



UPR Submission

Iran

August 2009

## **Summary**

Iran's Constitution, ratified in 1979, sets out basic rights to expression, assembly and association. Yet these rights are invariably weakened by broadly defined exceptions also in the Constitution. In addition, the government relies on a set of vaguely worded laws within Iran's Islamic Penal Code, entitled "Offenses Against the National and International Security of the Country," to suppress peaceful activity or expression that it perceives as critical of officials or their policies. It also uses these laws to deny detainees basic due process rights.

Widespread human rights violations have intensified since the June 2009 presidential elections. These violations include arbitrary arrest and detention on a large scale, ill-treatment and torture in custody, and severe restrictions on freedoms of expression, assembly, and association.

The government systematically denies rights associated with freedom of religion to members of the Baha'i faith, Iran's largest non-Muslim religious minority. In most cases, including the persecution of the Baha'i community, the government uses "security" as a pretext for detaining individuals and denying them basic due process rights.

Iran is among five countries in the world known to have executed juvenile offenders since 2005. It leads all countries of the world in executing juvenile offenders and ranks in the top two for overall executions.

## **Restrictions on Freedom of Assembly and Association**

By denying permits and selectively enforcing permit requirements, Iranian authorities routinely violate freedom of assembly rights. Since 2005, civil society activists such as women's rights campaigners and labor activists have consistently faced the threat of arrest and being forcibly dispersed by security forces.

In the summer of 2006, security forces arrested 42 women and 28 men on charges of "participation in an illegal assembly" at a peaceful demonstration in Seventh Tir Square in

Tehran. The organizers convened the event to ask for changes to laws that discriminate against women. In March 2007, the government set a date to try five of those who had played a role in planning the demonstration. Security forces violently broke up a gathering of supporters outside the courthouse, arresting 33 of the demonstrators, including the four women who had shown up for their court date.

Individual women's rights activists, particularly those working with the One Million Signatures Campaign (a project to raise public awareness about discriminatory laws against women), continue to face arrest and harassment for their peaceful activities.

Authorities have responded harshly to workers who advocate better working conditions outside the rubric of government-controlled labor organizations. In March 2007, teachers in Tehran staged peaceful gatherings in Tehran in front of the parliament to protest neglect of teachers' wage and benefits. During the second week of demonstrations, riot police and security forces arrested hundreds of protesting teachers. Arrests of participating teachers continued for one month after the demonstrations; many remained in pretrial detention for up to 60 days without formal charges. In July 2007, authorities arrested Mansoor Osanlou, the founding member of the Syndicate of Bus Operators of Tehran and Suburbs. He is serving a five-year sentence on charges of "acting against national security" for his labor union activities.

After the June 2009 presidential election, hundreds of thousands of largely peaceful demonstrators alleging election fraud took to the streets of Tehran and other major cities. Police and security forces attempted to forcefully disperse protestors, beating them and, on at least two occasions, firing live ammunition into the crowds. Plainclothes officers and members of the paramilitary Basij forces were responsible for some of the most violent attacks. Government forces arrested hundreds of demonstrators and killed at least 30. Plainclothes forces also attacked Tehran University dormitories, severely beating students presumed to have participated in earlier demonstrations.

### **Restrictions on Freedom of Expression, Access to Information**

Outside of state-owned and state-friendly outlets, the government has little tolerance for media. It allows a few reformist publications and websites to continue, but subjects them to interference and censorship. The authorities also target journalists and writers for detention and punishment.

Government-issued permits are required prior to publication of any book, providing authorities with another mechanism for limiting freedom of expression. Over the past four years, the government selectively delayed or denied issuing permits, preventing certain writers from getting their work published.

The government limits access to the internet by blocking sites it deems morally or politically inappropriate. Before and following the 2009 presidential election, the government blocked at least five major internet sites.

## **Restrictions on Freedom of Religion**

Iran's Constitution recognizes and grants freedom of worship to only three religious minorities: Zoroastrianism, Judaism, and Christianity. The government considers Baha'is to be apostates from Islam, thus excluding Iran's 300,000-member Baha'i community from constitutional recognition and protection. Baha'is cannot practice their faith in a public manner.

In recent years, the government has taken additional steps to exclude and intimidate members of the Baha'i community. In 2007, authorities at the National Education Measurement and Evaluation Organization denied 800 Baha'i students access to their National Entrance Examination scores, leaving them unable to complete the university admissions process. In 2008, the authorities arrested seven leaders of the national organization of Baha'is. The government accused them of spying for Israel, "insulting religious sanctities," and spreading propaganda against the Islamic Republic and did not allow the detainees access to their lawyers. They remained in detention without charge as of September 2009.

## **Arbitrary Detention, Ill-treatment in Custody**

Using the umbrella of national security as a pretext, the government routinely detains writers, journalists, student and women's rights activists as well as anyone it perceives as a critic. In addition to depriving detainees of due process rights such as denying or delaying access to lawyers, the authorities apply psychological and physical pressures such as sleep deprivation, prolonged interrogations while blindfolded, and providing false information to detainees about their loved ones. Often these methods are used to coerce confessions. Confessions are routinely recorded and on occasion broadcast on state-owned media.

Prison authorities fail to provide adequate care for detainees. In early 2009, detained blogger Omidreza Mirsayafi took extra doses of his medication and died when prison officials failed to provide him with proper medical care. Prominent reformist Saeed Hajjarian, whom authorities arrested in June 2009, did not receive the specialized medical care he needed as a result of injuries sustained during a 2000 assassination attempt.

After the election of 2009, the Iranian authorities detained hundreds of ordinary protestors along with prominent opposition figures. Released detainees reported that authorities beat and humiliated them during arrest and detention. The government has acknowledged three deaths in detention; however, the lack of transparency and accountability about post-election violence make it difficult to determine if this number is accurate.

## **Interference with Private Life**

Consensual homosexual conduct between adults is criminalized in Iran. "Sodomy" or consummated sexual activity between males is punishable by execution. Tafkhiz (the rubbing together of thighs or buttocks or other forms of non-penetrative "foreplay" between men) is punishable by one hundred lashes for each partner, according to Articles 121-122 of the Penal Code. Recidivism is punishable by death on the fourth conviction. Articles 127 to 134 stipulate

that the punishment for sexual intercourse between women is one hundred lashes and if the offence is repeated three times, the punishment is execution.

Arrests of men suspected of homosexual conduct on dress-code charges and related offenses appear widespread. In May 2007, during a nationwide crackdown to enforce dress codes and conduct, police raided a private party in an apartment building in Esfahan. They arrested 87 persons, of whom 24 were later convicted of facilitating immorality and sexual misconduct, with most sentenced to up to 80 lashes and to fines of 10 million to 50 million riyals (US\$1,000-5,000).

### **Executions**

Iran is among the world's top two in the number of executions. In 2008, authorities hanged 29 adults inside Evin prison in Tehran. The authorities said the executed men had been convicted of drug smuggling and murder, but provided names for only 10 of them, and did not release the evidence against them or details of their prosecution. In 2009, authorities hanged 20 persons in the city of Karaj on charges of drug trafficking.

The situation of executions is particularly dire for Iran's ethnic Baluch in Sistan and Baluchistan province, where the government has detained and executed persons without legal representation or fair trial. The government has used the activities of armed opposition group Jondollah to justify these executions.

After a 2007 bombing of a bus carrying members of Iran's Revolutionary Guards Corps in the southeastern province, the government arrested dozens of members of the Baluch minority. The government hanged at least eight Baluch it accused of the bombing. One of the eight Nasrollah Shanbezehi, was publicly executed just one week following the bombing after televising his "confession" and following a rushed trial in which he had no access to a lawyer.

In 2009, the government executed 13 members of Jondollah and broadcast the "confessions" of Abdulhamid Rigi, a brother of Jondollah's leader Abdulmalek Rigi.

### **Juvenile Death Penalty**

Iran leads the world among the last five countries known to carry out executions of juvenile offenders. Iran carried out at least eight executions of juvenile offenders in 2007 and at least seven in 2008. At least 130 juvenile offenders are currently on death row in Iran, and the government executed at least two juvenile offenders in 2009. In one of these cases, Delara Darabi, the execution was carried out at Rasht Central Prison on May 1 despite a two-month stay of execution issued on April 19 by the head of the Judiciary.

Two core international treaties, the Convention on the Rights of the Child and the international Covenant on Civil and Political Rights, prohibit the imposition of the death penalty for crimes committed before the age of 18. Iran has ratified both treaties.

### **Recommendations**

- Unconditionally release, or charge and bring before a court whose proceedings meet international fair trial standards, all persons detained solely for peaceful political activities.
- Release all individuals currently deprived of their liberty for peacefully exercising their rights to free expression, association, and assembly.
- Investigate and prosecute all government officials and paramilitary members suspected of beating and killing demonstrators
- Investigate and prosecute all government officials suspected of torture or cruel and degrading treatment of detainees
- Amend the “Offenses against the National and International Security of the Country” to define both “national security” and the breaches against it in specific terms that do not unduly infringe upon internationally guaranteed rights of free speech and assembly
- Amend provisions in the Code of Criminal Procedure that allow the government to deny due process rights such as the right to counsel in the investigative phase of pretrial detention.
- Lift restrictions on press and publications, end blocking of internet sites
- End harassment and arrests of individuals on the basis of dress or appearance and repeal laws criminalizing consensual homosexual conduct between adults
- Immediately release detained Baha’i leaders and end policies of discriminating against the Baha’i community
- Enact as a matter of urgency legislation banning the imposition of capital punishment or life without parole on persons who were under 18 at the time of the crime without exceptions. and implement a moratorium on all executions of persons convicted of crimes committed before age 18. Review all existing death sentences passed on persons who were under 18 at the time of the crime, and commute those sentences to custodial or other sentences in conformity with international juvenile justice standards.
- Abolish the death penalty

## Annex

### **Freedoms of Expression, Assembly, Association and Arbitrary Detention, Ill-treatment in Custody**

#### **[Iran: Freedom of Expression and Association in the Kurdish Regions](#)**

This 42-page report documents how Iranian authorities use security laws, press laws, and other legislation to arrest and prosecute Iranian Kurds solely for trying to exercise their right to freedom of expression and association. The use of these laws to suppress basic rights, while not new, has greatly intensified since President Mahmoud Ahmadinejad came to power in August 2005.

January 9, 2009

#### **[“You Can Detain Anyone for Anything”](#)**

*Iran's Broadening Clampdown on Independent Activism*

This 51-page report documents the expansion in scope and number of the individuals and activities persecuted by the Iranian government over the last two years.

January 6, 2008

### **Freedom of Religion**

#### **[Iran: Free Baha'i Leaders](#)**

*On Anniversary of Detention, Reports of New Charges*

Iran should immediately free seven detained Baha'i community leaders, or bring them promptly to trial so they can defend themselves in fair and open proceedings against the serious charges against them, Human Rights Watch said today.

May 14, 2009

#### **[Iran: Allow Baha'i Students Access to Higher Education](#)**

*Government Discriminates against 800 Students on Basis of Faith*

Iran should immediately end practices aimed at barring Baha'i students from attending universities, Human Rights Watch said today. The government should quickly resolve the situation of some 800 Baha'i students whom it prevents from obtaining their educational records and completing the university admission process.

September 19, 2007

## **Interference with Private Life**

### **[Iran: Private Homes Raided for 'Immorality'](#)**

*Authorities Escalate Arbitrary Arrests, Harassment*

The arrest of more than 30 men attending a party in a private home in the city of Esfahan signals renewed efforts by Iranian authorities to enforce "morality" codes, and highlights the fragility of basic rights in a country where police powers routinely undermine privacy, Human Rights Watch said today.

March 27, 2008

## **Juvenile Death Penalty**

### **[The Last Holdouts](#)**

*Ending the Juvenile Death Penalty in Iran, Saudi Arabia, Sudan, Pakistan, and Yemen*

In this 20-page report, Human Rights Watch documents failures in law and practice that since January 2005 have resulted in 32 executions of juvenile offenders in five countries: Iran (26), Saudi Arabia (2), Sudan (2), Pakistan (1), and Yemen (1). The report also highlights cases of individuals recently executed or facing execution in the five countries, where well over 100 juvenile offenders are currently on death row, awaiting the outcome of a judicial appeal, or in some murder cases, the outcome of negotiations for pardons in exchange for financial compensation.

September 10, 2008