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جامعه دفاع از حقوق بشر در ایران

(عضو فدراسیون بین المللی جامعه های حقوق بشر)

Iranian League for the Defence of Human Rights  
(FIDH Member)

# IRAN: SUPPRESSION OF FREEDOM, PRISON, TORTURE, EXECUTION...

A state policy of repression

Article 1: All human beings are born free and equal

December 2011 - N°580a

in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3: Everyone has

the right to life, liberty and security



Cover picture: Nasrin Sotudeh, Iranian jailed human rights lawyer.

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## **Iran:**

### **Suppression of freedom, prison, torture, execution...**

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## *Preamble*

The dimensions of gross human rights violations in Iran are expanding beyond imagination in every possible direction. The list is very long: torture and other cruel and inhuman punishments, arbitrary and often very long pre-trial detentions and extremely non-standard and unfair trials frequently based on vaguely worded charges often even used to issue and implement death sentences, execution of dissidents and juveniles and the use of death penalty for non-serious offences, growing discrimination against women and women's rights defenders, as well as against all religious minorities and groups, and ethnic communities, suppression of all kinds of dissent and opposition, extremely heavy-handed crackdown on political activists and organisations of all hues and civil society institutions, increasing number of political prisoners and the massive pressures on them, denial of freedoms of assembly, association, expression and press, censorship of books and blocking of various websites and blogs...

Against this backdrop, **FIDH** and **LDDHI** submitted a preliminary joint report to the session of the UN Human Rights Committee (HRC) in New York in March 2011, including suggestions for questions to be asked to the Islamic Republic of Iran. The HRC, comprising 18 independent experts, asked 34 questions to the Islamic Republic of Iran and the Iranian Government replied to them. Subsequently, the report was complemented and submitted it to the HRC session at the end of September 2011 for consideration by its 103rd session (17 Oct - 4 Nov. 2011) in Geneva. Meanwhile, a joint report was presented to Special Rapporteur for Human Rights in Iran, Mr. Ahmed Shaheed, at the end of August 2011.

We have now revised our report to the HRC extensively and updated it to cover the events leading to the end of November 2011. In this report, we have examined parts of the third periodic report of the Islamic Republic of Iran (IRI) on the International Covenant for Civil and Political Rights (ICCPR) to the Human Rights Committee<sup>1</sup>, the HRC's questions to Iran<sup>2</sup> as well as Iran's replies to those questions.<sup>3</sup>

In its report that was submitted 18 years after its second report, as well as in its Replies, the Islamic Republic of Iran has beyond doubt failed to demonstrate its adherence to and compliance with the basic tenets of the ICCPR 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.

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<sup>1</sup> Third periodic reports of States parties: Iran; CCPR/C/IRN/3

<sup>2</sup> 'List of Issues to be taken up in connection with the consideration of the third periodic report of the Islamic Republic of Iran'; CCPR/C/IRN/Q/3

<sup>3</sup> Replies from the Government of the Islamic Republic of Iran to the list of issues; CCPR.C.IRN.Q.3.Add.1. The three documents are available at: <http://www.cccprcentre.org/en/home/25>

In our present report, not only have we tried to demonstrate the Islamic Republic of Iran's deliberate refusal to comply with the ICCPR, but we have endeavoured to draw up a balance sheet of certain aspects of its gross human rights violations.<sup>4</sup> It should be emphasised that the vast expanse of human rights abuses in Iran makes it impossible for any single report to cover all the pertaining areas and instances and even all the instances related to a particular area, despite the constant endeavours of various credible international human rights organisations, and the relentless efforts of thousands of Iranian defenders of human rights, workers' rights, women's rights, defence lawyers, trade unionists, political prisoners, political and student activists and others.

Rather than offering a set of Recommendations, we urge the Islamic Republic of Iran to embark immediately on a plan of action to address the 'Concerns' of the Human Rights Committee and implement its 'Recommendations.'<sup>5</sup>

On 10 December 2011, Human Rights Day and anniversary of the Universal Declaration of Human Rights, we dedicate this report to all those human rights defenders and activists.

## **International Federation for Human Rights (FIDH)**

## **Iranian League for the Defence of Human Rights (LDDHI)**

10 December 2011

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<sup>4</sup> It should be noted that we have not discussed the death penalty and discriminations against religious minorities and ethnic communities in detail in the present report, because we have covered those issues extensively in our relevant reports that can be accessed at: <http://www.fidh.org/A-State-Terror-Policy>; <http://www.fidh.org/Iran-death-penalty-A-state-terror>; and <http://www.fidh.org/Damning-report-on-an-ignored-issue>

<sup>5</sup> See: Appendix III: Concluding observations of the Human Rights Committee

# ***1. Constitutional and other legal framework in compatibility with the ICCPR***

*Article 2 of the ICCPR and Question 1 of the UN Human Rights Committee to the Islamic Republic of Iran deal with the constitutional process and laws and their possible conflicts with the ICCPR's provisions.*

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 Khamenei. Many leading Islamic scholars, including many prominent Shi'a scholars, are critical of this concept and approach, which forms the foundation of and is the reason for many gross violations of human rights in Iran.

**Official Religion:** 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 various schools of Sunni Islam enjoy respect, but in practice this remains only on paper. Furthermore, only three other religions have been recognised: Zoroastrianism, Judaism, and Christianity. The IRI has clearly admitted this in-built discrimination by consistently referring in its report to Human Rights Committee 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 IRI'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-Shiite person has

been appointed as minister of the Cabinet, deputy minister, governor-general, ambassador or high level military or police commander.

A number of other unrecognised faiths, notably the Baha'i faith, various branches of the Sufis, and even different Shi'a schools 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 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.<sup>6</sup> 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 Shiite groups and, certainly, the atheists.<sup>7</sup>

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<sup>6</sup>See: **Other 'offences' punishable by death** below

<sup>7</sup>For a detailed report on discrimination against religious minorities and ethnic communities in Iran, please see: <http://www.fidh.org/IMG/pdf/IrandiscrimLDDHI545a.pdf>

## ***2. Denial of equal rights for women***

*Articles 2, 3 & 26 of the ICCPR and Questions 2, 3, 4, and 28 of the Human Rights Committee to the Islamic Republic of Iran concern women, women's rights and imprisoned women.*

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 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 most judicial cases;
- Blood money for a woman is half of a man's.
- Men have right of polygamy

### **Women's groups**

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.<sup>8</sup> Freedom of assembly has also been routinely denied to women by the authorities. In particular, dozens of members of the Campaign for Equality, a grassroots campaign aiming to abolish gender discrimination in Iranian laws, have been imprisoned on often spurious charges such as “propaganda against the system” and “acting against the 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 or 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.

At the end of November 2011, several members of the Campaign remained in prison, including **Zaynab Bayazidi, Ronak Safazadeh** [aka Saffarzadeh], **Alieh Eghdamdoost, Bahareh Hedayat, Maryam Bidgoli, Mahboubeh Karami, Fereshteh Shirazi.**<sup>9</sup>

## **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 in Tehran’s Laleh Park after the post-election violence in June 2009. Having demanded the State’s acknowledgement of the 1980s mass secret executions in the prisons,<sup>10</sup> the right to know the burial places of their beloved, abolition of the death penalty and freedom of all political prisoners, they and their supporters have been increasingly targeted with harassment, arbitrary arrest and detention.

On 6 and 8 February 2010, Ms. **Omolbanin Ebrahimi**, Ms. **Elham Ahsani**, **Nader Ahsani**, Ms. **Jila Karamzadeh-Makvandi**, Ms. **Leila Seyfollahi** and Ms. **Fatemeh Rastegari-Nasab** were arrested at their places of residence. Ms. **Farzaneh Zeynali** was arrested on 9 January 2010 in Laleh Park. They were detained in Evin Prison. Ms. Jila Karamzadeh-Makvandi, Ms. Leyla Seyfollahi remained in detention for 35 days before being released on bail. Ms. Omolbanin Ebrahimi and Ms. Elham Ahsani remained in detention for nearly 40 days.



**Jila Karamzadeh  
Makvandi**

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<sup>8</sup> 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

<sup>9</sup> For more details in relation to Question 28, see **Appendix I: Partial List of Women Prisoners of Conscience**; See also the case of **Shiva Nazarahari** under **Human rights defenders**

<sup>10</sup> See [http://www.fidh.org/IMG/pdf/Rapport\\_Iran\\_final.pdf](http://www.fidh.org/IMG/pdf/Rapport_Iran_final.pdf)

Ms. Leyla Seyfollahi and Ms. Jila Karamzadeh-Makvandi were sentenced to four years imprisonment on 9 April 2011. In early November 2011, they were informed that their sentences had been reduced to two years in prison and two years suspended prison sentence and were summoned to Evin prison to serve their sentences. Before the summons, their lawyers had not been notified of the result of the appeal. Mr. Nader Ahsani was also informed that his two-year sentence had been upheld and summoned to Evin prison to serve it. The three were given 20 days to report themselves to prison otherwise their bails would be confiscated.

Ms. **Mansoureh Behkish** was detained in the street on 12 June 2011 and released on bail on 9 July 2011. Having lost six members of her family in the executions of political prisoners in the 1980s, she has been arrested and kept in detention several times during the past few years. On 5 November 2011, Ms. Mansoureh Behkish was notified that she would stand trial before Branch 15 of the Islamic Revolution Court on 25 December 2011.

Other supporters of the “Mourning Mothers” have been subjected to judicial harassment and arbitrary detention as well. Ms. **Akram Neghabi** and Ms. **Jila Mahdavian** spent 2.5 months in solitary detention from 9 October 2010 until the opening of their trial on 30 December 2010. Both remain free pending the verdict, which had not been issued at the end of November 2011.

## **Other women activists**

**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, who had been arrested on 31 December 2009, was released after going on a hunger strike and being taken to the prison hospital. On 9 September 2010, she was sentenced to one year imprisonment on charge of “propaganda against the system” by Branch 28 of the Islamic Revolution, but remained free at the end of November 2011.

**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 and subsequently condemned to death. As a regular practice of the Iranian regime, she had been pressured and tortured to confess ties with the Kurdish opposition party PJAK on television.
- **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 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.<sup>11</sup>

## Women’s rights to public office & in family

*Questions 2 and 3 of the Human Rights Committee to the Islamic Republic of Iran concerned women’s right to stand as presidential candidates, occupy government positions and their rights in the family.*

There are numerous issues in ‘Reply to Questions 2 and 3’<sup>12</sup> of the Islamic Republic of Iran that should be tackled:

**First**, regarding the possibility for women to stand as candidates in presidential elections, the IRI claimed in Paragraph 7 of the Replies:

*The Guardian Council has not made any interpretation on the 115th principle of the Constitution.*

However, when questioned about Article 115 and interpretation of the term ‘*rejal*’, the Guardian Council’s spokesperson offered a completely different explanation:

*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.<sup>13</sup>*

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 in both 1997 and 2009 presidential elections, but the Guardian Council disqualified her every time.

**Second**, on the gender limit for appointments to government institutions, the IRI says in Paragraph 8 of the Replies:

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<sup>11</sup> See ‘**Denial of right of appeal against the death sentence**’ below

<sup>12</sup> CCPR.C.IRN.Q.3.Add.1

<sup>13</sup> Dr. Gholamhossein Elham, Fars News Agency, 24 October 2004, at <http://www.farsnews.com/newstext.php?nn=8308020109>, (links have been accessed on 29 November 2011)

*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.<sup>14</sup>*

This statement is literally true. Nevertheless, the IRI revealed later in Paragraph 12 that, women have never been appointed to the Guardian Council – neither as theologians nor as jurists - or to the Expediency Council. In addition, women cannot be members of the Assembly of Experts. However, the IRI failed to make any mention of it in its report.

**Third**, on the requirement that fathers' permission is required for marriage of their daughters, the Islamic Republic of Iran contended in Paragraph 17 of its Replies to the Human Rights Committee:

*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 IRI 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**, regarding guardianship of children, the IRI claimed in Paragraph 20 of its Replies:

*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), which provides for 'the natural guardianship of the father and the paternal grandfather.'

**Fifth**, regarding husband's permission to allow his wife to travel abroad, the IRI claimed in paragraph 23 of its Replies:

*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).*

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

**Sixth**, the IRI has offered a distorted picture of the legal state of polygamy in Paragraph 24 of its Replies to the HRC:

*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.*

That is not true. The applicable Family Protection Law of 1975 has not prohibited polygamy. To allow it, a court authorisation is required, which would be issued under certain conditions. One

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<sup>14</sup> The IRI's reference to Principle 90 is wrong. The correct number is 91.

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**, regarding the husband's power to ban his wife from working, the IRI claimed in Paragraph 25 of its Replies to the HRC:

*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.*

That is not true. 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**, regarding the husband's legal right to kill his wife, the IRI contended in Paragraph 40 of its Replies to the HRC:

*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.*

Contrary to the IRI's claim, Article 630 empowers the husband to kill his wife:

*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.<sup>15</sup>*

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<sup>15</sup>See also the discussion under **People who deserve to be killed with impunity**

### ***3. Denial of the right to life***

*Article 6 of the ICCPR and Questions 6, 8, 9, 23, 25 of the Human Rights Committee to the Islamic Republic of Iran concern the right to life.*

#### **Use of the death penalty**

The ICCPR is explicit that in retentionist states the death sentence should be restricted only to the “most serious crimes”, i.e. intentional crimes with lethal or other extremely grave consequences.

The Iranian authorities, however, apply the death penalty to a wide range of offences that do not necessarily amount to “most serious crimes”.<sup>16</sup> Furthermore, clauses 4-5 in the IRI’s third periodic report to the Human Rights Committee 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 Islamic Republic of Iran has deliberately chosen to omit any mention of other “offences” that are punishable by death in Iran in the same paragraph of its Report to the HRC. Consequently, the IRI has failed in its Report as well as in its Reply to Question 6 (Paragraphs 43 and after) 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.<sup>17</sup>

#### **Other ‘offences’ punishable by death**

A short list includes:

- *Moharebeh* (waging war)<sup>18</sup> and ‘corruption on earth’. The IRI’s has mentioned the two charges in Paragraph 39 of its Report without referring to the pertaining punishment and then has omitted them altogether in Paragraph 273;

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<sup>16</sup>See CCPR/C/IRN/3 - Report of the Islamic Republic of Iran to the Human Rights Committee - Paragraph 273, clauses 1-3 and 6

<sup>17</sup> For detailed information regarding the laws and some specific cases, see:

[http://www.fidh.org/IMG/pdf/Rapport\\_Iran\\_final.pdf](http://www.fidh.org/IMG/pdf/Rapport_Iran_final.pdf) and  
[http://www.fidh.org/IMG/pdf/Report\\_Iran\\_2010\\_En-2.pdf](http://www.fidh.org/IMG/pdf/Report_Iran_2010_En-2.pdf)

<sup>18</sup> Despite its title, in the overwhelming majority of cases, this charge is brought against prisoners of conscience who have had nothing to do with any weapons or acts of terrorism whatsoever. For examples of such defendants, see **Defendants sentenced to death or executed on *moharebeh* charge** below; **Students and Appendix I: Partial List of Women Prisoners of Conscience**

- Adultery and same-sex relations;
- Producing of obscene audio-visual products;<sup>19</sup>
- Some cases of theft;
- Some cases of drinking alcohol;
- Apostasy;<sup>20</sup>
- 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.

## People who deserve to be killed with impunity

*Question 8 of the Human Rights Committee to the Islamic Republic of Iran concerned the concept of ‘mahdour ol-dam’, i.e. people who deserve to be killed with impunity.*

The IRI alleged in Paragraph 60 of its Replies to the HRC:

*In the Bill on Islamic Penal Law, the word “mahdour-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 “mahdour-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 several cases. One of these provides: ‘Husband of a woman who kills her and her lover in the act of adultery shall not be punished by qesas (retribution).’<sup>21</sup>

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

*In this Article [303]... the restricting of mahdour-ol-dam to instances therein is deemed contrary to the sharia.*<sup>22</sup>

In the opinion of the Guardian Council, one may kill with impunity in other cases as well.

<sup>19</sup> See **Web designers on death row** below

<sup>20</sup> 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.

<sup>21</sup> See Paragraph 40 of IRI’s Replies and the pertaining discussion about Article 630 of the applicable Islamic Penal Code above.

<sup>22</sup> Letter No. 88/30/37023, 9 January 2010 at [http://rc.majlis.ir/fa/legal\\_draft/state/738534?fk\\_legal\\_draft\\_oid=720530](http://rc.majlis.ir/fa/legal_draft/state/738534?fk_legal_draft_oid=720530)

## Defendants sentenced to death or executed on moharebeh charge

*The IRI has dodged a clear answer to Question 23 regarding the people prosecuted for vaguely formulated crimes such as moharebeh and has claimed that the charge of moharebeh is used against “terrorists” (Paragraph 93 of Replies).*

### **Web designers on death row**

In exercise of Article 3 of the Law for Punishment of Audio-Visual Offences, which provides for sentencing of offenders who are deemed to be “corrupt on earth to the corresponding punishment,” **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 repealed his death sentence in June 2011 and sent it back to the sentencing court, which upheld the death sentence and communicated it to him in late October 2011. He has been in detention since 2008 when he returned to Iran from Canada. In a March 2010 letter to judicial officials, which was endorsed by Malekpour and a third defendant, **Shahrouz Vaziri**, Asghari reported the tortures that had forced them to make false confessions.

### **Moharebeh defendants executed**

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

- 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. His sentence was later 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, **Ali Akbar Siadat** and **Ali Saremi**<sup>23</sup> 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 victim had been accused of spying for Israel and the latter three of being supporters of opposition groups abroad. The IRI authorities

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<sup>23</sup>The Tehran prosecutor had stated in January 2010 that Ali Saremi had been detained during post-election unrests in 2009. In fact, Mr. Saremi, who spent nearly 20 years before and after the 1979 revolution, had been arrested in September 2007 after addressing families of the 1988 mass killings of political prisoners at their graves.



never produced any evidence of their involvement in armed activities or in “acts of terrorism” as alleged in the IRI’s Reply to Question 12 (Paragraph 65).

## Denial of the right of appeal against the death sentence

*The IRI claimed in its report (Paragraph 277) and its Reply to Question 6 (Paragraph 46) that death sentences may be appealed before 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 death-row 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,<sup>24</sup> 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 provisions 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 of the death sentences are issued for drug traffickers and the number of such executions has been rising in the past few years. In particular, there have been credible reports of scores of executions in Vakilabad Prison in the north-eastern city of Mashhad in 2010 and 2011. After keeping silent on those reports 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*’<sup>25</sup>, i.e. in the span of 3 months. 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.

Tehran Prosecutor Abbas Ja’fari-Dolatabadi<sup>26</sup> 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 have taken 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 mostly Kurdish and Azeri ethnic communities live, and several in the southern province of Khuzestan, including members of the Arabic-speaking minority.

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<sup>24</sup> Anti-Narcotics Law, Article 32. As an example, see the case of Ms. Zahra Bahrami in ‘**Other women activists**’

<sup>25</sup> The current Iranian year started on 21 March 2011

<sup>26</sup> Abbas Ja’fari-Dolatabadi is on the lists of serious human rights abusers of the European Union and the United States.

The IRI 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 388 in 2009. 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.<sup>27</sup> The figures of executions in 2011 had risen to 400 by late September, 30 of which had been carried out in public.<sup>28</sup> Since then, executions including group executions have continued in different cities. The ongoing trend is quite likely to raise the figures to over 600 in 2011 and make it the worst year in the last two decades after 1991.<sup>29</sup>

All the credible human rights organisations believe 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.

## Post-election killings

*Question 9 of the HRC to the Islamic Republic of Iran concerned "killings, torture and other ill-treatment during and following the 12 June 2009 presidential elections."*

The IRI, however, only reiterated a general statement in its Reply (Paragraph 61) and totally evaded giving an answer. Therefore, it is necessary to shed light on the issue.

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 in the span of three months at the hands of the security agents.<sup>30</sup> Government media and sources have offered different figures. In August 2009, the Islamic Revolution Guards Corps' chief commander, Gen. Jafari said 29 people had been killed, 20 of whom were supporters of the government.<sup>31</sup> On the other hand, Gen. Saeed Qassem, an IRGC commander, said the number was more than 30.<sup>32</sup> 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-*

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<sup>27</sup> Amnesty International annual reports

<sup>28</sup> <http://www.amnesty.org/en/news-and-updates/iran-executes-teenager-accused-killing-%E2%80%99Ciran%E2%80%99s-strongest-man%E2%80%9D-2011-09-21>

<sup>29</sup> The total official figure of executions in 1991 was 775. See:

[http://www.fidh.org/IMG/pdf/Rapport\\_Iran\\_final.pdf](http://www.fidh.org/IMG/pdf/Rapport_Iran_final.pdf)

<sup>30</sup> See the list at: [http://www.radiofarda.com/content/F8\\_LIST\\_KILLED\\_PEOPLE\\_NOROUZ/1814729.html](http://www.radiofarda.com/content/F8_LIST_KILLED_PEOPLE_NOROUZ/1814729.html)

<sup>31</sup> [http://www.bbc.co.uk/persian/iran/2009/08/090829\\_bd\\_jafari\\_guardes.shtml](http://www.bbc.co.uk/persian/iran/2009/08/090829_bd_jafari_guardes.shtml)

<sup>32</sup> <http://www.youtube.com/watch?v=WnyelFTnRe8>

*third were those who clashed with the security/police forces.*<sup>33</sup>

This seems to be based on names published by a pro-government website.<sup>34</sup> Nevertheless, the IRI has consistently failed to provide names and full details of all the victims or investigate and bring to justice the killers who are enjoying 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 victims.<sup>35</sup> On 28 October 2011, she said families of 53 victims had given interviews to the media till then.<sup>36</sup> Only two families had stated that their children were pro-government Basij members.<sup>37</sup>

## Execution of children and juveniles

*Article 6.5 of the ICCPR and Question 7 (part 1) of the Human Rights Committee to the Islamic Republic of Iran concern legislation providing for the execution of juveniles.*

The IRI maintained in its report (Paragraph 297):

*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.*

It went on to claim:

*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 (Paragraph 54 of Replies)*

<sup>33</sup> [http://articles.cnn.com/2011-09-22/world/un.ahmadinejad\\_1\\_iranian-state-run-news-agency-iranian-prison-hijack/3?\\_s=PM:WORLD](http://articles.cnn.com/2011-09-22/world/un.ahmadinejad_1_iranian-state-run-news-agency-iranian-prison-hijack/3?_s=PM:WORLD)

<sup>34</sup> <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/>

<sup>35</sup> <http://www.rahesabz.net/story/41043/>

<sup>36</sup> <http://www.rahesabz.net/story/44375/>

<sup>37</sup> *Ibid.*

However, Article 146 of the Bill in question 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 IRI’s report refers has made no reference to protection or exemption of children from the death penalty.

Contrary to the claim made in the IRI’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 promptly. Or they have sentenced them to death but 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.

*The second part of the HRC’s Question 7 to the Islamic Republic of Iran concerned the number of death-row juvenile offenders.*

In its reply the Islamic Republic of Iran claimed:

*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). (Paragraph 59 of Replies)*

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.<sup>38</sup>

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<sup>38</sup> For detailed information regarding the specific cases, see [http://www.fidh.org/IMG/pdf/Rapport\\_Iran\\_final.pdf](http://www.fidh.org/IMG/pdf/Rapport_Iran_final.pdf), [http://www.fidh.org/IMG/pdf/Report\\_Iran\\_2010\\_En-2.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>

## ***4. Unfair trials, denial of judicial and legal rights***

*Articles 9 & 14 of the ICCPR concern judicial process and equality before courts and Questions 13 and 15 of the Human Rights Committee to the Islamic Republic of Iran inquire about general and blank arrest warrants and use of confessions obtained through torture and ill treatment.*

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 make "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.<sup>39</sup> 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 IRI has given them extensive powers by authorising them to decide and sentence the defendants arbitrarily based on a provision specified as "judge's knowledge",<sup>40</sup> which they frequently invoke even for handing down death sentences for murder.

Furthermore, Constitutional provisions that have been reiterated in Article 214 of the Criminal Procedure have ensured confusion and widespread divergence in judgements. The IRI confirms this in Paragraph 526 of its report:

*"[The court... shall] 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."*

In practice, judges invoke different sources to issue different verdicts for identical 'offences.'

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<sup>39</sup> See **Prohibition of torture and cruel, inhuman or degrading treatment or punishment** below

<sup>40</sup> E.g. Articles 199 (proving theft) and 231 (proving murder) of the Islamic Penal Code



Photo : Ali Rafiei

FARS NEWS AGENCY

### Mass trial in Tehran, August 2009

## Disregard for judicial process

The IRI'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 have frequently called for quick execution of the protestors from the Friday prayer pulpits.

The same approach was 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*".<sup>41</sup> 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 (Branches 15, 26 and 28), 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 (Branches 36 and 54), where the sentences of the courts of first instance are upheld. There is a similar trend in the Supreme Court, where three specific branches examine and uphold the death sentences in a very short period of time, in particular in regard to 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.).

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<sup>41</sup> Semi-official Mehr News Agency, 16 March 2011

## ***5. Prohibition of torture and cruel, inhuman or degrading treatment or punishment***

*Articles 7, 9, 10 of the ICCPR deal with torture and cruel punishments, humane treatment and maintenance of detainees and prisoners. Questions 9, 11, 16 of the Human Rights Committee to the Islamic Republic of Iran addressed cases of torture and ill treatment, investigations of allegations of torture, and conditions in detention centres and sections of Evin Prison.*

### **Torture**

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 Iranian Supreme Leader, **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 a 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.<sup>42</sup>



**Abdollah Momeni**

Another prisoner, **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 2 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

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<sup>42</sup>[http://www.iranhumanrights.org/2010/09/letter-momeni-khamanei/print/#comments\\_controls](http://www.iranhumanrights.org/2010/09/letter-momeni-khamanei/print/#comments_controls)  
For details of Mr. Momeni's case, see **Graduates Association** under **Political parties and groups**

in court, been subjected to beatings, lack of medical treatment, and attempted strangulation to the point of passing out, been deprived of access to lawyer and other rights, and spent four months and a half in solitary confinement.<sup>43</sup> Mr. Karami is serving a prison sentence of 11 years.

**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 Iranian Supreme Leader that was published on 9 May 2011. 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.

In the second part of his letter, 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; telling lies, making 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 date wives of the prisoners; use of electrical shockers on genitals of prisoners; beating numerous prisoners by cables and batons especially in Evin Prison's Section 2A, which is controlled by the Islamic Revolution Guards Corps; 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. Mahmoudian has personally experienced the last two methods.<sup>44</sup>

## **Other cruel, inhuman or degrading treatment and punishment**

Despite the ICCPR's prohibition of cruel inhuman or degrading punishment, sentences of amputation of limb, whipping and other cruel and degrading punishments are frequently issued and practised.

### **Amputation of limb**

Article 190 of the Islamic Penal Code provides for amputation of the right hand and left leg as one of the punishments for *moharebeh* convicts. Article 201 of the same law provides for

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<sup>43</sup><http://www.rahesabz.net/story/22084/>

<sup>44</sup><http://www.rahesabz.net/story/36694/>. For details of Mr. Mahmoudian's case, see **Denial of medical care to prisoners** below



amputation of four fingers of the right hand of a thief for the first time and the left leg for the second time. In most pertaining cases in recent years, the punishment has been issued for and practised in the case of thieves.

- On 23 October 2010, the punishment was implemented in Yazd Prison, where one hand of a thief was amputated.<sup>45</sup> According to reports dated 22 November 2010 and 12 October 2010, hands of two thieves were amputated in Mashhad prison.<sup>46</sup> Five thieves had their hands amputated in the western city of Hamedan according to a report dated 22 July 2010.<sup>47</sup> Prosecutor of the southern city of Ahvaz told a news conference in February 2010 that four limb amputations had taken place in the city in the preceding 11 months.<sup>48</sup>

It was also reported on 29 November 2011 that sentence of amputation of hand on a thief had been upheld by Branch 36 of Tehran Province's Appeals Court and the sentence would be implemented soon.<sup>49</sup>

## Whipping

The Iranian courts regularly sentence the defendants to flogging. The punishment is carried out for certain common offences such as drinking alcohol, certain instances of theft, certain sexual offences, among others. It is, however, also carried out against prisoners of conscience for 'insulting the president', 'insulting the leader' and other charges.

- **Somayyeh Tohidloo** (f), a blogger and PhD student of sociology, was lashed 50 times in Evin Prison on 14 September 2011. She had been arrested on 14 June 2009 and spent 70 days in detention before being released on bail, in punishment for her campaign in favour of the right to vote,
- **Payman Aref**, a law student, was lashed 74 times for 'insulting the president.'<sup>50</sup>
- **Amin Niayefar**, an engineering student, was lashed 30 times in mid October 2011, for insulting the president, after serving his 1.5-year prison sentence.

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<sup>45</sup> <http://www.tabnak.ir/fa/news/126844>

<sup>46</sup> <http://www.aftabnews.ir/vdcewe8zejh8zni.b9bj.html>;  
[http://www.bbc.co.uk/persian/iran/2010/10/101012\\_138\\_iran\\_mashhad\\_amputated.shtml](http://www.bbc.co.uk/persian/iran/2010/10/101012_138_iran_mashhad_amputated.shtml)

<sup>47</sup> <http://www.aftabnews.ir/vdcjttevouqeyaz.fsfu.html>

<sup>48</sup> <http://zamaaneh.com/news/2010/02/38.html>

<sup>49</sup> <http://www.aftabnews.ir/vdcgqz9qqak9tx4.rpra.html>

<sup>50</sup> For details of his case, see **National Front of Iran** under **Political parties and groups**

## Impunity

*Question 11 of the Human Rights Committee to the Islamic Republic of Iran was about cases of alleged torture and cruel, inhuman or degrading treatment on the part of police officers or prison officials and Question 16 concerned monitoring of places of detention.*

In its Reply, the Islamic Republic of Iran claimed:

*[...] 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. (Paragraph 64)*

*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. [Paragraph 76 (e)]*

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. 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. Those allegations were never investigated and the perpetrators were not brought to justice.

**Haleh Sahabi**, a member of 'Mothers for Peace', died as a result of blows by the security forces in an attack on her father's funeral in Tehran, in June 2011. The case has not been investigated.

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 19 people:

- Zahra Kazemi, a photojournalist, as a result of blows to her skull in custody in Evin Prison/Tehran, July 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 of Ministry of Intelligence 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.<sup>51</sup>
- Alborz Qassemi, in Evin Prison, February 2010
- Gholam-Reza Bayat, a young Kurdish man, in Kamyaran, in August 2010, after being beaten up in custody.
- Mohsen Dogmechi, in Rajaishahr Prison, March 2011
- Hassan Nahid, in Evin Prison, March 2011
- Hoda Saber, in Evin Prison, June 2011<sup>52</sup>
- Nasser Khanizadeh, in Urumiya Prison, July 2011

None of those cases have been investigated and the Iranian judiciary has failed to bring to justice even a single perpetrator for the abuses committed. The judiciary was forced to conduct some kind of investigation into the cases of Kahrizak deaths, when the son of one official (Mohsen Ruholamini) was reported to be among the victims. Nevertheless, there have been extensive doubts about the investigations.<sup>53</sup> Former prosecutor of Tehran, Saeed Mortezaei, who has been clearly involved in several cases including that of Zahra Kazemi in 2003 and the Kahrizak deaths, has never been brought to justice.

## **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. Furthermore, two physicians who had worked and

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<sup>51</sup>Other people died under dubious conditions in connection with Kahrizak Detention Centre. See **Abuses at Kahrizak Detention Centre**

<sup>52</sup>For details see **Alliance of Religious Nationalists** under **Political Parties and groups**

<sup>53</sup>See **Abuses at Kahrizak Detention Centre**.

treated the detainees at the detention centre at the time died afterwards. Dr. Ramin Pourandarjani died in November 2009 under highly dubious conditions. Dr. Abdolreza Soudbakhsh was shot dead in September 2010.

In June 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. Two defendants were sentenced to death, and others to “temporary suspension from service, fine, flogging and payment of financial compensation” (blood money) for “intentional beatings 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.

## Denial of medical care to prisoners

*The Human Rights Committee asked its Question 16 to the Islamic Republic of Iran about “the reported denial of medical treatment to many prisoners.”*

In reply, the IRI claimed in its Replies [(Paragraph 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...*

In spite of that claim, many prisoners of conscience in Iran have been in pressing need of proper medical treatment, which is not available inside the various prisons where they are held. The Iranian authorities have used their poor health conditions to exert more pressure on them, to coerce them to make false confessions or to issue new charges against them and prolong their detention. This is in sharp contrast to Article 22 (2) of Standard Minimum Rules for the Treatment of Prisoners adopted by UN Economic and Social Council on 13 May 1977, which provides that sick prisoners who require specialist treatment must be transferred to specialised institutions or to civil hospitals.

The following are only some of the prisoners of conscience who are currently in pressing need of treatment, but the authorities are denying them the right to seek proper medical care outside the prison.

**Hossein Ronaghi-Maleki** is a blogger and computer expert. On 16 November 2011, having reportedly suffered from kidney bleeding a few days before, he was taken to a hospital for examinations but was returned to Evin Prison after a few hours. He has undergone four kidney operations since May 2011. The authorities have taken him back immediately to prison every time without giving him the three-month necessary healing time. The last operation was

undertaken in late October, but he was taken back to prison on 31 October 2011. In contrast to expert medical opinion, the authorities have reportedly demanded self-incriminating televised confessions as a condition to let him seek proper treatment.

He was detained on 13 December 2009 and subjected to various physical and psychological tortures and spent 13 months in solitary confinement at the detention centre of the Islamic Revolution Guards Corps. As a result, both his kidneys were infected; one of them lost 80% and the other 20% functionality. Ronaghi-Maleki was later sentenced to 15 years in prison on charges of membership of Iran-Proxy Internet Group, propaganda against the system, and insulting the Iranian Supreme Leader as well as the president.

**Mohammad Sadiq Kaboudvand**, journalist, founder and president of Human Rights Organisation of Kurdistan, suffered a heart attack in December 2008, one stroke in May 2008 and two strokes in July and November 2010. He is also suffering from prostate and kidney problems and has reportedly had periods of dizziness and unconsciousness. In June 2011, an independent doctor recommended heart and prostate operations on him. The authorities have however denied him proper medical care.<sup>54</sup>

**Mehdi Mahmoudian**, journalist, was allowed in mid-November 2011 to have a surgery on his lungs in a hospital. His lungs, damaged as a result of torture during pre-trial detention, have partially lost their functionality owing to the 7-month delay of the authorities to agree to his treatment. Mr. Mahmoudian, who exposed the atrocities in the Kahrizak Detention Centre, where several protestors died in summer 2009, was detained on 16 September 2009, and sentenced to 5 years in prison, which he is serving in the remote Rajaishahr Prison. In May 2011, he was sent to solitary confinement for 10 days for writing an open letter to the Supreme Leader, in which he disclosed the widespread prevalence of rape and drugs among common criminals and the widespread use of torture against and inhuman treatment of political prisoners.<sup>55</sup>

**Issa Saharkhiz**, journalist, was detained on 7 July 2009 and is serving a three-year prison sentence in the remote Rajaishahr Prison for insulting the Supreme Leader and propaganda against the system. His ribs were broken during his arrest. In early December 2010, he had a surgery for internal bleeding in the prison clinic by a medical team brought from outside.

**Kayvan Samimi-Behbahani**, a veteran journalist and human rights defender, is suffering from a risky liver ailment.<sup>56</sup>

**Mohammad Hossein Kazemeyni Borujerdi**, a religious leader, has been reported to suffer from Parkinson's disease, diabetes, high blood pressure and kidney and heart problems and loss of vision in one of his eyes.<sup>57</sup>

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<sup>54</sup> For details of his case, see **Defenders of rights of ethnic communities**

<sup>55</sup> See **Torture** above

<sup>56</sup> For details of his case, see **Other HRDs**

<sup>57</sup> For details of his case, see **Other religious groups**

**Hamed Rouhinejad**, student, was arrested on 4 May 2009 over a month before the disputed presidential elections. He was deceived by his interrogators to make false confessions about his role in the post-election disturbances and was subsequently sentenced to death. On appeal, the sentence was mitigated to 11 years in prison in internal exile in the city of Zanjan. He is suffering from Multiple Sclerosis as a result of which he has reportedly lost the functionality of one hand and is facing serious problems regarding his eyesight and hearing.

**Abolfazl Ghadiani**, political activist, who recently underwent a heart surgery, is in bad conditions and at risk of heart attack in Evin Prison.<sup>58</sup>

**Massoum Fardis**, political activist, is suffering from damages to his spinal cord and is in need of surgery. He is reportedly unable to walk in Evin Prison, where he is detained. Mr. Fardis was sentenced to six years in prison. Although the appeal court is reported to have repealed his sentence, he is still kept in prison.

**Sa'eed Matinpour**, Iranian Azeri cultural activist and journalist, who has been serving 8 years in prison since 2007, is suffering from lung infection since January 2011.

**Zahra Jabbari** (female), street protestor, who is serving four years in prison since September 2009, has suffered from rheumatic heart disease and has undergone surgery.

**Ahmad Zeidabadi** (aka Zeydabadi), journalist, who has been serving six years in prison since June 2009, is suffering from unexplained extreme loss of weight.

**Heshmatollah Tabarzadi**, political activist, who has been serving eight years in prison since December 2009, is suffering from heart problems and high blood pressure.

**Majid Dari**, student activist, who has been serving six years in prison in internal exile in the southern city of Behbahan since July 2009, is suffering from migraine that has resulted in unconsciousness several times.

**Kurosh Kuhkan** (aka Kohkan), political activist, who has been serving three and a half years since January 2010, had his knee operated on for meniscus tear that occurred during interrogations. However, his knee was infected later and he is at risk of amputation of his leg.

**Abdollah Momeni**, political activist, is suffering from kidney problem and skin disease.<sup>59</sup>

**Ghassem Sholeh Saadi**, defence lawyer, is reportedly suffering from damages to his spinal cord as a result of tortures.<sup>60</sup>

**Mohsen Aminzadeh**, political activist, who was arrested in June 2009 and has been serving five years in prison, has suffered from heart problems and spent some time in hospital. Nevertheless, he was forced to return to prison in mid November 2011.

**Reza Shahabi**, a detained trade unionist, needs immediate medical care. (see **Labour activists and trade unionists**)

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<sup>58</sup>For details of his case, see **PFII** and **OMIR** under **Political parties and groups**

<sup>59</sup>For details of his case, see **Graduates Association** and **Torture**

<sup>60</sup>For details of his case, see **Defence lawyers**

## ***6. Denial of rights based on religious discrimination***

*Articles 2, 18, 26, 27 of the ICCPR prohibit discrimination based on religion, thought and conscience, among others, and Questions 22 and 34 of the Human Rights Committee to the Islamic Republic of Iran were concerned with the persecution of Christians and Baha'is.*

### **Baha'i faith**

Followers of the Baha'i faith are frequently arrested and spend long periods in detention or they are sentenced to imprisonment. According to a report published by the Baha'i International Community, there were 112 Baha'is in prison in late October 2011. Some of them are serving prison sentences.<sup>61</sup> 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. The same report indicated that five men and two women were sentenced to prison sentences ranging from 4-5 years for teaching online courses to Baha'i students who have been banned from studying in universities. About 300 more followers of the faith have pending judicial cases.

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 IRI claimed in Paragraph 116 of its Reply to Question 34:

*... 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 reportedly only at one place 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

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<sup>61</sup> See Appendix I for names of a number of Baha'i women prisoners. For extensive discussion of persecution of various religious minorities in Iran, see the joint FIDH-LDDHI report: <http://www.fidh.org/IMG/pdf/IrandiscrimLDDHI545a.pdf>

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 ignored the Islamic Penal Code and invoked the clerical teachings 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.



**Yousef Nadarkhani**

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,<sup>62</sup> the IRI alleged in Paragraph 92 (d) of its Reply to Question 22:

*... 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 Sunni prayer centre at Sa'adatabad of Tehran was closed 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. Mowlavi Abdulhamid, the Friday imam of the Sunni Muslims in Zahedan and religious leader of Baluch Sunni Muslims, has been banned from travelling abroad. His son-in-law was sentenced to 10 years in prison in early September 2011.

## 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

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<sup>62</sup> See <http://www.fidh.org/IMG/pdf/IrandiscrimLDDHI545a.pdf>



particularly targeted. In March 2011, the Nematollahi Gonabadi Order published names of 189 of its followers who were facing judicial proceedings.<sup>63</sup>

Some of the lawyers representing them – who are also affiliates of the Order – have been disqualified or imprisoned. 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 who were detained in September 2011, after attacks on Gonabadi Order's followers in the city of Kuwar in the southern Fars Province. The 10 website editors and writers were released on bail in November 2011.

## Other religious groups

Followers of the **Ahl-e Haq** and **El-Yasin** orders have been suppressed and some of them even executed in recent years.<sup>64</sup> Even dissenting Shi'a groups have not been spared from suppression. The prayer centre of Ayatollah **Mohammad 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.

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

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<sup>63</sup> <http://121tajalli121.blogfa.com/post-27.aspx>

<sup>64</sup> See <http://www.fidh.org/IMG/pdf/IrandiscrimLDDHI545a.pdf>

## 7. Denial of freedom of expression

*Article 19 of the ICCPR addresses the right of opinion and freedom of expression. Question 23 of the Human Rights Committee to the Islamic Republic of Iran inquired about the number of human rights defenders and defence lawyers in prison.*

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 Election in June 2009. The authorities intensified their war against the relatively dissenting media, as well as journalists, writers, lawyers and HRDs. Censorship was imposed through a web crimes unit, filtering websites and blogs, and jamming signals of international media organisations.

Freedom of association was seriously hampered, as human rights organisations remain closed and more political organisations were suppressed. Independent trade unions were targeted<sup>65</sup> and their activists were repeatedly detained or sentenced to imprisonment.

### NGOs Bill in parliament

In April 2011, Iran's parliament began the final reading of 'the Bill on the Establishment and Supervision of Non-Governmental Organisations' (so-called NGOs Law), but suspended the deliberations later. If the bill were adopted, civil society organisations would face an increasingly restrictive environment, as several provisions would severely limit their independence.<sup>66</sup>

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

### Human Rights Defenders

*In its replies to the Human Rights Committee (Paragraph 94), the Islamic Republic of Iran has evaded an answer to Question 23 regarding the number of human rights defenders and defence lawyers who are currently in prison.*

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<sup>65</sup>See **Labour activists and trade unionists**

<sup>66</sup>Political parties, trade unions and the Bar Association, however, are regulated by different laws in Iran.

## 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 regularly 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 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. At the end of November 2011, she remained free on bail but was at risk of arbitrary arrest.

Three other founding members of DHRC, who have been detained or put on trial and imprisoned, are:

1. **Mohammad Seifzadeh**, defence lawyer, was initially sentenced to nine years imprisonment and 10 years ban on professional practice, but his sentence was reduced later to two years in prison. He remained in detention at the end of November 2011.
2. **Mohammad Ali Dadkhah**, 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. In November 2011, he remained free awaiting the outcome of his appeal.
3. **Abdolfattah Soltani**, defence lawyer, who has been arrested several times and spent months in detention, was detained again on 10 September 2011. In October 2011, his interrogators threatened him with a prison sentence of 20 years on charges of "participation in founding the Defenders of Human Rights Centre", "propaganda against the system", "assembly and collusion against national security", and "earning illegitimate assets" through receiving the Nuremberg City's Human Rights Prize in 2009. At the end of November 2011, he remained incommunicado in Section 209 of the Ministry of Intelligence within Evin Prison's premises.

Other DHRC members have also been persecuted, including:<sup>67</sup>

Ms. **Mahnaz Parakand**, 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.

**Abdolreza Tajik**, a journalist and human rights activist cooperating with DHRC was sentenced to 6 years in prison on 17 March 2011 on charges of “propaganda against the system”, “acting against the national security”, “cooperation with the DHRC”, and “collaboration with opposition groups.” On 20 October 2011, the appeals court upheld his sentence. At the end of November 2011, he remained free but was at risk of arbitrary arrest anytime. Since the disputed June 2009 presidential election, he has been arrested three times. His third detention lasted over six months. He is the recipient of the 2010 Freedom of Press Award of Reporters without Borders.

### **Committee of Human Rights Reporters (CHRR)**

Mr. **Kouhyar Goudarzi**, a member of the CHRR, was arrested and disappeared in Tehran on 30 July 2011 and his whereabouts were unknown for at least three months. At the end of November 2011, he was believed to be in Section 209 of the Ministry of Intelligence within the Evin Prison’s premises. On 30 November 2011, he was charged with “assembly and collusion to undermine the security through membership of the CHRR” and “propaganda against the system through an interview with [the German magazine] Der Spiegel.” He has already served one year in prison (December 2009 – 2010). His mother, Ms. **Parvin Mokhtareh**, was arbitrarily arrested at her home in Kerman on 31 July 2011 by four plainclothes agents, without a warrant. She was reportedly tried on charge of “propaganda against the system” in September 2011 but was still in detention at the end of November 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 her prison term to 4 years. As of end of November 2011, she remained free on bail, but was at risk of arbitrary arrest. She is also a member of the ‘One Million Signatures’ Campaign.<sup>68</sup>



**Shiva Nazarahari**

**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 years in prison and his sentence was upheld in August 2011. He was still free in late November 2011 but was at risk of arbitrary arrest.

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<sup>67</sup> See also the case of Ms. **Nasrin Sotudeh** under **Defence lawyers** below

<sup>68</sup> See **Denial of equal rights for women**

## “Human Rights Activists Collective” & “House of Human Rights in Iran”

46 activists of these two groups 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 November 2011, some of them who were still serving prison terms were: **Abolfazl Abedini-Nasr** (12 years);<sup>69</sup> Ms. **Mahboubeh Karami** (3 years); **Mehdi Khodaei** (3 years).

**Abdolreza Ahmadi**, journalist, human rights and women’s rights activist, was sentenced to three years in prison and his sentence was upheld in June 2011. He is at risk of arbitrary arrest. He had been arrested in March 2010 and spent four months in detention.

### Other HRDs

**Emadeddin Baghi**, founder of the Centre for the Defence of Prisoners’ Rights (CDPR), was detained 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. He went to prison on 5 December 2010 and was released in June 2011 with a ban on journalism and political work for four years. Over the past decade, he has served three prison terms - a total of 4.5 years. The CDPR was shut down in September 2009.



**Emadeddin Baghi**

**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, was detained on 13 June 2009. He is serving a six-year sentence and has been banned from professional activities for 15 years for propaganda against the system, assembly and collusion to disrupt the national security, participation in demonstrations and issuing statements denying the correctness of the elections. At the end of November 2011, he remained detained in the remote Rajaishahr Prison.

## 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 arbitrary practices of the judicial system. This has effectively criminalised human rights legal representation.<sup>70</sup> Several lawyers have been arbitrarily detained; others have been sentenced to imprisonment and ban on practising their profession, while some others have had to flee the country to avoid harassment and detention.

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<sup>69</sup> Mr. Abedini-Nasr, a human rights activist and journalist, had initially been sentenced to 11 years in prison, but received an extra one year imprisonment in November 2011 for propaganda against the system.

<sup>70</sup> See Joint Statement of FIDH and the Iranian League for the Defence of Human Rights (LDDHI) on 8 April 2011

During the two years of 2009-2011, at least 48 lawyers<sup>71</sup> have been subjected to persecution, including detentions and prison sentences, as a consequence of practising their profession.

They are: Shirin Ebadi (f), Nasrin Sotoudeh (f), Mohammad Seifzadeh, Mohammad Ali Dadkhah, Abdolfattah Soltani, Mohammad Sharif, Hadi Esmaelzadeh, Mahnaz Parakand (f), Mehdi Motamedimehr, Shadi Sadr (f), Kambiz Norouzi, Bahareh Davallou (f), Amir Ra'eesian, Ardeshir Amirarjomand, Faramarz Abdollahnejad, Mostafa Sha'abani, Mohammad Reza Azimi, Forough Mirzaei (f), Vahid-Ahmad Fakhreddin, Mohammad Oliayifard, Mohammad Mostafaei, Mohammad Reza Razzaghi, Javid Houtan-Kiyan, Sara (Hajar) Sabbaghian (f), Maryam Kianersi (f), Maryam Karbasi (f), Rosa Gharatchorlou (f), Shahrangiz Aboutalebi-Kohneshahri (f), Hasan Sarchahi, Arash Keykhosravi, Farshid Yadollahi, Amir Eslami, Mostafa Daneshju, Omid Behrouzi, Afshin Karampour, Ehsanollah Haydari, Maryam Ghanbari (f), Khalil Bahramian, Hassan Younesi, Maedeh Ghaderi (f), Bagher Farhadi, Ghasem Sholeh-Saadi, Fatemeh Tamimi (f), Alireza Safarzadeh, Shohreh Esfandiarpour (f), Nassim Ghanavi (f), Manijeh Mohammadi (f), Houshang Pourbabaei.

## Lawyers currently in prison

Besides the two lawyer-members of the DHRC<sup>72</sup> and five lawyers of the Dervishes,<sup>73</sup> at least five other defence lawyers are currently in prison.

- **Ms. Nasrin Sotoudeh**, a prominent human rights lawyer known for representing juveniles facing death penalty, prisoners of conscience, human rights activists including Ms. Shirin Ebadi (the 2003 Nobel Peace Laureate), 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 banned from having family visits for three weeks as of 16 October 2010, on the pretext of refusing to wear the *chador* in prison, although there are no laws requiring prisoners to wear it.

Ms. Sotoudeh was initially sentenced to 11 years imprisonment, 20 years of ban on practice as lawyer and 20 years of ban on travelling abroad in January 2011 on charges of "propaganda against the State", "collusion and gathering with the aim of acting against national security" and "membership of the Defenders of Human Rights Centre (DHRC)", but the sentence was later reduced to 6 years in prison and 10 years of ban on practising law in September 2011.

She was further sentenced on 19 April 2011 to a fine of 500,000 Iranian rials for failing "to observe the *hejab*" (Islamic dress code) when she appeared without headscarf in a video addressing a human rights prize ceremony in Italy.

- **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.

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<sup>71</sup> The pertaining details were submitted to Special Rapporteur in a joint FIDH-LDDHI Report on 30 August 2011

<sup>72</sup> See **DHRC** above

<sup>73</sup> See **Sufis** above

- **Hassan Sarchahi** was detained in Tehran on 16 December 2010 on charge of acting against national security and was sentenced to 2 years imprisonment.
- **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.
- **Ghasem Sholeh-Saadi** was arrested in Tehran airport on 3 April 2011 to serve a 1.5-year imprisonment sentence to which he had been sentenced for writing a critical letter to the Supreme Leader a few years ago. Subsequently, he was informed of an extra one-year prison sentence and ban on practising law and teaching at university for 10 years on charges of propaganda against the system, insulting the Supreme Leader and the president. He had been taken to prison to serve the sentence in 2003, but released after 37 days because of partial paralysis of his body. Mr. Sholeh-Saadi is reportedly suffering from damages to his spinal cord as a result of the tortures in prison.

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

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

## Writers

Writers<sup>74</sup> have been constantly denied the right to freedom of expression, assembly and association. They have been frequently persecuted and prosecuted for their writings over the past few decades.

Several writers, including Jafar Pouyandeh, Mohammad Mokhtari and Majid Sharif, lost their lives in the serial brutal killings of the intellectuals at the hands of Ministry of Intelligence's agents in the 1980s and 1990s.

During the past decade, a number of writers, including several members of the Iranian Writers Association, were forced to take shelter abroad. Others faced pressures, either on the judicial level or through denial of permission to have their books published.

**Yaghoub Yadali** was arrested in the city of Yasuj on 15 March 2007 and detained for 41 days on charges of insult, libel and publication of false information in two of his fictional works. The prosecutor quoted a sample of his novel in the indictment. Yadali was tried on 23 August 2007 and sentenced in September 2007 to one year imprisonment for 'insulting in order to agitate the general public'. Nine months of the sentence were suspended for two years, on the condition that he wrote four articles in the local news papers on art and local cultural personalities and published them at his own expense.

**Houshang Mazaheri**, writer, was detained by the local department of the Intelligence Ministry in

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<sup>74</sup> See also **Iranian Writers Association** below

Isfahan in late October 2007 for writing a book entitled 'Isfahan, City of World Renowned Figures.' The book, having been published with permission from the Ministry of Culture and Islamic Guidance, had been withdrawn and pulped a few months before. He faced such charges as propaganda against the regime, insulting the sanctities, insulting Ayatollah Khomeini and the current leader Ayatollah Khamenei, publishing lies, mocking and criticising the clergy. He was released on bail in March 2008.

**Yousef Azizi Bani-Torof**, writer, journalist and translator from the Arabic-speaking minority in southern Iran, took refuge in the United Kingdom after he was sentenced to five years imprisonment in August 2008 and the sentence was upheld by the appeals court in November 2009.

**Javad Mahzadeh**, 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.<sup>75</sup>

## Press, journalists and bloggers

*Question 24 of the Human Rights Committee to the Islamic Republic of Iran inquired about the number of newspapers and magazines that were closed since 2008 and the number of journalists, artists and filmmakers who were detained and arrested after the 2009 Presidential Elections.*

The Press Code is the 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

The Islamic Republic of Iran's Reply to Question 24 (Paragraph 94), on closure of newspapers and magazines since 2008, referred only to 8 cases.

Over the past decade, scores of newspapers and magazines have been banned, both with regional and nationwide circulation. Available reports show that 24 publications were closed in the year beginning 21 March 2008. The figures for the corresponding periods in 2006 and 2007 were 34 and 28, respectively. In the majority of cases, some of the journalists were detained and later tried. Here are only a few examples of newspapers and magazines closed over the past decade.

**Dailies:** Jame'e, Neshat, Sobh-e Emrooz, Khordad, Fath, Noruz, Yaas-e No, Doran, Vaghaye

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<sup>75</sup> See also **Iranian Writers Association** below



Ettefaghiye, Bonyan, Akhbar Eqetsadi, Mosharekat, Etemad Melli, Sarmayeh, Kargozaran, Ham-Mihan, Seday-e Edalat, Ayandeh No, Andisheh No, Sarmayeh.

**Periodicals:** Adineh, Donyay-e Sokhan, Jame'e Salem, Payam-e Emrooz, San'at Haml-o-Naql, Zanan, 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.

## Journalists

The Islamic Republic of Iran evaded a specific answer to Question 24 concerning the arrested journalists (Paragraph 95 of Replies).

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 as a result of blows to his skull on 15 June 2009. Others were arbitrarily detained and ill-treated and held for months without being charged.

At the end of November 2011, there were at least 43 journalists and bloggers in prison as a consequence of practising their profession, some of whom had been sentenced to long-term imprisonment and ban on professional activities and others were in detention without trial.<sup>76</sup>

- In a tragic incident, **Siamak Pourzand**, 80, veteran journalist and cultural critic, committed suicide on 29 April 2011 after seven years of house arrest and isolation at his home in Tehran. Pourzand was arrested on 24 November 2001, subjected to physical and psychological tortures, and sentenced to 11 years imprisonment on charges of undermining state security. He was released on medical leave from prison in 2004. However, he was denied permission to travel abroad for necessary medical treatment and to join his family.

## Book publishing

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 IRI government officially banned 10 independent private publishers in February 2011.

## Artists

There is no mention of artists or filmmakers in the replies of the Islamic Republic of Iran to the Human Rights Committee, despite the specific Question 24 of the HRC. Filmmakers and actors as

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<sup>76</sup> See **Appendix II: Partial list of imprisoned journalists & bloggers, end of November 2011**

well as photographers have been detained or imprisoned in recent years, in particular after the 2009 Presidential Election. They 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. The appeal court reportedly upheld his sentence in mid-October 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. His sentence was reduced to one year on appeal in mid-October 2011.
- **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. According to 9 October reports, she was sentenced to one year in prison and 90 lashes. She was released on 23 October 2011 on bail awaiting the outcome of her appeal.
- Several documentary filmmakers were detained in September 2011 for alleged cooperation with the BBC. They were: **Mojtaba Mirtahmasb**, **Hadi Afarideh**, **Katayoun Shahabi (f)**, **Nasser Saffarian**, **Moshen Shahrnazdar**, and **Mehran Zinatbakhsh**. By mid-November, they had all been released on bail with the exception of Mr. Mirtahmbasb who remained in prison at the end of November 2011.
- **Ramin Parchami**, an actor, who was arrested on 14 February 2011, has been serving a two-year prison sentence since then.

## ***8. Denial of freedom of assembly and association***

*Articles 21 and 22 of the ICCPR recognise peaceful assembly and freedom of association.*

### **Assembly and association**

The Islamic Republic of Iran has a dark record as far as freedoms of assembly and association are concerned.<sup>77</sup> 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 Association's 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**

*Question 27 of the Human Rights Committee to the IRI was concerned with the use of force against public protests of workers, but did not receive an answer from the IRI.*

Ever since 1979 when the Islamic regime took power, workers have been consistently denied the right to form free and independent trade unions and independent trade unionists have been treated harshly. In recent years, a number of unionists have started organising their own unions

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<sup>77</sup> See also **Women's groups** under **Denial of equal rights for women**

independently from the state and they have paid a high price for their activities.

### ***Tehran Bus Workers Syndicate***

- **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 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, 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’s 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 of punishing her father-in-law. His brother, Afshin Osaloo, who has not been engaged in any union or political activities, was arrested in late December 2010, badly tortured and later sentenced to five years in prison, which was upheld in November 2011.

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

- **Ebrahim Madadi**, Vice-President of the Syndicate, who was serving a three and a half-year prison sentence since December 2008, was given leave from prison on 30 November 2011.
- **Reza Shahabi**, the treasurer and board member of the Syndicate, was arrested on 12 June 2010, by the Ministry of Intelligence without charges. At the end of November 2011, he was still detained in the Ministry of Intelligence’s Section 209 within Evin Prison without a sentence. He is suffering from heart and liver problems and deformation of the vertebrae in his neck, which should be operated on; otherwise he might suffer partial paralysis of his left side. In protest to lack of medical care and his ongoing 18-month detention without a trial, he started a hunger strike on 22 November 2011. His interrogators have indicated that they are intent on keeping him in pre-trial detention and denying him medical treatment to break him.
- **Gholamreza Gholamhosseini**, another member of the Syndicate, was arrested on 3 November 2010 and released after several months on bail on 27 April 2011 awaiting trial.

### ***Syndicate of Workers of Haft Tappeh Cane Sugar Company***

- **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.

- **Ali Nejati**, former president of the Syndicate, started serving a 1-year imprisonment sentence in Dezful Prison for trade union activities on 12 November 2011. He had previously served 6 months for the same charges and subsequently expelled from work after 25 years. He had a heart operation recently. Doctors are reportedly of the opinion that he is not fit to serve the sentence.
- 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.

### ***Other labour activists***

Five trade unionists were tried together as one group on 18 August 2011 by the Islamic Revolution Court in Tabriz without lawyers. They faced such charges as “propaganda against the system” and “establishment or membership of a group opposed to the system”. Only one of them, Biuck Sayyedlar, was acquitted of the charges. The following four were released on bail in August and October 2011, but the appeals court upheld their sentences on 21 November 2011 as follows, which means they are at risk of arrest: **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. **Mohammad Jarrahi**, a unionist member of “the Committee to Pursue Establishment of Labour Unions”, was detained on 20 June 2011 and sentenced to 5 years in prison. **Nima Pouryaghoob** and **Sassan Vahevivash**, two student activists, were sentenced to 6 years and 6 months in prison respectively.

- **Behnam Ebrahimzadeh**, a unionist member of “the Committee to Pursue Establishment of Labour Unions,” and a child rights activist, was arrested on 12 June 2010 and later sentenced to 20 years of imprisonment for “assembly” and “collusion against the system”. The sentence was reduced to five years in late October 2011 on appeal.

### ***Teachers Unions***

- **Hashem Khastar**, a leading member of Mashhad Teachers Union, was released from Mashad’s Wakilabad prison in September 2011, after serving a two-year prison term for “acting against the national security”.
- **Rassoul Bodaghi**, a leader of the Independent Teachers Association was arrested in September 2009 and sentenced to six years in prison and a five-year ban on civil activities, which was upheld on appeal in January 2011. He was serving his sentence in Rajaishahr Prison at the end of November 2011.
- **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 November 2011.

- Another member of the same Union, **Farzad Kamangar**, a Kurdish teacher, was charged with cooperation with Kurdish opposition groups and executed in May 2010.

### ***Journalists Association***

The Association is a legally registered body, which the authorities 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.

- **Badrolsadat Mofidi** (f), 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.
- **Mashallah Shams-ul-Vaezin**, vice-president of the Association, who is also the spokesperson of the Association for the Defence of Press Freedoms, 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. Mid-July 2011 reports indicated that he had been summoned to prison. Shams-ul-Vaezin has been detained or imprisoned five times during the past decade.

### **Students**

*Question 29 of the Human Rights Committee to the Islamic Republic of Iran inquired concretely: "Please clarify why in the two and a half years prior to the 2009 presidential elections, some 200 students were detained and at least 160 students were suspended or were expelled from universities. Please report on the number of students that have been arrested and detained during and after the 2009 presidential elections."*

The IRI in response claimed in Paragraph 103 of Replies:

*"The questions raised by the Committee are too general and in some cases vague points are raised."*

### ***Attacks on dormitories***

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

Elections, 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. 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.

### ***Student activists***

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 extent of the student movement's opposition to the regime and the regime's heavy-handed crackdown of the movement have made it a difficult task to record all the details. The following are only a handful of students currently serving prison sentences:

- **Bahareh Hedayat**, a female student and women's rights activist, 10 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** (brother and 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 Rouhinejad**, 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; 2.5 years
- **Ali Akbar Mohammadzadeh**, 6 years
- **Omid Kokabi**, in detention since 30 January 2011

## **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

**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, with the exception of a brief encounter, 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 November 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.’ FIDH and LDDHI filed a complaint with the UN Working Group on Enforced or Involuntary Disappearances (WGEID) in March 2011. In a 4 September 2011 response, the WGEID indicated that it had not received any response from the Iranian government since communicating with the said government on 4 April 2011.

## Freedom Movement of Iran (FMI)

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 appeared in court on 2 November 2011 on charges of “assembly and collusion against the national security, propaganda against the state, membership and administration of the FMI.” He rejected the Islamic Revolution Court’s jurisdiction to try him and refused to defend himself.

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. **Mohammad Tavassoli**, another leading member of FMI, and **Ghaffar Farazdi**, FMI’s leader in Iranian Azerbaijan provinces, were detained on 25 November 2011.

## 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**,<sup>78</sup> **Reza Alijani**, and **Hoda Saber** were

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<sup>78</sup>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.



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 10<sup>th</sup> June, but was returned after two hours, while he was still writhing in pain and saying that he had been beaten up and insulted in the clinic."

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

## **National Front of Iran**

Some members of this nationalist organisation are also serving prison terms, including **Hamidreza Khadem** (4 years). **Payman Aref**, another member, having served his second one-year prison sentence, was released on 10 October 2011 after receiving 74 lashes and was detained again on 1 November 2011.<sup>79</sup> Dr. **Ali Rashidi** (a leading economist and former deputy governor of the Central Bank), member of the NFI, was detained on 3 November 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 Elections. 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.

- **Behzad Nabavi**, former minister and MP, is serving a 6-year prison term.
- **Mostafa Tajzadeh**, former deputy minister, is serving a 6-year prison term and has been banned from political activities for 10 years.
- **Abdollah Ramazanzadeh**, former deputy president, is serving a 5-year prison term.
- **Mohsen Mirdamadi**, secretary-general of the PFII, is serving a 6-year prison sentence and has been banned from political activities for 10 years.
- **Fayzollah Arab-Sorkhi**, former deputy minister, is serving a 6-year prison term.
- **Abolfazl Ghadiani** is serving a 1-year prison term and was due to be released in late November 2011 but the authorities issued new charges against him including 'insults against the Supreme Leader and the president' that could lead to a new prison sentence.
- **Javad Emam**, former deputy minister, is serving a 1-year prison term.
- **Davoud Solaymani**, former MP, is serving a 3-year prison term

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<sup>79</sup>see **Whipping**

## 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. The organisation has nevertheless continued to issue statements.

## 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)<sup>80</sup> while studying in the universities. It is a pro-reforms political organisation with some 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 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.



**Ahmad Zeydabadi**

- **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.<sup>81</sup>
- **Hassan Assadi Zeydabadi** (aka Zaidabadi), human rights officer of the association, has been serving 5 years in prison since 22 August 2010.
- **Ali Jamali**, secretary for political affairs, has been serving 4 years in prison since 22 August 2010.
- **Ali Malihi**, public relations officer, has been serving 4 years in prison since 9 February 2010.

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<sup>80</sup>See **Students** above

<sup>81</sup>See **Prohibition of torture and cruel, inhuman or degrading treatment or punishment**

## 9. Denial of rights based on ethnic origin

*Article 27 of the ICCPR addresses the issue of ethnic and linguistic minorities. Question 33 of the Human Rights Committee to the Islamic Republic of Iran inquired about “particular restrictions or conditions placed on ... cultural, linguistic and religious freedoms of minorities, such as the Kurds, Arabs, Azeris and Baluch, including the use of minority languages in schools, publication of journals and newspapers in minority languages... the number of ethnic minority activists who have been accused of terrorism, acting against national security or treason, since 2005, and the sentences pronounced in those cases”*

The Islamic Republic of Iran totally ignored the final part of the question and claimed:

*[...] 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 (Paragraph 110; IRI Replies).*

*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...(Paragraph 111; IRI Replies).*

Contrary to that claim, the Iranian Constitution does not sanction the right to learn and teach in schools and other educational institutions in non-Persian languages. There is a slight twist in Article 15 of the Constitution, which the IRI has correctly quoted verbatim in Paragraph 110 here above. 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, Baluch, 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 have been closed down after a few issues.<sup>82</sup>

The ethnic communities are basically denied the right to freedom of expression, association and

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<sup>82</sup> We have not discussed the suppression of ethnic communities in detail in this report. For a 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>

assembly. Ethnic political and cultural organisations and parties of the Azeri Turks, Baluch, Kurds, and Turkmen have been banned for three decades. The only ethnic political party operating in recent years was the the *Lejnat al-Wefaq al-Eslami* (Islamic Unity Party), led by former MP Jasem Shadidzadeh Al-Tamimi, of the Iranian Arab minority in Khuzestan. It was outlawed in 2006. Most Kurds, Baluch, and Turkmen are Sunnis and suffer from religious discrimination as well.<sup>83</sup>

## Defenders of rights of ethnic communities

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

**Kaveh Ghasemi Kermanshahi**, a journalist member of the Human Rights Organisation of Kurdistan (RMMK), was arrested in the western city of Kermanshah in February 2010. He was sentenced to 5 years in prison in January 2011 on charges of “acting against the national security through membership of RMMK”, “propaganda against the system” and “contacts with families of prisoners and executed political prisoners,” four years of which were upheld in appeal.

As of end of November 2011, some ethnic minority rights defenders remained in detention. They include:

- **Mohammad Sadiq Kaboudvand**, president of the Human Rights Organisation of Kurdistan (RMMK) and editor-in-chief of the banned weekly *Payam-e mardom-e Kurdistan* (Message of the People of Kurdistan), was arrested on 1/7/2007 and has been detained at Evin Prison since then. In May 2008, he was sentenced to 10 years in prison for “acting against national security by establishing the [RMMK]” and one year for “propaganda against the system.” The sentence was reduced to 10.5 years on appeal.<sup>84</sup> The RMMK was set up in 2004 but has not been able to operate freely.



**Mohammad Sadiq Kaboudvand**

- **Adnan Hassanpoor**, a member of the Iranian Kurdistan Journalists Association as well as a reporter for the *Aso* newspaper, and **Abdolvahed** (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 Zanzan, 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.

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<sup>83</sup> <http://www.fidh.org/IMG/pdf/IrandiscrimLDDHI545a.pdf>

<sup>84</sup> See also **Denial of medical care to prisoners**

***Appendix I: Partial List of 73 Women Prisoners of Conscience,  
End November 2011<sup>85</sup>***

| Name                                     | Sentence                                | Date of beginning/Prison                       | Status/affiliation/charge   |
|--|---|--|---|
| <b>Ronak Safazadeh (aka Saffarzadeh)</b> | 6 years & 9 months                      | 9 Oct 2005; Sanandaj                           | Campaign for Equality; Kurdish rights activist  |
| <b>Zaynab Jalalian</b>                   | Death row                               | since 2007; Sanadaj                            | Kurdish political activist  |
| <b>Raha Sabet</b>                        | 4 years                                 | 19 November 2007; Shiraz                       | Follower of the Baha'i faith; establishment of illegal groups and propaganda for opposition groups; imprisonment                        |
| <b>Mahvash Sabet</b>                     | 20 years                                | 5 March 2008; Evin Prison/Tehran               | Follower of the Baha'i faith  |
| <b>Fariba Kamalabadi</b>                 | 20 years                                | 5 May 2008; Evin Prison/Tehran                 | Follower of the Baha'i faith  |
| <b>Masoumeh Ka'abi</b>                   | 4.5 years                               | 28 Sept 2008; Sepidar Prison in Ahvaz          | A member of the Iranian Arab minority; her husband is active abroad; the Syrian government extradited her to Iran on 10 September 2008. |
| <b>Zaynab Bayazidi</b>                   | 4 years imprisonment in internal exile  | 16 Nov 2008; Zanjan Prison                     | Campaign for Equality   |
| <b>Kobra Banazadeh-Amirkhizi</b>         | 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  |
| <b>Alieh Eghdamdoost</b>                 | 3 years                                 | 30 Jan 2009; Evin Prison/Tehran                | Campaign for Equality   |
| <b>Shabnam Madadzadeh</b>                | 5 years imprisonment in internal exile  | 21 Feb 2009; ; currently in Evin Prison/Tehran | Student activist; charged with 'fighting God'   |
| <b>Nazila Dashti</b>                     | 3 years                                 | 25 May 2009; Evin Prison/Tehran                | Believed to be imprisoned for her family ties to opposition members abroad  |
| <b>Atefeh Nabavi</b>                     | 4 years                                 | 15 June 2009; Evin Prison/Tehran               | Student activist; <i>moharebeh</i>  |
| <b>Fartemeh Rahnama</b>                  | 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 2009 Presidential Candidate Moussavi                    |
| <b>Masoumeh Yavari</b>                   | 7 years imprisonment in internal exile  | 18 Sep 2009; currently in Evin/Tehran          | Street protestor  |

<sup>85</sup>Question 28 of the Human Rights Committee to the Islamic Republic of Iran concerned the number of women prisoners. Please note that some of the names in this table overlap with the names in Appendix II

|                                       |   |   |   |
|---------------------------------------|---|---|---|
| <b>Hengameh Shahidi</b>               | 6 years                                 | 2 Dec 2009; Evin Prison/Tehran                      | Journalist  |
| <b>Mahdieh Golroo</b>                 | 2.5 years                               | 2 Dec 2009; Evin Prison/Tehran                      | Student activist  |
| <b>Rayhaneh Hajj-Ebrahim-Dabbagh</b>  | 15 years imprisonment in internal exile | 27 Dec 2009; currently in Evin Prison/Tehran        | Accused of sending films of street protests to opposition groups  |
| <b>Mottahraeh Bahrami Haghighi</b>    | 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                            |
| <b>Kefayat Malek-Mohammadi</b>        | 5 years                                 | 27 Dec 2009; Evin Prison/Tehran                     | Street protestor  |
| <b>Farah Vazehan</b>                  | 17 years imprisonment in internal exile | 29 Dec 2009; currently in Evin Prison/Tehran        | Street protestor  |
| <b>Maryam Akbari-Monfared</b>         | 15 years imprisonment in internal exile | 31 December 2009; ; currently in Evin Prison/Tehran | Accused of <i>moharebeh</i>   |
| <b>Bahareh Hedayat</b>                | 10 years                                | 31 Dec 2009; Evin Prison/Tehran                     | Student activist & Campaign for Equality  |
| <b>Manijeh Monzavian (Nasrollahi)</b> | 3 years and 4 months                    | 27 Feb 2010; Evin Prison/Tehran                     | Follower of the Baha'i faith  |
| <b>Rozita Vaseghi</b>                 | 5 years                                 | 15 March 2010; Vakilabad Prison in Mashhad          | Follower of the Baha'i faith  |
| <b>Nahid Ghadiri</b>                  | 5 years                                 | 28 June 2010; Mashhad                               | Follower of the Baha'i faith; propaganda against the system through the Baha'i faith; contacts with foreigners abroad; illegal assembly |
| <b>Sonia Ta'ami</b>                   | 5 years                                 | Mashhad   | Follower of the Baha'i faith  |
| <b>Nura Nabilzadeh</b>                | 5 years                                 | Mashhad   | Follower of the Baha'i faith  |
| <b>Sima Rajabian</b>                  | 2 years                                 | 15 July 2010; Mashhad                               | Follower of the Baha'i faith; propaganda against the system through the Baha'i faith; contacts with foreigners abroad; illegal assembly |
| <b>Nasrin Ghadiri</b>                 | 2 years                                 | 15 July 2010; Mashhad                               | Follower of the Baha'i faith; propaganda against the system through the Baha'i faith; contacts with foreigners abroad; illegal assembly |
| <b>Hanieh Farshi-Shotorban</b>        | 7 years                                 | 18 July 2010; Evin Prison/Tehran                    | Blogger; charged with insulting the leader and Islamic sanctities   |
| <b>Ladan Mostofi-Ma'ab</b>            | 5 years                                 | 18 July 2010; Evin Prison/Tehran                    | Blogger; charged with insulting the leader and Islamic sanctities   |

|                                       |   |  |   |
|---------------------------------------|---|--|---|
| <b>Nasrin Sotudeh</b>                 | 6 years prison & 10 years ban on practising law | 4 September 2010; Evin/Tehran              | Human rights lawyer   |
| <b>Sima Eshraghi</b>                  | detained  | 24 Oct. 2010; Mashhad                      | Follower of the Baha'i faith; propaganda against the system; action against the national security; insulting the sanctities                               |
| <b>Elnaz Rahimzadeh</b>               | 5 years imprisonment in first instance          | detained November 2010                     | Blogger and supporter of Mourning Mothers; propaganda against the system; encouraging assembly and collusion against national security in social networks |
| <b>Layla Tavassoli</b>                | 2 years   | 5 Dec 2010; Evin/Tehran                    | Street protestor; daughter of a political activist  |
| <b>Torreh Taghizadeh</b>              | 22 months                                       | detained 8 Jan. 2011; Kachui Prison; Saari | Follower of the Baha'i faith; propaganda against the system by propagating the Baha'i faith   |
| <b>Fariba Ebtehaj</b>                 | N/A   | 10 Feb. 2011; Tehran                       | Secretary of the former Vice-President Ms. Ebtekar  |
| <b>Nez'hat Amirabadian</b>            | N/A   | 11 Feb. 2011; Tehran                       | Journalist  |
| <b>Zahra Eftekhari</b>                | N/A   | 12 Feb. 2011                               | Student; Tehran University; political activist  |
| <b>Zahra Sharif</b>                   | N/A   | 12 Feb. 2011                               | Student; Tehran University  |
| <b>Anisa Motahhar</b>                 | N/A   | 13 Feb. 2011; Dastgerd Prison of Isfahan   | Follower of the Baha'i faith; propaganda in favour of opposition groups   |
| <b>Shima Vazvoayi</b>                 | student protest                                 | 15 Feb. 2011; Tehran                       | Sharif University student   |
| <b>Fojan Shafaei</b>                  | student protest                                 | 20 Feb. 2011                               | Student; Amir Kabir University  |
| <b>Sarah Bagheri</b>                  | student protests                                | 20 Feb. 2011                               | Student activist; Noushiravani University of Babol  |
| <b>Zahra Rahnavard</b>                | disappeared                                     | since 28 Feb 2011; unknown                 | Wife of Mr. Moussavi (2009 presidential candidate)  |
| <b>Sarah Pour-Kazemi</b>              | N/A   | March 2011                                 | Protestor   |
| <b>Mina Ahrari</b>                    | detained  | 4 March 2011; Isfahan                      | Follower of the Baha'i faith; participation in religious meeting  |
| <b>Saman Golshani</b>                 | detained  | 4 March 2011; Isfahan                      | Follower of the Baha'i faith; participation in religious meeting  |
| <b>Tahereh Pour-Rostam (Sodagari)</b> | detained  | 1 May 2011; unknown                        | Former political prisoner; Family ties to opposition members abroad   |
| <b>Sedigheh Moradi</b>                | detained  | 1 May 2011; unknown                        | Former political prisoner; family ties to opposition members abroad   |
| <b>Arya Haeri</b>                     | detained  | 1 May 2011; unknown                        | Former political prisoner family ties to opposition members abroad  |
| <b>Fatemeh (Hour) Ziaei</b>           | detained  | 1 May 2011; unknown                        | Former political prisoner; family ties to opposition members abroad   |

|                                 |                       |   |   |
|---------------------------------|-----------------------|---|---|
| <b>Noushin Khadem</b>           | detained              | 22 May 2011; Evin Prison                                | Follower of the Baha'i faith; instructor of Baha'i online university  |
| <b>Ashraf Alikhani</b>          | 3 years               | 25 May 2011; Evin Prison/Tehran                         | Blogger   |
| <b>Mahboubeh Karami</b>         | 3 years               | 31 May 2011; Evin Prison/Tehran                         | Campaign for Equality; human rights activist  |
| <b>Negar Monazzami</b>          | 14 months & 75 lashes | 13 June 2011  | Earlier arrested on 8 March 2011 & released on bail   |
| <b>Maryam Bidgoli</b>           | 6 months              | 21 July 2011; Qom                                       | Campaign for Equality   |
| <b>Sholeh Ta'eb</b>             | N/A                   | N/A; Evin Prison/Tehran                                 | N/A   |
| <b>Maryam Hajjilouyi</b>        | N/A                   | N/A; Evin Prison/Tehran                                 | N/A   |
| <b>Parvin Mokhtareh</b>         | detained              | 1 Aug. 2011; Kerman Central Prison                      | Mother of human rights activist Kouhyar Goudarzi; insulting the leader  |
| <b>Khatereh Danesh-Tavakkol</b> | N/A                   | 11 Aug. 2011  | Student activist; Tehran Azad University  |
| <b>Melina Bakhtiarnejad</b>     | detained              | 13 Aug. 2011  | Student activist; Tehran University; distribution of films & pamphlets about colour and soft revolutions & contacts with activists abroad |
| <b>Samin Ehsani</b>             | detained              | 17 Aug. 2011; Tehran                                    | Follower of the Baha'i faith; child rights activist   |
| <b>Vajiheh Nasheri</b>          | detained              | 20 August 2011, Saari                                   | Follower of the Baha'i faith; protesting her detained husband's degrading punishment  |
| <b>Mahsa Mehdizadeh</b>         | detained              | 22 Aug. 2011; Urumiyeh                                  | Political and environmental activist  |
| <b>Fereshteh Shirazi</b>        | 3 years               | 4 September 2011; Amol                                  | Women's rights activist; member of Campaign for Equality  |
| <b>Farzaneh Noori</b>           | detained              | 11 Sept. 2011; Shiraz                                   | mother of an administrator of Dervishes' website  |
| <b>Faran Hessami</b>            | detained              | 13 Sept. 2011, Evin Prison                              | Follower of the Baha'i faith; instructor of Baha'i online university  |
| <b>Maryam Jalili</b>            | 2.5 years             | 2011; Evin Prison                                       | Convert to Christianity   |
| <b>Shahla Rahmati</b>           | 2.5 years             | 2011; Evin Prison                                       | Convert to Christianity   |
| <b>Mitra Zahmati</b>            | 2.5 years             | 2011; Evin Prison                                       | Convert to Christianity   |
| <b>Parisa Babaei</b>            | detained              | 3 Nov. 2011; Saari Prison                               | Follower of the Baha'i faith  |
| <b>Rojin Mohammadi</b>          | detained              | 21 Nov. 2011; IRGC's Detention Centre 2A in Evin Prison | Blogger; acting against national security; propaganda against the state and human rights activities                                       |



**Appendix II: Partial list of 43 imprisoned journalists & bloggers,  
End November 2011<sup>86</sup>**

| Name                              | Date of arrest/Prison             | Prison sentence (Years)/Other remarks  | Charge/Reason for arrest   |
|-----------------------------------|-----------------------------------|--|--|
| Hossein Derakhshan                |                                   | 19.5   | Blogger; visit to Israel   |
| Mohammad-Sadiq Kaboudvand         |                                   | 10.5;<br>In bad health conditions  | Kurdish journalist & human rights defender   |
| Adnan Hassanpour                  |                                   | 15   | Kurdish journalist   |
| Sa'eed Matinpour                  |                                   | 8  | Azeri journalist   |
| Hiwa Butimar                      |                                   | 8  | Kurdish journalist & environmentalist  |
| Abolfazl Abedini-Nasr             |                                   | 12   |  |
| Ahmad Zeydabadi (a.k.a Zaidabadi) | 13/June/2009 - Rajaishahr         | 6 years and life-long ban on professional activities & 5 years in internal exile | Secretary-General of Graduates Association; critical open letter to Supreme Leader                                     |
| Kayvan Samimi-Behbahani           | 13/June/2009 - Rajaishahr         | 6 years plus 15 years ban on professional activities                             | Acting against national security through assembly and collusion, disturbing the public minds                           |
| Sakhi Rigi                        | 18 June 2009; Zahedan/Baluchistan | 20   | Blogger  |
| Amir Aslani                       | August 2009                       | 5  | Blogger  |
| Hossein Ronaghi-Maleki            | 13 Dec 2009; Evin Prison          | 15   | Blogger; student; propaganda against system, insulting the leader and the president.                                   |
| Hengameh Shahidi (f)              | 25/Feb/2010 -Evin                 | 6  | Propaganda against system, acting against national security, insulting the president                                   |
| Massoud Bastani                   | 5/Aug/2009                        | 6  |  |
| Ali Behzadiyan-Nejad              |                                   | 6  |  |
| Bahman Ahmadi Amou'i              | 20/June/2009 –Evin Prison         | 5  | Insulting the president, propaganda against system, collusion to disrupt national security; disruption of public order |
| Mohammad Davari                   | 8/Sept/2009 - Evin Prison         | 5  | Reporting on torture and rape & filming interviewees   |
|                                   |                                   | 1  | Participation in teachers demo in 2006   |
| Mehdi Mahmoudian                  | 16/Sept/2009 - Rajaishahr Prison  | 5  | Collusion against system   |

<sup>86</sup>Question 24 of the Human Rights Committee to the Islamic Republic of Iran inquired about the number of journalists imprisoned after the 2009 Presidential Elections. Please note that some of the names overlap with the names in Appendix I

|  |   |   |   |
|--|---|---|---|
| <b>Ali Malihi</b>  | 9/Feb/2010  | 4   | Assembly and collusion against system, propaganda against system, insulting the president, spreading lies |
| <b>Issa Saharkhiz</b>  | 3/Jul/2009 - Rajaishahrn Prison                     | 3 years; and 5 years ban on professional activities | Insulting the leader, propaganda against system, spreading lies in foreign interviews                     |
| <b>Arash Saghar</b>  | 22/Nov/2009   | 5   | Acting against national security, spying for Turkmenistan   |
| <b>Ali-Akbar Ajami</b>   |   | 2   |   |
| <b>Alireza Beheshti-Shirazi</b>  | April 2010  | 5   |   |
| <b>Ahmad-Reza Yusefi</b>   | May 2010; Evin Prison                               | 5 years   | Contacts with foreigners  |
| <b>Iman Masjedi;<br/>Amir Latifi;<br/>Mohammad-Reza Golizadeh;<br/>Ladan Mostofi-Maab (f);<br/>Hanieh San'e-Farshi-Shortorban (f);<br/>Hojjat Nikouyee;<br/>Sepehr Ebrahmi</b> | detained 18/19 July 2010                            | not tried yet                                       | Bloggers  |
| <b>Siamak Ghaderi</b>  | 8/Aug/2010  | 4;<br>Fine and 60 lashes                            | Propaganda against system, disturbing public minds, spreading lies  |
| <b>Arash Honarvar-Shoja'ee</b>   | detained 28 October 2010 in Qom                     | 4 years; 50 lashes; defrocking                      | Blogger; cleric   |
| <b>Elnaz Rahimzadeh (f)</b>  | detained November 2010                              | 5   | Blogger   |
| <b>Nez'hat Amirabadian (f)</b>   | 11 Feb 2011   | detention   |   |
| <b>Parsa Bahmani</b>   | 1/March/2011 - Shiraz                               | detention   |   |
| <b>Mohammad-Javad Mozaffar</b>   | 9 April 2011; Evin Prison                           | 1 year  | Journalist and publisher  |
| <b>Alireza Rajaei</b>  | 24/Apr/2011   | detention   | Acting against national security  |
| <b>Mehrdad Sarjouyee</b>   | July 2011   | detention   | Unknown   |
| <b>Hadi Ahmadi</b>   |   | detention   | N/A   |
| <b>Amir-Ali Allamehzade</b>  | 18 Sept. 2011; IRGC's Section 2A within Evin Prison | detention   | Unknown   |
| <b>Hassan Fat'hi</b>   | 13 Nov. 2011;                                       | detention   | Journalist; was detained after giving an interview to BBC Persian Service                                 |
| <b>Davood Khodakarami</b>  | 18 Nov. 2011; Zanjan                                | detained  | Journalist & Azeri cultural activist  |
| <b>Rojin Mohammadi (f)</b>   | 21 Nov. 2011; IRGC's Section 2A within Evin Prison  | detained;   | Blogger; acting against national security; propaganda against the state and human rights activities       |

## ***Appendix III: Concluding observations of the Human Rights Committee***

CCPR/C/IRN/CO/3

**Human Rights Committee**

**103<sup>rd</sup> session**

Geneva, 17 October – 4 November 2011

### **Consideration of reports submitted by States parties under article 40 of the Covenant**

#### **Islamic Republic of Iran**

1. The Committee considered the third periodic of the Islamic Republic of Iran (CCPR/C/IRN/3) at its 2834<sup>th</sup>, 2835<sup>th</sup> and 2836<sup>th</sup> meetings (CCPR/C/SR/2834, CCPR/C/SR/2835 and CCPR/C/SR/2836), held on 17 and 18 October 2011. At its 2857<sup>th</sup> and 2858<sup>th</sup> meetings (CCPR/C/SR/2853 and CCPR/C/SR/2858), held on 2 November 2011, it adopted the following concluding observations.

#### **A. Introduction**

2. The Committee welcomes the third periodic report of the Islamic Republic of Iran and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures that the State party has taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/IRN/Q/3/Add.1) to the list of issues (CCPR/C/IRN/Q/3) which were supplemented by the oral responses provided by the delegation.

3. The Committee notes with regret, however, the 18-year period between the consideration of the second and third periodic reports and hopes that the constructive engagement by the State party with the Committee at its 103<sup>rd</sup> session will be continued through effective implementation of the current recommendations and timely submission of its fourth periodic report.

#### **B. Positive aspects**

4. The Committee welcomes:

- (a) the signing of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in September 2010;
- (b) the accession to the Convention on the Rights of Persons with Disabilities in October 2009;
- (c) the accession to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in September 2007;
- (d) the ratification of the Convention on the Rights of the Child in July 1994

#### **C. Principal matters of concern and recommendations**

5. The Committee notes with concern that reference is made in the State party's system to certain religious tenets as primary norms.

**The State party should ensure that all the obligations of the Covenant are fully respected and that the provisions of its internal norms are not invoked as justification for its failure to fulfil its obligations under the Covenant.**

6. The Committee is concerned that the status of international human rights treaties in domestic law is not specified in the legal system, which hinders the full implementation of the rights contained in the Covenant.

**The State party should ensure effective implementation and application of Covenant provisions, irrespective of the place of the Covenant in the domestic legal system.**

7. The Committee is concerned that the State party has not yet established a consolidated national institution with competence in the field of human rights in accordance with the Paris Principles (General Assembly resolution 48/134) (art. 2).

**The State party should consider establishing a national human rights institution with a broad human rights mandate, and provide it with adequate financial and human resources, in line with the Paris Principles (General Assembly resolution 48/134, annex).**

8. Despite the development regarding the education of women, the Committee is concerned about the low number of women in decision-making positions in the public sector. It is also concerned that a number of public positions have never been filled by women, including in the Guardian Council or high positions in the Expediency Council and that women are excluded from certain public positions, such as the post of judge (articles 2, 26).

**The State party should take steps to increase the number of women in decision-making and judicial bodies at all levels and in all areas. It should also organize special training programmes for women and regular awareness campaigns in this regard.**

9. The Committee is concerned about the continuing inequality of women with regard to marriage, family and inheritance matters (articles 2, 26).

**The State party should amend the Civil Code and further amend the draft Family Protection Act, to (a) abolish the requirement of a father's or paternal grandfather's approval to legalize a marriage; (b) grant women the equal power to divorce; (c) ensure equal custody rights to the mother, including after a child reaches the age of 7 or if she remarries; (d) accord guardianship over a child to the mother in the case of the father's death; (e) grant women the same inheritance rights as men; (f) remove the legal obligation for a woman to be obedient to her husband; (g) remove the requirement of a husband's approval when a woman intends to leave the country; (h) prohibit polygamy; and (i) remove the power of a man to prohibit his wife from entering employment. The State party should also adopt legislation giving Iranian women the right to transmit their nationality to their children.**

10. The Committee is concerned that members of the lesbian, gay, bisexual, and transgender community face harassment, persecution, cruel punishment and even the death penalty. It is also concerned that these persons face discrimination on the basis of their sexual orientation, including with respect to access to employment, housing, education and health care, as well as social exclusion within the community (articles 2, 26).

**The State party should repeal or amend all legislation which provides for or could result in the discrimination, prosecution and punishment of people because of their sexual orientation or gender identity. It should ensure that anyone held solely on account of freely and mutually agreed sexual activities or sexual orientation should be released immediately and unconditionally. The State party should also take all necessary legislative, administrative and other measures to eliminate and prohibit discrimination on the basis of sexual orientation, including with respect to access to employment, housing, education and health care, and to ensure that individuals of different sexual orientation or gender identity are protected from violence and social exclusion within the community. The Committee reaffirms that all of these matters fall entirely within the purview of the rights contained in the Covenant, and therefore within the Committee's mandate. It urges the State party to include detailed information on the enjoyment of Covenant rights by members of the lesbian, gay, bisexual, and transgender community in its next periodic report.**

11. The Committee is concerned about the absence of specific provisions on domestic violence within the Penal Code, as well as the lack of investigation, prosecution and punishment of perpetrators of domestic violence. It is also concerned that a husband is exempted from punishment for voluntary manslaughter in the event that he murders his wife on suspicion of adultery (articles. 2, 26).

**The State party should adopt legislation criminalizing domestic violence and take steps to effectively combat domestic violence. It should ensure that victims have immediate access to means of redress and protection,**

**including through the establishment of a sufficient number of safe houses for victims. The State party should ensure that acts of domestic violence are effectively investigated and that perpetrators are prosecuted and sanctioned. The State party should also ensure that a husband is not exempted from punishment for voluntary manslaughter, in the event that he murders his wife on suspicion of adultery.**

12. The Committee continues to be deeply concerned about the extremely high, and increasing, number of death sentences pronounced and carried out in the State party, the wide range and often vague definition of offences for which the death penalty is applied, and the large number of capital crimes and execution methods. The Committee is also concerned about the continued use of public executions, as well as stoning, as a method of execution. It also notes with concern the high incidence of state executions in ethnic minority areas (articles 6, 7).

**The State party should consider abolishing the death penalty or at least revise the Penal Code to restrict the imposition of the death penalty to only the “most serious crimes”, within the meaning of article 6, paragraph 2, of the Covenant and the Committee’s general comment No. 6 (1982) on the right to life. It should ensure that, whenever it is imposed, the requirements of articles 6 and 14 of the Covenant are fully met. It should also ensure that everyone sentenced to death, after exhaustion of all legal avenues of appeal, has an effective opportunity to exercise the right to seek pardon or commutation of sentence from the relevant authorities. The State party should furthermore prohibit the use of public executions, as well as stoning as a method of execution.**

13. The Committee is gravely concerned about the continued execution of minors and the imposition of the death penalty for persons who were found to have committed a crime while under 18 years of age, which is prohibited by article 6, paragraph 5, of the Covenant (art.6).

**The State party should immediately end the execution of minors, and further amend the draft juvenile crimes investigation act and the Bill of Islamic Criminal Code with the aim of abolishing the death penalty for persons having committed a crime while under the age of 18. The State party should also commute all existing death sentences for offenders on death row who had committed a crime while under the age of 18.**

14. The Committee is deeply concerned about reports of the widespread use of torture and cruel, inhuman or degrading treatment in detention facilities, particularly of those accused of national security-related crimes or tried in Revolutionary Courts, some of which have resulted in the death of the detainee. The Committee is also concerned that coerced confessions have been used as the primary evidence to obtain convictions in court (art.7).

**The State party should ensure that an inquiry is opened in each case of alleged torture and cruel, inhuman or degrading treatment in detention facilities, and that the perpetrators of such acts are prosecuted and punished appropriately. It should ensure that effective reparation, including adequate compensation, is granted to every victim. The State party should also ensure that no one is coerced into testifying against themselves or others or to confess guilt and that no such “confession” is accepted as evidence in court, except against a person accused of torture or other ill-treatment as evidence that the “confession” or other statement was made.**

15. The Committee is concerned that there has not been a full, impartial and independent investigation into allegations of killings, torture and other ill-treatment during and following the 12 June 2009 presidential elections, and that responsible high level officials have not been held accountable (articles 6, 7).

**The State party should urgently establish a full, impartial and independent investigation into allegations of killings, torture and other ill-treatment during and following the 12 June 2009 presidential elections, and prosecute those officials found responsible.**

16. The Committee is concerned about the continued imposition of corporal punishment by judicial and administrative authorities, in particular amputations and flogging for a range of crimes, including theft, enmity against God (*mohareb*) and certain sexual acts. It is also concerned that corporal punishment of children is lawful in the home, as a sentence of the courts and in alternative care settings (art. 7).

**The State party should amend the Penal Code to abolish the imposition of corporal punishment by judicial and administrative authorities. The State party should also explicitly prohibit (all forms of) corporal punishment in childrearing and education, including by repealing the legal defences for its use in article 1179 of the Civil Code, articles 49 and 59 of the Penal Code and article 7 of the Law on the Protection of Children.**

17. The Committee is concerned about reports of the use of general and blanket arrest warrants, which do not contain the names of the accused and are not based on a judge's review of evidence (art. 9).

**The State party should ensure that arrest warrants contain the names of the accused and are based on a judge's review of material evidence. It should also release those persons that have been detained on the basis of general and blanket arrest warrant, in the absence of evidence.**

18. The Committee is concerned about the average length of pre-trial detention periods, and the absence in article 33 of the Code of Criminal Procedure of a limit to the amount of time a court can order somebody to remain in detention by law enforcement officers. The Committee is also concerned about reports that individuals are held in incommunicado detention in unacknowledged detention centres (articles 7, 9).

**The State party should take all necessary measures to ensure that pre-trial detention is not excessively long in law and in practice, particularly through independent judicial supervision and prompt access to lawyers, in full compliance with article 9 of the Covenant. The State party should also take immediate steps to eliminate incommunicado detention, taking due care to ensure compliance in practice.**

19. The Committee is concerned about poor conditions in detention facilities, in particular in Evin Prison, sections 350, 2A, 209 and 240. It is also concerned about the use of solitary confinement, unreasonable limits on family visits, as well as the reported denial of medical treatment to many prisoners in Ward 350/Correctional Facility 3 of Evin Prison (articles 7, 10).

**The State party should take immediate steps to establish a system of regular and genuinely independent monitoring of places of detention, and ensure that conditions of detention conform to articles 7 and 10 of the Covenant, as well as to the United Nations Standard Minimum Rules for Treatment of Prisoners. It should also systematically include human rights training as a standard component of curricula, covering the topics of the prohibition of torture, effective interrogation techniques, conditions of detention and the treatment of detainees, in the training of law enforcement, prison and judicial officials.**

20. The Committee is concerned about the persistent trafficking in women and children, particularly young girls from rural areas, often facilitated by temporary marriages ("siqeh")(art.8).

**The State party should take steps to combat and prevent the trafficking and sale of persons under 18 years of age. The State party is also requested to provide the Committee in its next periodic report with statistics, on an annual basis, on the number of arrests and convictions under the 2004 law to combat trafficking.**

21. The Committee is deeply concerned about the frequent violations of fair trial guarantees provided for under the Covenant, especially in the Revolutionary Courts and the Evin Prison Court. It is also concerned about the invocation by judicial officials of the "mahdoor-ol-dam" (deserving of death) definition in their rulings (articles 14, 6).

**The State party should ensure that all legal proceedings are conducted in full accordance with article 14 of the Covenant, including guaranteeing (a) the right to legal assistance of one's own choosing, including for pre-trial detainees; (b) the right to be informed promptly of the nature and cause of the criminal charges; (c) the intervention and presence of lawyers in all cases, including during the investigation stage; (d) the presumption of innocence; (e) the right to a public hearing; and (f) the right to appeal a ruling. The State party should remove the "mahdoor-ol-dam" (deserving of death) definition, applied to victims, so as to ensure that perpetrators are prosecuted and brought to justice for their crimes. The Committee reminds the State party of its General Comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial.**

22. The Committee is concerned that the independence of the judiciary is not fully guaranteed and is compromised by undue pressure from the Executive power, including the Office for Supervision and Evaluation of Judges, as well as senior clerics and high-ranking Government officials ahead of trials. The Committee is also concerned that judges have used Shari'a law and fatwas to reach a verdict that was in contravention to the rights and principles as laid down in the Covenant (art.14).

**The State party should take immediate steps to ensure and protect the full independence and impartiality of the judiciary, and guarantee that its functioning is free from pressure and interference from the executive power and clergy. The State party should also ensure that judges, in interpreting legislation as well as in relying on religious principles, do not reach verdicts that are in contravention to the rights and principles as laid down in the Covenant.**

23. The Committee is concerned about discrimination against members of the Christian minority, including arrests based on charges of proselytizing as well as a ban on conducting Christian services in the Farsi language. The Committee also notes with concern that individuals who have converted from Islam have been arrested, and that article 225 of the draft Penal Code aims at making the death penalty mandatory for convicted male apostates (art.18).

**The State party should take steps to ensure full respect for the right to freedom of religion or belief, including ensuring that legislation and practices fully conform to article 18 of the Covenant. This also entails that the right of everyone to change his or her religion, if he or she so chooses, is unconditionally and fully guaranteed. The Committee also urges the State party to revoke article 225 of the draft Penal Code. The Committee recalls its general comment No. 22 (1993) on the right to freedom of thought, conscience and religion.**

24. The Committee is concerned that members of the Baha'i community continue to be denied their right to freedom to have or adopt a religion or belief. It is also concerned that members of the Baha'i community continue to be subjected to a range of violations of their rights, including arbitrary detention, false imprisonment, confiscation and destruction of property, denial of employment and Government benefits and denial of access to higher education (articles 18, 19, 20, 27).

**The State party should ensure full respect for the freedom of everyone, including members of the Baha'i community, to have or to adopt a religion or belief of his or her choice, and the freedom, either individually or in community with others and in public or private, to manifest this religion or belief in worship, observance, practice and teaching. The State party should take immediate steps to ensure that members of the Baha'i community are protected against discrimination in every field, that violations of their rights are immediately investigated, that those found responsible are prosecuted and that they are provided with effective remedies.**

25. The Committee is concerned that Sunni Muslims continue to face discrimination in law and in practice, and are prevented from fully exercising their right to freedom to manifest their religion (articles 18, 19).

**The State party should guarantee the freedom to manifest a religion or belief and that it can be exercised either individually or in community with others and in public or private. The Committee reminds the State party that this right also entails the building of places of worship.**

26. The Committee is concerned that the right to freedom of assembly and association is severely limited, and notes that the holding of public gatherings and marches as well as the establishment of associations are conditional upon compliance with "principles of Islam", which are not defined under national legislation. The Committee is also concerned about continuing reports of harassment or intimidation, prohibition and forceful breaking up of demonstrations, and arrests and arbitrary detentions of human rights defenders. It notes with concern that human rights defenders and defence lawyers often serve prison sentences based on vaguely formulated crimes such as "mohareb" (enemy of God) or the spreading of propaganda against the establishment. The Committee also notes in particular the high number of women's rights activists who have been arrested and detained, including volunteers and members of the One Million Signatures Campaign (articles 19, 21, 22).

**The State party should ensure that the right to freedom of assembly and association is guaranteed to all individuals without discrimination and release immediately and unconditionally anyone held solely for the peaceful exercise of this right, including students, teachers, human rights defenders (including women's rights activists), lawyers and trade unionists. The State party should also ensure the prompt, effective and impartial investigation of threats, harassment, and assault on members of these groups, and, when appropriate, prosecute perpetrators of such acts. The State party should also withdraw its draft Bill on the Establishment and Supervision of Non-Governmental Organisations, which would establish a Supreme Committee Supervising Non-Governmental Organisations' Activities, chaired by the Interior Ministry, including representatives from the Intelligence Ministry, the police, the Basij and the Revolutionary Guards Corps.**

27. The Committee is concerned that many newspapers, magazines, as well as the Journalists Association, have been closed by the authorities since 2008, and that many journalists, newspaper editors, film-makers and media workers have been arrested and detained since the 2009 presidential elections. The Committee is also concerned about the monitoring of Internet use and contents, blocking of websites that carry political news and analysis, slowing down internet speeds and jamming of foreign satellite broadcasts, in particular since the 2009 presidential elections (art.19).

**The State party should fully guarantee the right to freedom of expression and opinion of independent media, and ensure that journalists can exercise their profession without fear of being brought before courts. The State party should release, rehabilitate and provide effective judicial redress and compensation for journalists that were imprisoned in contravention of articles 9 and 19 of the Covenant. The State party should also ensure that the monitoring of Internet use does not violate the rights to freedom of expression and privacy as defined in the Covenant. The Committee reminds the State party of its General Comment No.34 (2011) on article 19.**

28. The Committee is concerned that the minimum age for marriage is too low and that it differentiates on the basis of sex. It is also concerned about the practice of forced, early and temporary marriages of young girls (articles 23, 24).

**The State party should eliminate discrimination on the basis of sex in the minimum age of marriage. It should also ensure that the minimum age complies with international standards and should adopt active measures preventing forced, early and temporary marriage of girls.**

29. The Committee is concerned about the requirements for registration in election campaigns (in particular article 28, sections 1 and 3, of the Majlis Elections Act), and the right of the Guardian Council to reject parliamentary candidates (as per article 3 of the Amendment to the Majlis Elections Act). The Committee notes with concern that with regard to the 10<sup>th</sup> presidential election in 2009: (1) only four candidates were approved out of more than 450 prospective candidates; (2) international observers were not allowed entry to monitor the election results; (3) cell phone signals and access to social networking and opposition websites were blocked; (4) political activists, members of the country's religious and ethnic minority communities, students, trade unionists and women's rights activists were harassed and arbitrarily detained; (5) election results were approved by Ayatollah Khamenei before certification by the Guardian Council; and (6) two provinces showed a turnout of more than 100 per cent. The Committee also notes with concern the arrest of dozens of political opposition members in February 2011 as well as the dissolving by court order of two pro-reform political parties (art.25).

**The State party should introduce legislative amendments to ensure that articles 3 and 28, sections 1 and 3, of the Majlis Elections Act are in conformity with the rights guaranteed in article 25 of the Covenant. It should also take adequate steps to guarantee that elections are conducted in a free and transparent manner, in full conformity with the Covenant, including through the establishment of an independent electoral monitoring commission.**

30. The Committee is concerned about the restrictions and conditions placed on the enjoyment of cultural, linguistic and religious freedoms of minorities in the State party, such as the Kurds, Arabs, Azeris and Baluch, including the use of minority languages in schools, and publication of journals and newspapers in minority languages (art.27).

**The State party should ensure that all members of ethnic, religious and linguistic minorities enjoy effective protection against discrimination and are able to enjoy their own culture and use their own language in media and schools, participate in public affairs and are provided with effective remedies against discrimination.**

31. The State party should widely disseminate the Covenant, the text of the third periodic report, the written responses it has provided in response to the list of issues drawn up by the Committee, and the present concluding observations so as to increase awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee also suggests that the report and the concluding observations be translated into the official language of the State party. The Committee also requests the State party, when preparing its fourth periodic report, to broadly consult with civil society and non-governmental organizations.

32. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 9, 12, 13 and 22 above.

33. The Committee requests the State party, in its next periodic report, due to be submitted on 2 November 2014, to provide, specific, up-to-date information on all its recommendations and on the Covenant as a whole.







### Establishing the facts – Investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed, rigorous and impartial procedures to establish facts and responsibility. Experts sent to the field give their time to FIDH on a voluntary basis.

FIDH has conducted more than 1 500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH's alert and advocacy campaigns.

### Supporting civil society – Training and exchange

FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

### Mobilising the international community – Permanent lobbying before intergovernmental bodies

FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them. FIDH also takes part in the development of international legal instruments.

### Informing and reporting – Mobilising public opinion

FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.

# LDDHI

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

Iranian League for the Defence of Human Rights  
(FIDH Member)

**Iranian League for the Defence of Human Rights (LDDHI)** was founded in Paris in March 1983, following the closure of the Iranian Association for the Defence of Human Rights and Liberties in 1981, which had been established in 1977, and the departure of its leaders into exile.

Its aims are:

- to report and campaign against human rights violations in Iran.
- to propagate the culture of Human Rights among Iranians through publication of books, magazines and articles in Persian and in other languages for the Iranian communities abroad, and giving interviews to the international media;
- to organise talks and conferences in various countries, on the abolition of the death penalty in Iran, women's rights, freedom of political prisoners and prisoners of conscience, and religious and ethnic minorities, freedoms of expression, assembly and association among others.
- to hold conferences with international NGOs and UN agencies.

LDDHI became a member of the FIDH in 1986.

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# FIDH represents **164** human rights organisations on **5** continents



of person. Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 6: Everyone has the right to recognition everywhere as a person before the law. Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Article 9: No one shall be subjected to arbitrary arrest,

## ABOUT FIDH

- FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

- A broad mandate

FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

- A universal movement

FIDH was established in 1922, and today unites 164 member organisations in more than 100 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

- An independent organisation

Like its member organisations, FIDH is not linked to any party or religion and is independent of all governments.

**fidh**

Find information concerning FIDH's 164 member organisations on [www.fidh.org](http://www.fidh.org)