She is also a member of the 'One Million Signatures' Campaign.⁴⁵ Navid Khanjani was arrested in Isfahan on 2 March 2010 for two months and was put under pressure to give interviews before a video camera. He was then sentenced to 12-year in prison and his sentence was upheld in August 2011. He was still free in late September 2011.

Human Rights Activists (HRA)

⁴⁴ See also the case of Ms. **Nasrin Sotudeh** under **Defence lawyers**.

⁴⁵ See **Women's rights defenders**

46 members and supporters of the group were rounded up in March 2010 and faced prosecution. Some of them served their prison terms or received suspended sentences. Some others are free on bail. In September 2011, the following members were serving prison terms: Abolfazl Abedini Nasr (11 years); Ms. Mahboubeh Karami (3 years); Mehdi Khodaei (3 years).

Other HRDs

Emadeddin Baghi, founder of the Centre for the Defence of Prisoners' Rights (CDPR) has served several prison sentences during the past decade: From 27 December 2009 to 23 June 2010. On 17 August 2010, he received a six-year imprisonment sentence that was later reduced to one year on appeal. On 27 July 2010, Baghi was sentenced to one year of imprisonment and five years of ban on civil activities. He was imprisoned on 5 December 2010 but was released in June 2011 with a ban from journalism and political work for four years. He was sentenced to a three-year prison term in 2000 and served two years of it; then to one more year in October 2007, which he served until October 2008.

Kayvan Samimi-Behbahani, member of the Association for the Defence of Press Freedoms, a member of the National Council for Peace, member of the Committee for Investigation of Arbitrary Detentions and member of the Committee for the Defence of the Right to Education, remained detained at Rajaishahr Prison at the end of September 2011. He is suffering from a risky liver ailment, but the prison authorities have refused to take him to hospital. He was arrested after the Presidential Election in 2009 and sentenced to six years in prison and 15 years ban on political, social and cultural activities.

Mr. Ahmad Ghabel, a religious scholar started serving a twenty-month sentence on 31 July 2011, after three previous detentions.

Defence lawyers

In the past few years, the authorities have continued to target defence lawyers, in particular those involved in defending human rights defenders and women's rights activists, trade unionists, student activists and prisoners of conscience, in attempts to reduce the number of lawyers who are prepared to defend victims of the overtly flawed judicial system. This has effectively criminalised human rights legal representation.⁴⁶ Several lawyers have been arbitrarily detained; others faced possible imprisonment and ban on practising their profession, while some others had to flee the country to avoid harassment and detention.

At least 50 lawyers have been subjected to persecution, including on the judicial level including prison sentences, as a consequence of practising their profession, during the two years of 2009-2011. Besides 2 members of the DHRC and 5 lawyers of Dervishes,⁴⁷ at least five other defence lawyers are currently in prison.

⁴⁶ See Joint Statement of FIDH and the Iranian League for the Defence of Human Rights (LDDHI) on 8 April 2011

⁴⁷ See **Sufis** above

- Ms. Nasrin Sotoudeh, a prominent human rights lawyer known for defending juveniles facing death penalty, prisoners of conscience, human rights activists and children victims of abuse, was detained arbitrarily on 4 September 2010 in Evin Prison. She spent several months in solitary cells of Section 209. She and her family have been continuously harassed during visits in prison. She was sentenced to 11 years imprisonment, 20 years of ban on practice as lawyer and 20 years of ban on travelling abroad in January 2011, but the sentence was later reduced to 6 years in prison and 10 years of ban on practising law in September 2011. One of the charges she faced was membership of the Defenders of Human Rights Centre.

Ms. Sotoudeh was further sentenced on 19 April 2011 to a fine of 500,000 Iranian rials for failing “to observe the *hejab*” (Islamic dress code) for appearing without headscarf in a video addressing a human rights prize ceremony in Italy.

- Mr. Javid Houtan-Kiyan, lawyer of Ms. Sakineh Mohammadi Ashtiani - who is facing the sentence of stoning - was detained in October 2010 and sentenced to 11 years in prison.
- Mr. Hassan Sarchahi was detained in Tehran on 16 December 2010 on charge of acting against national security and was sentenced to 2 years imprisonment. He remains in prison.
- Mr. Hassan Younesi was detained in Tehran in February 2011, was released after two months and was then sentenced to one year in prison and fine as well as five years of ban on practising law. He went to prison on 9 July 2011 to serve his sentence.
- Mr. Ghasem Sholeh-Saadi was arrested in Tehran airport on 3 April 2011 to serve a one-year imprisonment sentence to which he had been sentenced for writing a critical letter to the Supreme Leader a few years ago. He has been banned from practising law and teaching at university for 10 years.

At least two defence lawyers were detained, but further information was not available about their cases.

- Mr. Mohammad Reza Azimi was detained in Tehran on 19 July 2009.
- Mr. Bagher Farhadi was badly beaten up and injured before being detained near the city of Shiraz on 15 March 2011.

Writers have been constantly denied the right to freedom of expression, assembly and association. Mr. Javad Mahzadeh, a writer, was arrested on 21 October 2009 for unknown reasons. He was then sentenced to 4 years imprisonment and the appeals court upheld his sentence. Nevertheless, he was released on 25 November 2010.⁴⁸

⁴⁸ See **Iranian Writers Association**

Press, journalists and bloggers – Question 23

The Press Code is probably only law that expressly refers to the charge of ‘apostasy’ and stipulates that the offender ‘shall be sentenced to its appropriate punishment’ (Article 26). The Islamic Penal Code and other laws have not mentioned apostasy and not provided a punishment for it. However, sharia texts provide the death penalty for apostasy.

Banned newspapers

Over the past decade, scores of newspapers and magazines have been banned, both with regional and nationwide circulation. The State party’s Reply to Question 23 (Point 94) refers only to 8 cases. Reports show that 34 publications were banned in the year beginning 21 March 2006. The figures for the corresponding periods in 2007 and 2008 were 28 and 24, respectively. In the majority of cases, some of the journalists were detained and later tried. Here are only a few more examples of the past decade. Dailies: Jame’e, Neshat, Sobh-e Emrooz, Khordad, Fath, Noruz, Yaas-e No, Doran, Vaghaye Ettefaghiye, Bonyan, Akhbar Eqetsadi, Mosharekat, Etemad Melli, Sarmayeh, Kargozaran, Ham-Mihan, Seday-e Edalat, Ayandeh No, Andisheh No.

Periodicals: Aftab, Shahrvand Emrooz, Irandokht, Farhang-e Ashti, Rah-e Ayandeh, Aso (Kurdish), Payam-e Mardom-e Kurdistan (Kurdish), Rojhalat (Kurdish), Dilmaj (Azeri Turkish), Tamaddon Hormuzgan, Hadis-e Qazvin, Salam-e Jonub, Safir-e Dashtestan, Asr-e Panjshanbeh,

In the wake of the 2009 Presidential Election, hundreds of journalists, bloggers and writers were harassed, detained and imprisoned or had to flee the country. One journalist, **Alireza Eftekhari**, was killed by blows to his skull on 15 June 2009. Others were arbitrarily detained and ill-treated and held for months without being charged.

In September 2011, there were over 50 journalists and bloggers in prison as a consequence of their profession, some of whom have been sentenced to long-term imprisonment and ban on professional activities and others were in detention without trial.⁴⁹

Artists

Filmmakers and actors as well as photographers have been detained or imprisoned in recent years, in particular after the 2009 Presidential Election. These included:

- Jafar Panahi, an award-winning and internationally renowned filmmaker, was arrested in March 2010 and spent about three months in detention and later sentenced to six years of in prison in 20 December 2010. He was banned from all professional, public and social activities for 20 years, including film making, writing film scripts, travelling abroad and giving interviews to domestic and foreign media.

⁴⁹ See **Appendix II: Partial list of imprisoned journalists & bloggers, end of September 2011**

- Mohammad Rassulof, another renowned film maker, was arrested in March 2010 and spent about three months in detention and then also sentenced to six years imprisonment.
- Mohammad Nourizad, a director and journalist, was arrested in December 2009 and sentenced to three and a half years' imprisonment and 50 lashes. He was released on 6 May 2011.
- Mohammad Ali Shirzadi, a documentary filmmaker, was detained in December 2009, and released on 25 June 2010.
- Mehraneh Atashi (f), an internationally-renowned photographer, was arrested in January 2010 and released on bail in March 2010.
- Mahnaz Mohammadi (f), a documentary filmmaker, was detained on 26 June 2011 and released on bail on 27 July 2011.
- Maryam Majd (f), a sports photographer, was detained on 17 June 2011 on her way to Germany to cover the Women's Football World Cup. She was released on bail on 18 July 2011.
- Pegah Ahangarani, an actress, who was on her way to Germany to write a blog for the German network Deutsche Welle on Women's Football World Cup competitions, was detained on 10 July and later released on bail on 27 July 2011.
- Marzieh Vafammehr, an actress and documentary filmmaker, was arbitrarily detained in early July 2011 for acting without headscarf in a lawfully authorised documentary (My Tehran for Sale) produced in 2008. She remained in detention at the end of September 2011.
- Several documentary filmmakers were detained in September 2011 for alleged cooperation with the BBC and remained in prison at the end of September. They are: Mojtaba Mirtahmasb, Hadi Afarideh, Katayoun Shahabi (f), Mehrdad Zahedian, Nasser Saffarian, and possibly Mostafa Shiri and Maziar Miri.
- Ramin Parchami, an actor, who was arrested on 14 February 2011, has been serving a two-year prison sentence since then.

Book publishing is subjected to a stringent censorship process. Some books wait several years for permission to publish before being refused. Some others, in particular novels, receive a license only on condition of cutting out whole sections or numerous paragraphs and sentences that most often render the stories incomprehensible.

The Ministry of Culture and Islamic Guidance frequently denies publishing permit to many books and has in recent years refused to permit books to be published in second or third editions, including many works translated from other languages. The State party officially

banned 10 independent private publishers in February 2011.⁵⁰

8. Denial of freedom of assembly and association - Articles 21 and 22; Question 27

Assembly and association

The State party has a dark record as far as freedoms of assembly and association are concerned.⁵¹

Non-governmental demonstrations and rallies have to apply for permission to the Interior Ministry, which refuses any such permission.

Iranian Writers Association

Writers have been constantly denied the right to freedom of assembly and association. The Iranian Writers Association, established over 40 years ago, which the authorities have consistently refused to register, has been prevented from meeting and been unable to hold its general assembly for the past eight years.

Manijeh Najm-Araghi (f), writer and translator and secretary of the IWA Board, was detained on 16 October 2010 for three days. In May 2011, she was sentenced to one year in prison.

Fariborz Ra'ees-Dana, a member of IWA board, was detained on 18 December 2010, barely an hour after giving an interview to the Persian Service of the BBC, in which he strongly criticised the economic policies of the government. He was released on bail on 17 January 2011. In June 2011, he was sentenced to one year in prison on charge of membership of the IWA, giving interviews to the BBC and VOA and propaganda against the system.

Labour activists and trade unionists

Ever since 1979 when the Islamic regime took power, workers have consistently been denied the right to form free and independent trade unions and independent trade unionists have faced harsh treatment. In recent years, a number of unionists have been organising their own unions independently from the state and they have had to pay a high price for their activities.

Tehran Bus Workers Syndicate

- Mr. Mansour Osaloo (aka Osanloo), president of Syndicate of Workers of the United Bus Company of Tehran and Suburbs (*Sherkat-e Vahed*), was taken to prison in July

⁵⁰ **Yashar Amini**, a graphic designer and technical manager of the banned Digar Publishing House, started serving a one-year imprisonment sentence in February 2011. Manager and Licensee of the same publisher have also been sentenced to one year imprisonment each and are waiting appeal.

⁵¹ See also women's organisations under **Denial of equal rights for women**

2007 in the remote top-security Rajaishahr Prison, where he was serving a five-year imprisonment under extremely harsh conditions, for “propaganda” and “activities against the State”. In addition, on 1 August 2010, Mr. Osaloo was sentenced by Branch One of the Islamic Revolution Courts to one more year in prison for “propaganda against the system”. While in detention, Mr. Osaloo’s health condition deteriorated. He reportedly suffered several heart attacks and was transferred to hospital on several occasions, but the Ministry of Intelligence interrogators systematically intervened to stop his treatment and to return him to prison. Moreover, from 1-8 January 2011, Mr. Osaloo spent one week in solitary confinement for addressing the participants at a funeral that other prisoners of conscience held inside the prison in memory of a political prisoner, following the latter’s execution.

His pregnant daughter-in-law suffered a miscarriage on 23 June 2010, after being attacked by agents of the Ministry of Intelligence on the street, with the apparent aim to punish the human rights activities of her father-in-law.

Mr. Osaloo was released at the beginning of June 2011 under an extended leave.

- Mr. Ebrahim Madadi, Vice-President of the Syndicate, also remained detained in Evin Prison at the end of August 2011 on the basis of a three and a half-year prison sentence, which was issued in December 2008.
- On 12 June 2010, Mr. Reza Shahabi, the Treasurer and Board member of the Syndicate, was arrested upon order of the Ministry of Intelligence without charges. From 5-19 December 2010, he went on a two-week hunger strike, and spent a week in hospital after his health deteriorated. As of end of September 2011, he was still detained in Evin Prison without sentence.
- On 3 November 2010, Mr. Gholamreza Gholamhosseini, another member of the Syndicate, was arrested and released after several months on bail on 27 April 2011 awaiting trial.

Syndicate of Workers of Haft Tappeh Cane Sugar Company

- Mr. Reza Rakhshan, president of the Independent Syndicate of Workers of Haft Tappeh Cane Sugar Company, was released in June 2011 after serving six months in prison.
- Mr. Ali Nejati, former president of the same Syndicate, was summoned in early August 2011 to serve a 1-year imprisonment sentence for trade union activities, although he had already served 6 months in previous years for the same charges and subsequently expelled from work.
- Several other members of the Syndicate, e.g. Jalil Ahmadi, Fereydoun Nikufar, Ghorban Alipour, and Mohammad Haydarimehr served prison terms ranging from four to six months starting in November 2009.

Teachers Unions

- In September 2011, Mr. Hashem Khastar, a leading member of Mashhad Teachers Union, was released from Mashhad's Vakilabad prison, after serving a two-year prison term for "acting against the security of the country".
- Mr. Rassoul Bodaghi, a leader of the Independent Teachers Association was arrested in September 2009 and sentenced to six years in prison and five-year ban on civil activities, which was upheld on appeal in January 2011. He is serving his sentence in Rajaishahr Prison.
- Mr. Abdolreza Ghanbari, an activist of the Teachers Union, who was arrested at his workplace on 27 December 2009, was sentenced to death for alleged contacts with opposition groups abroad, and was still waiting for the outcome of his appeal at the end of September 2011. Another member of the Union, Farzad Kamangar, a Kurdish teacher, was also charged with Kurdish opposition groups and executed in May 2010.

Journalists Association

The Association is a legally registered body, which the authorities declared banned in 2009 after the Presidential Election. In addition to a large number of its members, several members of its board of directors were detained, put on trial, and sentenced to long-term imprisonment.

- Ms. Badrolsadat Mofidi, veteran journalist and secretary of the Association, was detained on 29 December 2009 and released on bail on 6 June 2010. She was tried on charges of acting against the national security and propaganda against the system and was sentenced to six years imprisonment and five years of ban on working as a journalist. She is free on appeal.
- Mr. Mashallah Shams-ul-Vaezin, Vice-president of the Association, who is also the spokesperson of the Association for the Defence of Press Freedoms, has been imprisoned several times during the past decade. He was detained on 29 December 2009 for two months. He was charged with propaganda against the system and insulting the president and sentenced to 16 months imprisonment and went to prison in late July 2011 to serve it.

Other trade unionists

- Shahrokh Zamani, member of the provisional board for reopening the Building Painting Workers Syndicate, was detained on 7 June 2011 in the city of Tabriz and was sentenced to 11 years imprisonment in August 2011. Mohammad Jarrahi, a unionist member of a committee seeking to establish independent labour unions, was detained on 20 June 2011 and sentenced to 5 years in prison in August 2011. Nima Pouryaghoub was sentenced to 6 years and Sassan Vahebish to 6 months in prison in August 2011.

- Behnam Ebrahimzadeh, a unionist seeking to establish independent labour unions, was detained on 12 June 2010 and sentenced to 20 years imprisonment. While, the Supreme Court has repealed the sentence, he remained in prison in Tehran at the end of September 2011.

Students - Question 29

Plain-clothed security agents, members of the Special Squads of the Police and Special Squads of the Islamic Revolution Guards Corps brutally attacked some university dormitories and ransacked them in Tehran, Isfahan and Shiraz, in the aftermath of the June 2009 Presidential Election, as a result of which five students were killed in Tehran, two in Isfahan and two in Shiraz. In Tehran Dormitory, 100 students were arrested. However, rather than investigating the attacks and killings, military courts tried about 40 of them who had lodged complaints with the judiciary and sentenced them to punishments ranging from financial penalties, lashing and prison sentences from 3 to 10 months, in May 2011. Since then, several students have lost their lives in the protest demonstrations or in custody. Nationwide, hundreds of students have been expelled from the universities and banned from continuing their studies.

Independent student groups, such as the **Daftar Tahkim Vahdat** (Unity Consolidation Office) and student activists have been facing severe persecution and crackdown, especially since the June 2009 Presidential Election.

The following are only a handful of students currently serving prison sentences: Bahareh Hedayat, a female student and women's rights activist, 9.5 years since 31 December 2009
Majid Tavakkoli, who had been detained several times in the past few years, 8.5-years since December 2009

Farzad Madadzadeh and Shabnam Madadzadeh (his sister), 5 years on charge of *moharebeh*, since 21 February 2009

Zia Nabavi, a member of the Council to Defend the Right to Education, 10 years on charge of *moharebeh* since 14 June 2009; after long detention and torture

Atefeh Nabavi (Zia Nabavi's cousin), 4 years on charge of *moharebeh*, since 14 June 2009

Yasser Goli (Kurdish student; 15 years); Hossein Ronaqi Maleki (15 years); Hamed Roohinejad (11 years); Majid Dari (6 years); Hassan Assadi Zaydabadi (5 years); Alireza Ashuri (5 years); Pooya Qorbani (6 years); Mehdi Khodaei (4 years); Ali Ajami (4 years); Mahdieh Golroo (female; 3 years and 4 months).

Political parties and groups

While many opposition political parties and organisations have been banned for over three decades, the Iranian authorities have not tolerated dissenting organisations and parties that

had been operating semi-officially. They have been suppressed and their members harassed, detained or imprisoned.

Presidential candidates

Messrs Mir Hossein Moussavi and Mehdi Karroubi, former presidential candidates in 2009, as well as their respective spouses Ms. Zahra Rahnavard and Ms. Fatemeh Karroubi were taken away by security agents from their homes on Monday, 28 February 2011, to unknown locations, in what amounted to enforced disappearance. Mr. Karroubi was separated from his wife and moved to a small office flat with security guards at the beginning of August 2011, but his family have not had any news of him since then. There was no information about the conditions and whereabouts of Mr. Moussavi and Ms. Rahnavard at the end of September 2011. There were concerns about the physical well being of the two candidates and the increasing pressures on them to force them make televised 'confessions about their mistakes.'

Freedom Movement of Iran

The FMI is led by Ebrahim Yazdi, 78-year-old former foreign minister, who was taken from hospital bed to detention in June 2009 for 72 hours. He was then detained in January 2010 for two months and released to have a heart surgery. The third time, he was detained on 1 October 2010 and remained in detention for six months, before being released in March 2011. He has been due to appear in court several times but had not been tried at the end of September 2011.

Several members of the FMI are already in prison and some of them have been sentenced to prison sentences, including Emad Bahavar (10 years), Mohsen Mohagheghi (4 years), Farid Taheri (3 years), Amir Khorram (6 years), and Ms. Layla Tavassoli (2 years). Ms. Sarah Tavassoli has been sentenced to six years imprisonment and 74 lashes.

Alliance of Religious Nationalists

The Alliance is another group whose members have faced consistent persecution. Their leader, Ezzatollah Sahabi (who died in June 2011), Taqi Rahmani,⁵² Reza Alijani, and Hoda Saber were detained and released several times during the past decade and spent long periods in prison, ranging from several months to two years.

Mr. Saber died in custody in Evin Prison, in Tehran, on 10 June 2011, after a week of hunger strike. In a testimony published on 13 June, 64 political prisoners - all Mr Saber's fellow prisoners - declared that after feeling of pain in his chest and digestive disorders, "Hoda Saber was taken to Evin Prison's clinic at 4 am on Friday 10th June, but was returned after

⁵² Mr. Rahmani, husband of Ms. Nargess Mohammadi (DHRC spokesperson), has worked closely with the Defenders of Human Rights Centre (DHRC) and was due to be awarded the DHRC prize for the 60th anniversary of the Universal Declaration for Human Rights (UDHR) in 2008, when the DHRC was closed down.

two hours, while he was still writhing in pain and saying that he had been beaten up and insulted in the clinic.”

Other members include Mr. Amir Khosro Delir Saani, who is serving a four-year prison sentence and Mr. Alireza Rajaei, a journalist, who has been in arbitrary detention on national security charges since 24 April 2011.

Participation Front of Islamic Iran (PFII) & Organisation of Mujahedin of Islamic Revolution (OMIR)

The PFII and OMIR are two political organisations that were registered and licensed to operate, but they were banned in the aftermath of the 2009 Presidential Election. Many of their members including several former ministers, MPs, and deputy ministers, are currently serving prison sentences. Most of them are members of both organisations.

- Mr. Behrzad Nabavi, a former minister and MP, is serving a 6-year prison term.
- Mr. Mostafa Tajzadeh, a former deputy minister, is serving a 6-year prison term and has been banned from political activities for 10 years.
- Mr. Abdollah Ramezanzadeh, a former deputy president, is serving a 5-year prison term.
- Mr. Mohsen Mirdamadi, secretary-general of the PFII, is serving a 6-year prison sentence and has been banned from political activities for 10 years.
- Mr. Fayzollah Arab-Sorkhi, a former deputy minister, is serving a 6-year prison term.
- Mr. Abolfazl Ghadyani is serving a 1-year prison term
- Mr. Javad Emam is serving a 1-year prison term.
- Mr. Davoud Solaymani, a former MP, is serving a 3-year prison term

Assembly of Lecturers and Scholars of Qom Seminary

This is a clerical organisation formed by supporters of the former reformist President Khatami, which the authorities banned in March 2011.

Graduates Association

Graduates' Association (*Advar Tahkim Vahdat*) has been formed by mostly former students who had been active in the *Daftar Tahkim Vahdat* (Unity Consolidation Office)⁵³ while studying in the universities. It is a pro-reforms political organisation with human rights activities. Since the 2009 presidential election, scores of its members, in particular its leading members, have been arrested, prosecuted and imprisoned. Some of them are as follows:

- Ahmad Zeydabadi (a.k.a Zaidabadi; Zeidabad), secretary-general of the association and a prominent journalist, has been in prison since 13 June 2009. He was sentenced

⁵³ See **Students** below

to 6 years imprisonment, 5 years of internal exile and life-long ban on all professional and political activities. He is the recipient of UNESCO Freedom of Press Award 2011.

- Abdollah Momeni, spokesperson of the association, has been in prison since 20 June 2009. He was sentenced to 4 years and 11 months in prison but is facing new charges for writing an open letter to the Supreme Leader on tortures.⁵⁴
- Hassan Assadi Zeydabadi (aka Zaidabadi), human rights officer of the association, has been in prison since 22 August 2010. He has been sentenced to 5 years imprisonment.
- Ali Jamali, secretary for political affairs, has been in prison since 22 August 2010. He has been sentenced to 4 years imprisonment.
- Ali Malihi, public relations officer, has been in prison since 9 February 2010. He has been sentenced to 4 years imprisonment.

9. Denial of rights based on ethnic origin - Article 27 & Question 33

The State party maintained in its Reply to Question 33:

110... However, the use of regional and tribal languages in the press and mass media, as well as for teaching of their literature in schools, is allowed in addition to Persian.

111. Therefore, members of other ethnic groups and non-Persian-speaking groups are not only free to speak their own languages, but can also release publications in their own languages and teach them in school.

Contrary to the claim of the State party, the Constitution does not sanction the right to learn and teach in schools and other educational institutions in non-Persian languages. Article 15 of the Constitution, which the State party has correctly quoted verbatim in Point 110 here above, has a slight twist. It only provides for the teaching of 'literature' of non-Persian languages in schools, which is quite different from 'learning and teaching in schools'.

In practice, however, the ethnic communities, including the Azeri Turks, the Arabic speakers in the south, Kurds, Baluchis, and Turkmen are deprived of their other cultural rights as well. Despite the provisions of the Iranian Constitution, publications and books in languages other than Persian have rarely been permitted or closed down after a few issues.⁵⁵

The ethnic communities are basically denied the right to freedom of expression, association and assembly. Ethnic political and cultural organisations and parties of the Azeri Turks, Baluchis, Kurds, and Turkmen have been banned for three decades. The only ethnic political

⁵⁴ See **Prohibition of torture and cruel, inhuman or degrading treatment or punishment**

⁵⁵ For detailed discussion of discriminations against religious minorities and ethnic communities in Iran, see the joint publication of FIDH and LDDHI: <http://www.fidh.org/IMG/pdf/IrandiscrimLDDHI545a.pdf>

party that operated in recent years was the the *Lejnat al-Wefaq al-Eslami* (Islamic Unity Party), led by former MP Jasem Shadidzadeh Al-Tamimi, of the Arabic-speaking minority in Khuzestan. It was also outlawed in 2006.

- The Kurdistan Human Rights Organisation was set up in 2004 but has not been allowed to operate freely.⁵⁶

Most Kurds, Baluchis, and Turkmen are Sunnis and suffer from religious discrimination as well.⁵⁷

Defenders of rights of ethnic communities

In 2010-2011, defenders of rights of minorities continued to be subjected to judicial harassment as reprisal for their human rights activities.

On 3 February 2010, Kaveh Ghasemi Kermanshahi, a journalist member of the Central Council of the Human Rights Organisation of Kurdistan, was arrested in Kermanshah, in western Iran, by seven security agents, who searched his home, confiscated his personal belongings, including his computer and written documents. In May 2010, he was released on a bail of approximately US \$100,000. On 30 January 2011, he was sentenced by Branch 1 of the Islamic Revolution Court in Kermanshah to a five-year imprisonment on charges of “acting against the national security through membership of the Kurdistan Human Rights Organisation”, “propaganda against the system by publishing reports and news” and “contacts with families of prisoners and executed political prisoners”. On 16 March 2011, the appeal court upheld four years of his prison sentence.

Moreover, as of end of September 2011, several rights defenders, who had promoted rights of the Kurdish community, remained arbitrarily detained. They include:

- Mohammad Sadiq Kaboudvand is the President of the Human Rights Organisation of Kurdistan (RMMK) and editor-in-chief of the banned weekly *Payam-e mardom-e Kurdestan* (The Message of the People of Kurdistan). He was arrested on 1 July 2007 and has been detained at Evin Prison since then. In May 2008, he was sentenced to ten years’ imprisonment for “acting against State security by establishing the [RMMK]” and one year in prison for “propaganda against the system”. The sentence was later reduced to 10.5 years on appeal in October 2008. Despite his suffering from bad health conditions, he has been denied proper medical care.

On 15 July 2010, Mr. Kaboudvand lost consciousness in Evin Prison due to irregularities in his blood pressure. Since then, Mr. Kaboudvand has been reported to be suffering from severe dizziness, sensory-motor dysfunctions and optical disorders, which could indicate that he had suffered another stroke. Mr. Kaboudvand suffered two heart attacks while in detention in May and December 2008, and he also suffers

⁵⁶ See **Mohammad Sadiq Kaboudvand** below

⁵⁷ <http://www.fidh.org/IMG/pdf/IrandiscrimLDDHI545a.pdf>

from a renal prostatic disorder.

- Adnan Hassanpoor, a member of the Iranian Kurdistan Journalists Association as well as a reporter for the *Aso* newspaper, and Abdoulvahed (aka Hiwa) Boutimar, an active member of the environmental NGO “Sabzchia” were arrested respectively in December 2006 and January 2007 and were sentenced to death in July 2007 after spending several months incommunicado. The sentences were subsequently commuted to 15 years and eight years, respectively.
- Sa’eed Matinpour, an Azeri journalist and cultural activist from the city of Zanjan, known for his writings calling for increased political, cultural and linguistic rights of the Azeri people in Iran, is serving an eight-year prison sentence on charges of “propaganda against the Islamic system” and “relations with foreigners”. He was arrested in 2007 and sentenced in June 2008.

**Appendix I: Partial List of Women Prisoners of Conscience,
end September 2011 (Question 28)**

	Name	Prison Sentence/Charge	Date of beginning; prison	Status/affiliation
1	Ronak Safazadeh (aka Saffarzadeh)	6 years & 9 months	9 Oct 2005; Sanandaj	Campaign for Equality; Kurdish rights activist
2	Zaynab Jalalian	Death row	since 2007; Sanadaj	Kurdish political activist
3	Raha Sabet	4 years; establishment of illegal groups and propaganda for opposition groups; imprisonment	19 November 2007; Shiraz	follower of the Baha'i faith
4	Mahvash Sabet	20 years	5 March 2008; Evin Prison/Tehran	follower of the Baha'i faith
5	Fariba Kamalabadi	20 years	5 May 2008; Evin Prison/Tehran	follower of the Baha'i faith
6	Masoumeh Ka'abi	4.5 years	28 Sept 2008; Sepidar Prison in Ahvaz	A member of the Iranian Arabic-speaking minority; her husband is active abroad; the Syrian government extradited her to Iran on 10 September 2008.
	Zaynab Bayazidi	4 years imprisonment in internal exile	16 Nov 2008; Zanjan Prison	Campaign for Equality
7	Sahba Rezvani	3 years & 8 months	16 Dec 2008; Evin Prison/Tehran	follower of the Baha'i faith
8	Kobra Banazadeh-Amirkhizi	5 years imprisonment in internal exile	17 Jan 2009; currently in Evin Prison/Tehran	believed to be imprisoned for her family ties to opposition members abroad
9	Alieh Eghdamdoost	3 years	30 Jan 2009; Evin Prison/Tehran	Campaign for Equality
10	Shabnam Madadzadeh	5 years imprisonment in internal exile	21 Feb 2009; ; currently in Evin Prison/Tehran	Student activist; charged with 'fighting God'
11	Nazila Dashti	3 years	25 May 2009; Evin Prison/Tehran	believed to be imprisoned for her family ties to opposition members abroad
12	Atefeh Nabavi	4 years	15 June 2009; Evin Prison/Tehran	Student activist

13	Fartemeh Rahnama	10 years imprisonment in internal exile	29 July 2009; Sepidar Prison in Ahvaz	a political prisoner in the 1980s; believed to be imprisoned for family ties to Mr. Moussavi (a 2009 presidential candidate)
14	Masoumeh Yavari	7 years imprisonment in internal exile	18 Sep 2009; currently in Evin/Tehran	Street protestor
15	Hengameh Shahidi	6 years	2 Dec 2009; Evin Prison/Tehran	Journalist
16	Mahdieh Golrou	3.5 years	2 Dec 2009; Evin Prison/Tehran	Student activist
17	Rayhaneh Hajj-Ebrahim-Dabbagh	15 years imprisonment in internal exile	27 Dec 2009; currently in Evin Prison/Tehran	accused of sending films of street protests to opposition groups
18	Mottahraeh Bahrami Haghghi	10 years imprisonment in internal exile	27 Dec 2009; currently in Evin Prison/Tehran	believed to be imprisoned for family ties to opposition members abroad; her husband and son are on death row
19	Kefayat Malek-Mohammadi	5 years	27 Dec 2009; Evin Prison/Tehran	Street protestor
20	Farah Vazehan	17 years imprisonment in internal exile	29 Dec 2009; currently in Evin Prison/Tehran	Street protestor
21	Maryam Akbari-Monfared	15 years imprisonment in internal exile	31 December 2009; ; currently in Evin Prison/Tehran	accused of <i>moharebeh</i> [fighting God]
22	Bahareh Hedayat	9.5 years	31 Dec 2009; Evin Prison/Tehran	Campaign for Equality & student activist
23	Manijeh Monzavian (Nasrollahi)	3 years and 4 months	27 Feb 2010; Evin Prison/Tehran	follower of the Baha'i faith
24	Rozita Vasegh	5 years	15 March 2010; Vakilabad Prison in Mashhad	follower of the Baha'i faith
25	Nahid Ghadiri	5 years imprisonment; propaganda against the system through the Baha'i faith; contacts with foreigners abroad; illegal assembly; distribution of Baha'i CDs and books	28 June 2010; Mashhad	follower of the Baha'i faith
26	Sima Rajabian	2 years imprisonment; propaganda against the system through the Baha'i	15 July 2010; Mashhad	follower of the Baha'i faith

		faith; contacts with foreigners abroad; illegal assembly; distribution of Baha'i CDs and books		
27	Nasrin Ghadiri	2 years imprisonment; propaganda against the system through the Baha'i faith; contacts with foreigners abroad; illegal assembly; distribution of Baha'i CDs and books	15 July 2010; Mashhad	follower of the Baha'i faith
28	Hanieh Farshi-Shotorban	7 years	18 July 2010; Evin Prison/Tehran	blogger; charged with insulting the leader and Islamic sanctities
29	Ladan Mostofi-Ma'ab	5 years	18 July 2010; Evin Prison/Tehran	blogger; charged with insulting the leader and Islamic sanctities
30	Nasrin Sotoudeh	6 years prison & 10 years ban on practising law ; reduced from 11 years and 20 years	4 September 2010; Evin/Tehran	Human rights lawyer
31	Sima Eshraghi	propaganda against the system; action against the national security; insulting the sanctities	detained 24 Oct. 2010; Mashhad	follower of the Baha'i faith
32	Elnaz Rahimzadeh	5 years imprisonment in first instance; propaganda against the system; encouraging assembly and collusion against national security in social networks;	detained November 2010	blogger and supporter of Mourning Mothers
33	Layla Tavassoli	2 years	5 Dec 2010; Evin/Tehran	street protestor; daughter of a political activist
34	Toreh Taghizadeh	22 months imprisonment; propaganda against the system by propagating the Baha'i faith	detained 8 Jan. 2011; Kachui Prison; Sari	follower of the Baha'i faith
35	Fariba Ebtehaj	not known	10 Feb. 2011; Tehran	secretary of the former Vice-President Ms. Ebtekar
36	Nez'hat Amirabadian	not known	11 Feb. 2011; Tehran	journalist
37	Zahra Eftekhari	not known	12 Feb. 2011	student; Tehran University; political activist
38	Zahra Sharif	not known	12 Feb. 2011	student; Tehran University

39	Anisa Motahhar	propaganda in favour of opposition groups	13 Feb. 2011; Dastgerd Prison of Isfahan	follower of the Baha'i faith
40	Shima Vazvoayi	student protest	15 Feb. 2011; Tehran	Sharif University student
41	Fojan Shafaei	student protest	20 Feb. 2011	student; Amir Kabir University
42	Sarah Bagheri	student protests	20 Feb. 2011	student activist; Noushiravani University of Babol
43	Zahra Rahnavard	disappeared	since 28 Feb 2011; unknown	Wife of Mr. Moussavi (a 2009 presidential candidate)
44	Fatemeh Karroubi	disappeared	since 28 Feb 2011; unknown	Wife of Mr. Karroubi (a 2009 presidential candidate)
45	Sarah Pour-Kazemi	not known	March 2011	protestor
46	Mina Ahrari	participation in religious meeting	4 March 2011; Isfahan	follower of the Baha'i faith
47	Saman Golshanai	participation in religious meeting	4 March 2011; Isfahan	follower of the Baha'i faith
48	Sima Didar	6 months imprisonment; propaganda against system	17 April 2011; Tabriz Prison	poet, translator and blogger; manager of Yashmaq newsletter; Azeri cultural activist
49	Tahereh Pour-Rostam (Sodagari)	detained	1 May 2011; unknown	former political prisoner; family ties to opposition members abroad
50	Sedigheh Moradi	detained	1 May 2011; unknown	former political prisoner; family ties to opposition members abroad
51	Arya Haeri	detained	1 May 2011; unknown	former political prisoner; family ties to opposition members abroad
52	Fatemeh (Hour) Ziaei	detained	1 May 2011; unknown	former political prisoner; family ties to opposition members abroad
53	Noushin Khadem	detained	22 May 2011; Evin Prison	follower of the Baha'i faith; instructor of Baha'i online university
54	Ashraf Alikhani	3 years	25 May 2011; Evin Prison/Tehran	blogger
55	Mahboubeh Karami	3 years	31 May 2011; Evin Prison/Tehran	Campaign for Equality; human rights activist
56	Negar Monazami	14 months & 75 lashes	13 June 2011	earlier arrested on 8 March

				2011 & released on bail
57	Marzieh Vafammehr	arbitrary detention	early July 2011; Qarchak Detention Centre (far away to the south of the capital Tehran)	actress and documentary filmmaker; for her role in a lawfully authorised documentary (My Tehran for Sale) produced in 2008
58	Maryam Bidgoli	6 months	21 July 2011; Qom	Campaign for Equality
59	Sholeh Ta'eb	not clear	not clear; Evin Prison/Tehran	not clear
60	Maryam Hajjilouyi	not clear	not clear; Evin Prison/Tehran	not clear
61	Parvin Mokhtareh	insulting the leader	1 Aug. 2011; Kerman Central Prison	mother of human rights activist Kouhyar Goudarzi
62	Khatereh Danesh- Tavakkol	Not known	11 Aug. 2011	student activist; Tehran Azad University
63	Melina Bakhtiarnejad	distribution of films & pamphlets about colour and soft revolutions & contacts with activists abroad	13 Aug. 2011	student activist; Tehran University
64	Samin Ehsani	detained	17 Aug. 2011; Tehran	follower of the Baha'i faith; child rights activist
65	Vajiheh Nasheri	protesting her detained husband's degrading punishment	20 August 2011, Saari	follower of the Baha'i faith
66	Mahsa Mehdizadeh	detained	22 Aug. 2011; Urumiyeh	political and environmental activist
67	Faranak Farid	Unclear	3 Sept. 2011; Tabriz	women's rights activist; Campaign for Equality; poet and translator
68	Fereshteh Shirazi	Not clear	4 September 2011; Amol	Women's rights activist; member of Campaign for Equality
69	Farzaneh Noori	detained	11 Sept. 2011; Shiraz	mother of 1 administrator Dervishes' website

Appendix II: Partial list of imprisoned journalists & bloggers, end September 2011

	Surname, Name	Date of arrest/Prison	Prison sentence (Years)	Other punishments/ Remarks	Charge/Reason for arrest
1	Derakhshan, Hossein		19.5		Blogger; visit to Israel
2	Kaboudvand, Mohammad Sadiq (Kurdish journalist & HRD)		10.5	In bad health conditions (see Defenders of rights of ethnic communities)	
3	Hassanpour, Adnan (Kurdish journalist)		15		
4	Matinpour, Sa'eed (Azeri journalist)		8		
5	Butimar, Hiwa (Kurdish journalist)		8		
6	Abedini-Nasr, Abolfazl		11		
7	Zeydabadi (a.k.a Zaidabadi), Ahmad	14/June/2009 - Rajaishahr	6	life-long ban on professional activities & 5 years in internal exile in south-eastern city of Gonabad	Open critical letter to Leader; Secretary-General of Graduates Association
8	Samimi-Behbahani, Kayvan	13/June/2009 - Evin	6	15 years ban on professional activities; in bad health conditions in need of medical care	Acting against national security through assembly and collusion, disturbing the public minds
9	Rigi, Sakhi	18 June 2009; Zahedan/Baluchistan	20		Blogger
10	Aslani, Amir	August 2009	5		Blogger
11	Ronaqi-Maleki, Hossein	13 Dec 2009; Evin Prison	15	His health has been deteriorating consistently under torture and other ill treatment, having suffered extensive damage to his kidneys.	Blogger; student; propaganda against system, insulting the leader and the president.
12	Shahidi, Hengameh (f)	25/Feb/2010 - Evin	6		Propaganda against system, acting against national security,

					insulting the president
13	Bastani, Massoud	5/Aug/2009	6		
14	Behzadiyan-Nejad, Ali		6		
15	Ahmadi Amou'i, Bahman	20/June/2009 - Evin	5		Insulting the president, propaganda against system, collusion to disrupt national security; disruption of public order
16	Mohammad Davari	8/Sept/2009 - Evin	5		Reporting on torture and rape & filming interviewees
17			1		Participation in teachers demo in 2006
18	Mahmoudian, Mehdi	16/Sept/2009 - Rajaishahr	5		Collusion against system
19	Malihi, Ali	9/Feb/2010	4		Assembly and collusion against system, propaganda against system, insulting the president, spreading lies
20	Saharkhiz, Issa	3/Jul/2009 - Rajaishahr	3	5 years ban on professional activities; in need of medical care	Insulting the leader, propaganda against system, spreading lies in foreign interviews
21	Saghar, Arash	22/Nov/2009	5		acting against national security, spying for Turkmenistan
22	Ajami, Ali Akbar		2		
23	Beheshti-Shirazi, Alireza	April 2010	5		
24 – 30	Masjedi, Iman; Latifi, Amir; Golizadeh, Mohammad-Reza; Mostofi-Maab, Ladan (f); San'e-Farshi-Shortorban, Hanieh (f); Nikouyee, Hojjat; Ebrahmi, Sepehr	detained 18/19 July 2010	not tried yet		Bloggers
31	Ghaderi, Siyamak	8/Aug/2010	4	Fine and 60 lashes	Propaganda against system, disturbing public minds,

					spreading lies
32	Mehrabi, Ehsan		1		Propaganda against system
33	Honarvar-Shoja'ee, Arash (a cleric)	detained 28 October 2010 in Qom	not tried yet		Blogger
34	Rahimzadeh, Elnaz (f)	detained November 2010	5		Blogger
35	Amirabadian, Nezhat (f)	11 Feb 2011	detention		
36	Bahmani, Parsa	1/March/2011 - Shiraz	detention		
37	Rajaei, Alireza	24/Apr/2011	detention		acting against national security
38	Sima Didar (f)	17 April 2011	6 months		Blogger
3	Vessali, Abolfazl	3/May/2011	6 months		inciting riots
9	Shams-ul-Vaezin, Mashallah	late July 2011	16 months		Insulting the president, propaganda against system
40	Sarjouyee, Mehrdad	July 2011	detention		Unknown
41 - 51	Journalists of Dervishes' Website: Roshan, Alireza; Akrami, Ali Astaraki, Ali Hosseini, Mehdi Osanloo, Mehdi Moradi, Hamid Rahbari, Mehran Abdi, Mostafa Tabassi, Nosrat Moazzami, Ali Entessari Reza	5 and 6 September 2011	detention		
52	Allamehzade, Amir Ali	24 Sept. 2011	detention		Unknown