

# LDDHI

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)

## 39<sup>th</sup> Congress of International Federation for Human Rights

Johannesburg, South Africa (24-27 August 2016)

### Resolution on the serious and systematic human rights violations in Iran

Presented by the "League for the Defence of Human Rights in Iran (LDDHI)"

#### **Considering that the situation of human rights in the Islamic Republic of Iran has been drastically deteriorating in the past three years:**

The UN Secretary General and the Special Rapporteur on the Situation of Human Rights in Iran have issued annual reports depicting the worsening conditions of human rights in Iran;

The UN General Assembly's annual resolutions on Iran have denounced the violations of human rights;

The Iranian government has ignored the main recommendations made during the 2014 UPR and other treaty bodies and failed to fulfil the recommendations it agreed to.

#### **Considering that the death penalty is frequently and extensively used:**

- Islamic Republic of Iran is consistently the second biggest executioner in the world and is believed to have the highest rate of per capita; thousands of prisoners are on death row;
- Death sentence is imposed for more than 20 categories of offences, including for non-serious offences, such as drugs-related and economic offences; as well as consensual sex between men, adultery, repeated consumption of alcohol, theft, cursing the prophets; and ambiguously worded offences such as *moharebeh* (waging war on God), rebellion and corruption on earth, mostly for political prisoners;
- The inhuman sentence of stoning for adultery is stipulated in law; several persons are condemned to death by stoning;
- During the past three years, the number of executions have been consistently rising: at least 704 were executed in 2013, 743 in 2014 and 977 (a record number since 1989) in 2015. The real figures may be higher. About three quarters of those executed had been charged with drug-related crimes, many of whom were poor and marginalised individuals and members of ethnic minorities, in particular the Kurds and the Baluch, Arabs, and Afghan migrants. Executions in public and secret executions are common;
- Islamic Republic of Iran is the biggest executioner of children in the world. Minors are executed for crimes allegedly committed when they were under 18 years of age. At least 73 juveniles have been executed since 2005, including four in 2015, 13 in 2014, eight in 2013, four in 2012 and seven in 2011. At least 160 minors were reportedly on death row as of December 2014. The alleged juvenile offenders are kept in prison until they reach the age of 18 and then executed. Nevertheless, several defendants have been executed even before reaching the age of 18;

- Religious “offences” may result in death sentence or long-term prison terms.
  - At least one prisoner of conscience, who had been arrested for unorthodox interpretations of Islamic tenets and verses of the Koran and charged with ‘heresy’, was executed in September 2014. At least two other men were sentenced to death on charge of “cursing the prophet,” one of them for his comments on Facebook and the other for comments in a private video footage. One author of alternative medical theory was accused of apostasy and sentenced to death, which was repealed after he repented.
- Consensual sex between men may be punished by death under Islamic Penal Code. For example, official sources reported execution of two men in the northern city of Rasht for illicit relations in March 2014.

**Considering that due process** is systematically disregarded and denied:

- Defendants, notably in political cases, are arrested without arrest warrant, are held for long periods in solitary confinement and denied access to family and lawyer and subjected to extremely unfair trials, where confessions extracted under torture are admitted as evidence and occasionally televised before trial;
- Rights activists, journalists, lawyers, and dissidents who peacefully exercise their rights to freedom of expression, freedom of assembly or freedom of association, frequently face security related charges such as “gathering and colluding to commit crimes against national security”, “spreading propaganda against the State”, “establishing illegal groups”; and are sentenced to long-term prison terms and ban on professional and social activities;
- New charges are frequently brought against some of the political prisoners to prevent their release; hence they face unfair trials again and are sentenced to new prison terms;
- Courts continue to sentence people to torture and inhumane punishments such as amputations, gouging of the eyes, virginity tests, and flogging;
- Many prisoners are denied much needed medical care; around 50 mostly political prisoners have lost their lives in various prisons since 2003 under dubious conditions for reasons including: beating, torture and subsequent lack of medical care and treatment.

**Considering that freedoms** of conscience and conviction, expression, assembly, and association are practically nonexistent:

- Iran ranks 173<sup>rd</sup> among 180 countries in 2015 Reporters Without Borders press freedom index;
- Over 1,000 people are estimated to be in prison for purely political reasons or for their human rights activities;
- The UN Working Group on Arbitrary Detention has officially declared several people in Iran as being arbitrarily detained. 14 of these individuals are currently still in prison;
- Scores of journalists have been forced to flee the country and around 30 journalists, writers and bloggers were in prison as of May 2016; some of them have been accused of membership of “a network of infiltrators within the country’s cyberspace and media who cooperate with hostile Western governments”;
- Newspapers operate under heavy censorship and could face closure if they cross the red line, which extends to many issues;
- Peaceful assemblies and even literary gatherings are banned in practice; music concerts are regularly banned by national or local judicial authorities even after receiving authorisation from the government;
- Various civil society organisations, including the Journalists Association and Writers Association are unable to operate and freely hold meetings or elect their officers. Independent labour unions are not recognised in law and their activists consistently face judicial and other

harassment. Peacefully operating human rights groups, including FIDH's Iranian member organisations, LDDHI and DHRC, are banned from working and monitoring the situation of human rights in their own country;

- Dissenting peaceful political parties are prevented from operating and their activists are frequently sentenced to long-term prison terms;
- Independent labour and teacher unionists are particularly targeted. Scores of unionists have served or are still serving long-term prison sentences. A number of others are on bail while they await the outcome of their trials or appeals;
- Prison sentences have been upheld against several film makers for their work, who face the risk of being arrested any time to serve their sentence;
- Other artists, including poets and cartoonists, have been sentenced to and served prison terms or been forced to flee the country to avoid imprisonment;
- The book publishing industry is under very strict and harsh control and subjected to heavy censorship that is driving many publishers into bankruptcy.

**Considering that human rights defenders**, including human rights lawyers, women's rights activists, workers' rights activists attempting to organise independent labour unions, student rights activists, journalists and writers, minority rights defenders have faced severe persecution, been victims of harsh repression and sentenced to long term imprisonment sentences; including:

- Two members of the FIDH league member, Defenders of Human Rights Centre (DHRC), are currently serving imprisonment sentences for their peaceful human rights activities:
  - Mr. **Abdolfattah Soltani**, a founding member of DHRC, is serving a 10-year prison sentence and is in need of medical treatment for various diseases and health problems;
  - Ms. **Nargess Mohammadi** (DHRC spokesperson and vice-president), is serving a six-year prison sentence. The authorities released her in July 2012 three months after commencing her prison sentence as she suffered from muscular paralysis and lung complications. She was re-arrested in May 2015 allegedly to serve the remainder of the same sentence, although she is still suffering from the same diseases. In May 2016, she was sentenced to 16 more years in prison, of which she will have to serve at least 10 years if she loses her appeal.
- Mr. **Mohammad-Seddiq Kaboudvand**, president of Kurdistan Human Rights Organisation, has been serving prison sentences totalling 10 years and a half since 2007. In May 2016, the authorities brought new charges against him and he could face another prison term if convicted.

**Considering that women's rights** are regularly violated:

- Iran ranked 135<sup>th</sup> among the 142 countries assessed by the World Economic Forum for women's political empowerment in 2014. The provisions of the Constitution, the Civil Code and the Islamic Penal Code (IPC) are extremely discriminatory against women regarding marriage, divorce, custody of children, inheritance, and nationality. The IPC entitles husbands to kill their wives caught committing adultery and enjoy impunity. There are additional legislative plans under way that would effectively reduce women's participation in the labour market. The Family Protection Law (2013) has further eased polygamy and reduced the already very limited rights of women;
- Age of criminal responsibility for women is 9 lunar years;

- Early and forced marriages are widespread and on the rise. In 2011 and 2012, a total of over 90,000 marriages of girls under 15 years of age were registered, over 2,200 of which concerned girls under the age of 10;
- Police and other security forces frequently use excessive force and violence as well as statutory measures and fines to force a strict dress code on women; a number of ‘improperly’ dressed women have been victims of acid attacks;
- Extensive measures have been taken to segregate women from men in universities and government departments and to ban women from a number of university courses;
- Women are banned from attending men's sporting events.

**Considering that thousands of victims and families of victims of grave human rights violations committed by the State have been denied justice for nearly four decades**

- Families of thousands of political prisoners executed throughout the 1980s and in particular during the prison massacres of 1988 have been demanding accountability and information about the burial places of their loved ones;
- In the wake of the protests that followed the 2009 presidential election, thousands of people who protested against vote-riggings were arrested, tortured, and imprisoned; scores of people lost their lives in detention centres under torture or in other highly dubious conditions and the perpetrators of those crimes enjoy impunity.

**Considering that ethnic communities have been consistently repressed:**

- Ethnic communities have been deprived of the right to learn, to teach and publish books and newspapers in their own languages;
- They have faced extensive political and economic discrimination;
- Political and cultural activists of the Arab and Azeri communities have faced heavy repression; and the Arab, Kurd and Baluch communities in particular have been victims of proportionately higher number of executions. In October 2013, authorities announced that they had executed at least 16 Baluch prisoners in Sistan-Baluchistan province in retaliation for the killing of 14 border guards in the same province by an armed Baluch group.

**Considering that religious minorities have suffered from severe persecution:**

- The constitutionally recognised religious minorities, in particular Sunni Muslims, dissenting Shiites including Sufi dervishes, Christians, and other minorities have suffered from severe repression and scores of their followers have been persecuted, detained and sentenced to harsh prison sentences solely for their beliefs;
- Prayer centres of dervishes and Sunni Muslims have been attacked, badly damaged or demolished; Churches of Christians have been closed;
- As of September 2015, there were around 90 Christians, at least five Dervish (Sufi) Muslims and an unknown number of Sunni Muslims in Iranian prisons;
- Followers of the non-recognised Baha’i faith face particular discrimination, including arbitrary arrests, closure of their businesses, raids on their homes, confiscation of property, desecration of their cemeteries, refusal to permit burial of their dead, and a ban on accessing higher education; as of March 2016, 80 followers of the Baha’i faith were in prison and some of them were serving long-term prison sentences.

**Considering that free elections are consistently prevented:**

- Elections are open only to hand-picked candidates under highly discriminatory legislation;
- Only eight candidates were allowed to contest the 2013 presidential election and a large number of others were disqualified;

- More than half of around 12,000 registered candidates were disqualified and not permitted to stand in February 2016 parliamentary elections;
- Women are not permitted to stand in presidential elections;
- Two 2009 presidential candidates, former Prime Minister Mir Hossein Mousavi and former parliament speaker Mehdi Karroubi, as well as Mr. Mousavi's wife Ms. Zahra Rahnavard, have remained under house arrest since February 2011.

## **The 39<sup>th</sup> FIDH Congress**

**Expresses its strong support for all Iranian human rights defenders, other rights activists, prisoners of conscience and victims of human rights violations;**

**Urges the government of the Islamic Republic of Iran to:**

- ✓ Respect all its obligations under international human rights law, and in particular:
- ✓ Stop immediately the practices of executing children and public executions;
- ✓ Stop immediately imposing the death penalty for political charges;
- ✓ Establish immediately a moratorium on the death penalty, with a view to abolish it;
- ✓ Respect and guarantee equality for women before law and in practice;
- ✓ Respect and guarantee freedom of expression, thought, conscience and conviction, assembly and association, as well as minority rights;
- ✓ Guarantee fair and free elections;
- ✓ Guarantee for all prisoners, the application of due process, access to proper medical care, their families and lawyers and their right to fair trial in line with international standards;
- ✓ Release all prisoners of conscience immediately and unconditionally;
- ✓ Ratify and implement the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the UN Convention against Torture, key fundamental ILO Conventions as well as and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

**Urges the United Nations, the European Union and the national governments to:**

- ✓ **Call on** the Iranian government to cooperate with and ensure prompt access by UN special procedures to the country;
- ✓ **Raise** well-documented cases of gross human rights violations in all exchanges with the Iranian authorities;
- ✓ **Insist** on compliance of their companies with the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Enterprises in all deals and contracts with the Iranian parties;
- ✓ **Call on** the Iranian authorities to comply with all economic, social, cultural, civil and political rights as enshrined in the ICCPR, ICESCR and other human rights instruments that Iran has ratified;
- ✓ **Call on** the Iranian government to release all prisoners of conscience without exception, including human rights defenders and journalists and dissidents;
- ✓ **Urge** the Iranian authorities to take effective steps to combat impunity for gross human rights violations and to provide justice to victims of such violations during the last nearly four decades.