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جامعه دفاع از حقوق بشر در ایران  
(عضو فدراسیون بین المللی جامعه های حقوق بشر)

League for the Defence of Human Rights in Iran  
(FIDH Member)

## **Iran:** **Position paper regarding the human rights situation in Iran** **for the 69<sup>th</sup> session of the UN General Assembly**

The International Federation for Human Rights (FIDH), the League for the Defence of Human Rights in Iran (LDDHI), and the Defenders of Human Rights Center (DHRC) call for a strong and comprehensive resolution on the situation of human rights in the Islamic Republic of Iran at the 69th session of the UN General Assembly. Despite the political rapprochement with Western states and advances on nuclear negotiations that have taken place under President Rouhani's administration, the human rights situation inside Iran has objectively deteriorated over the past year. The repression of basic freedoms, discrimination against women and ethnic and religious minorities, denial of due process particularly for the many remaining prisoners of conscience, and other human rights violations continue to take place on a daily basis, despite the calls put forth in last year's General Assembly resolution on Iran. In particular, paragraphs 4, 5, 6, 9, and 11 of A/RES/68/184 remain unimplemented, and certain human rights concerns such as the widespread use of the death penalty in violation of international law have increased in 2014. Moreover, Iran continues to deny UN special procedures access to the country, despite multiple requests from the UN to that effect. Such cooperation with international human rights mechanisms is essential to ensure that Iran complies with international human rights law and norms, which to date it is largely failing to do.

Iran's second review under the UN's Universal Periodic Review (UPR) process, which took place on 31 October 2014, confirmed these concerns regarding the human rights situation in the country. Although Iran did cooperate with the UPR process and submit a national report, the latter focused almost exclusively on legislation and articles of Iran's constitution that supposedly enshrine equal rights for all citizens, but that are not upheld in practice. During the UPR session, a large number of States raised concerns about the ongoing, and in some cases increasing, human rights violations, in particular the seven key issues outlined below. Iran's failure to implement a large majority of the recommendations from its first UPR cycle, and its continued rejection of recommendations regarding the death penalty and women's rights (among others), indicate a need to reinforce the calls for the respect for human rights in Iran through other UN mechanisms, such as the UN General Assembly.

### **Key ongoing human rights concerns in Iran:**

#### **1) Increased use of the death penalty, including executions which violate international law**

- **Executions in Iran are increasing each year**, and Iran remains the second biggest executioner in the world (after China)
  - 2013 was a record year with over 700 executions, including 57 people executed in public.
  - 2014 is following the same worrying trend of increasing executions. In his report released in October 2014, Ahmed Shaheed states that between July 2013 and June 2014, at least 852 individuals were reportedly executed, representing an alarming increase in the number of executions in relation to the already high rates of previous years.

- Only around 200 of these executions have been acknowledged by the authorities or state-sanctioned media, which points to a disturbing lack of transparency and due process in the administration of the death penalty in Iran.
- **There are a very large number of crimes punishable by death**, including those which are not serious offences
  - The number of crimes subject to the death penalty was expanded in 2013 under the new Islamic Penal Code: the current list of capital offences includes consensual sex between men, fornication and adultery, repeated consumption of alcohol, theft, cursing the prophets, “corruption on earth”, “rebellion”, certain economic crimes, and drug trafficking.
  - **Executions continue to take place for acts that do not meet the international standard for “most serious crimes.”** Some examples include:
    - 3 March 2014: two men executed in Rasht prison for “illicit acts” (engaging in homosexual intercourse)
    - 7 August 2014: two men executed for sodomy in Shiraz
    - 24 September 2014: Mohsen Amir Aslani hanged in Karaj for heresy (insulting Prophet Jonah and doubting that he was swallowed by fish)
- **Executions of minors and those convicted for crimes when they were under the age of 18 continue**
  - Iran is one of three countries in the world known to execute persons under the age of 18.
  - Up to 11 minors were reportedly executed in 2013, and at least 8 individuals who were under the age of 18 when they committed their crimes have been executed since the beginning of 2014. Around 160 minors are reported to be on death row.

## **2) Cruel & inhuman punishment**

- In 2014 there continue to be reports of **torture in prisons and confessions obtained under duress**
  - In Evin prison, known to house political dissidents and other prisoners of conscience, several reports emerged in 2014 of inhuman treatment, including the denial of medical care, prolonged solitary confinement, and violent attacks against detainees by prison guards<sup>1</sup>
- State security forces continue to impose **cruel and inhuman punishments for minor offences**, including:
  - secret and public amputations for those deemed guilty of theft (e.g. a man in Savadkouh had 4 fingers cut off for stealing on 22 August 2014)
  - prisoners of conscience sentenced to public flogging (e.g. 400 people were arrested and 200 of them flogged in Qazvin for breaking fast during Ramadan in August 2014; other similar cases reported in July 2014 in Kermanshah and Shiraz)
- The 2013 Islamic Penal Code retains **stoning as punishment** in several articles (e.g. articles 132, 173, and 225).
  - Approximately 10 individuals are currently facing a stoning sentence.
  - The principle punishment imposed on those deemed guilty of adultery is stoning, which is implemented through particularly inhumane methods.
    - In cases ruled on the basis of “evidence,”<sup>2</sup> the defendant is placed in a pit where they are to be stoned to death. If the defendant tries to escape from the pit, they are stopped and subjected to further stoning until they are killed.
    - In cases ruled on the basis of a confession by the defendant, the latter can be exonerated from the punishment of death by stoning if they manage to escape the pit while being stoned.

<sup>1</sup> See FIDH press releases: [www.fidh.org/en/asia/iran/15241-attacks-in-evin-prison-in-iran](http://www.fidh.org/en/asia/iran/15241-attacks-in-evin-prison-in-iran) and [www.fidh.org/en/asia/iran/14863-iran-grave-concern-over-lack-of-access-to-medical-care-for-sick-prisoners](http://www.fidh.org/en/asia/iran/14863-iran-grave-concern-over-lack-of-access-to-medical-care-for-sick-prisoners)

<sup>2</sup> According to article 199 of the 2013 Islamic Penal Code, the testimony of four men, or three men and two women, is considered sufficient evidence

### **3) Repression of freedom of expression, assembly and association**

- The Association of Journalists, banned since the 2009 elections, has still not been authorised to open its doors, despite President Rouhani's electoral promises to the contrary.
- As of 5 October 2014, 19 journalists and 28 bloggers are in prison, including 3 with dual nationality (American, British, and German-Iranians). Many others are effectively banned from writing and cannot work as journalists due to administrative restrictions or threats and surveillance resulting in self-censorship.
- Following an increase in outcries from unions over the past year due to the economic stagnation stemming from international sanctions on Iran, repression of union leaders also increased.
  - At least 27 labour rights activists are currently in prison, and are increasingly being subjected to harsher treatment in detention, including the denial of medical care.
  - Sharokh Zamani, trade unionist and member of the Committee to Pursue the Establishment of Labour Unions, who was sentenced in 2011 to 11 years in prison for “acting against national security by establishing or membership of groups opposed to the system,” was transferred to a larger and infamously repressive prison in March 2014 as a punishment for his activism.
  - Unionists Reza Shahabi (sentenced to 6 years in prison) and Behnam Ebrahimzadeh (sentenced to 5 years) were also recently transferred to Rajaishahr prison and are being detained under harsh conditions.

### **4) Persecution of human rights defenders (HRDs) and other prisoners of conscience**

- Despite the unexplained release of a few high-profile prisoners of conscience just before the 2013 session of the UNGA, human rights defenders and other prisoners of conscience remain in prison, and they and their families are monitored and threatened by the State.
- Several NGOs estimate there may be as many as **1,000 political prisoners and prisoners of conscience** behind bars in Iran today.
  - 13 of these prisoners of conscience are currently imprisoned despite their detention having officially been deemed arbitrary by the UN Working Group on Arbitrary Detention. These prisoners are Heshmatollah Tabarzadi, Mir Hossein Mousavi, Mehdi Karoubi, Zahra Rahnava, Mohammad Kaboudvand, Abdolfattah Soltani, and 7 Baha'i leaders.
  - Other notable prisoners of conscience who remain detained under harsh conditions include human rights defenders Reza Shahabi-Zakaria, Bahareh Hedayat, and Mohammad Seifzadeh.
- Current legislation criminalizes vague offences undefined under law such as “acting against the system”, “domestic and external security” and “disseminating lies,” which facilitate the targeting of human rights defenders and journalists.
- Even those human rights defenders who have been released from prison are still unable to engage freely in their activities and face constant threats and limits on their freedoms.
  - Nasrin Sotoudeh, 2012 Sakharov laureate who was released from prison in 2013, is still forbidden from leaving the country and has her personal communications monitored by the State. On 18 October 2014, Ms. Sotoudeh had her law licence suspended based on 2011 trial and conviction that was deemed illegal by the UN Working Group on Arbitrary Detention.
  - Nargess Mohammadi, Deputy Director of the Defenders of Human Rights Center, was accused of “propaganda against the state” and “collusion against national security” after meeting with EU High Representative Catherine Ashton in March 2014 and for participating in human rights meetings and rallies since. On 1 June she was interrogated at the Prosecutor's Office in Evin Prison for several hours around these accusations, and has been summoned to appear again on 8 November.

## **5) Lack of due process and unfair trials**

- In Iran, the justice system not only disregards international standards of independence and due process and therefore does not provide genuine recourse for those facing criminal charges, but is also proactively used as a tool for repression by the Supreme Leader, who has control over the clerics who oversee the Judiciary.
- Cases concerning politically-motivated charges and drug-related crimes usually are tried by **unconstitutional Islamic Revolution Courts**, which do not observe international norms regarding transparency and independence. In addition, clerics accused of certain crimes, particularly dissent, are tried by the Special Court for Clerics, which is also unconstitutional.
- In the overwhelming majority of cases, political defendants - mostly charged with acting against national security or similar charges - are detained incommunicado for long periods and refused access to lawyers and due process while they are being investigated. They are most often held in informal detention centres, run by the Ministry of Intelligence or the Islamic Revolution Guards Corps away from the supervision of the formal justice system, where they are often **tortured and frequently forced to make confessions under duress**. Such forced confessions are almost always accepted by the Courts, allegations of torture related to these confessions are not investigated, and the confessions are frequently broadcast on television before defendants are even being tried.

## **6) Denial of women's rights**

- The issues raised in the 2012 and 2013 UNGA resolutions on Iran regarding women's rights are still of concern, in particular discriminatory laws and policies:
  - The provisions of the Constitution and the Civil Code regarding **marriage, divorce, custody of children, inheritance, and nationality remain discriminatory**.
  - The 2013 Islamic Penal Code has retained its discriminatory provisions on women's testimony, compensation in the case of injury or death, and honour killings, among others.
  - According to Article 1041 of the Iranian Civil Code, the legal age of marriage for girls is 13 years. However, the father or a paternal grandfather can legally marry a girl under the age of 13 to the person of their choosing with the permission of a court, resulting in **child and early forced marriages**.
  - Women are still denied the right to study in at least 14 university courses.

## **7) Persecution of religious and ethnic minorities**

- There continue to be many **individuals imprisoned solely for practising their religion**.
  - As of August 2014, **126 followers of the Baha'i faith were in prison**, and over 400 others have been either sentenced or are waiting for trial
  - Around **50 Christians are in prison for participating in house churches or other religious practices**
  - At least **9 Dervish (Sufi) Muslims and at least 150 Sunni Muslims** are currently in detention for religious activities
- **The death penalty is used disproportionately against members of ethnic and religious minorities**, based largely on Moharebeh and other vaguely defined crimes
  - at least 4 ethnic Arabs were executed on political charges in 2014
  - on 20 October 2013, 16 Baluchi prisoners were summarily executed in retaliation for attacks committed by other Baluchi individuals that week<sup>3</sup>
  - up to 40 Sunni Muslims and 20 Kurds are currently on death row for politically-motivated charges

<sup>3</sup> See FIDH press release: [www.fidh.org/en/asia/iran/14178-iran-execution-of-16-baluchi-prisoners-highlights-the-ongoing-state-terror](http://www.fidh.org/en/asia/iran/14178-iran-execution-of-16-baluchi-prisoners-highlights-the-ongoing-state-terror)

- **Discrimination against minorities is rampant in other laws and government policies**, particularly targeting those of the Baha'i faith
  - hundreds of Baha'i students have been denied access to higher education or vocational training institutes, as noted in a 10 September 2014 open letter to President Rouhani signed by 360 of these students
  - the destruction of Baha'i cemeteries in various parts of Iran has escalated in 2014
  - from January to June 2014, over 800 online articles defaming the Baha'is were published – these were all either instigated or condoned by the government
  - Baha'i followers continue to have their private business licenses denied or revoked
  - Sunni Muslims do not have the right to erect mosques in Tehran