

1 September 2009
Islamic Republic of Iran
Submission to the UN Universal Periodic Review
7th session of the UPR Working Group of the Human Rights Council

Executive summary

This submission by the **International Campaign for Human Rights in Iran** provides information under sections C and D as stipulated in the *General Guidelines for the Preparation of Information under the Universal Periodic Review*:

Section C briefly enumerates some of the Campaign's concerns about the Islamic Republic of Iran's violations of its legal obligations as a State party to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Social, Economic, and Cultural Rights (ICESR), and the Convention on the Rights of the Child (CRC).

In Section D, the Campaign makes a number of recommendations for action by the government to address areas of immediate and ongoing concern.

C. Promotion and protection of human rights

1. Particularly in the context of peaceful protests following the disputed presidential election on 12 June 2009, authorities in the Islamic Republic of Iran (IRI) have egregiously violated their obligations to protect civil and political rights. A cursory review of some of these violations is as follows:

2. **Violations of Article 21, ICCPR.** Since the disputed 12 June presidential elections, Iranian authorities have continually banned peaceful demonstrations in Iran's main cities including Tehran, Tabriz, Mashad and Rasht, as well as elsewhere, to protest electoral fraud and to demand human rights. Security and intelligence forces as well as quasi-civilian Basiji militias on motorcycles have brutally attacked demonstrators, using batons, tear-gas, pepper-spray, water cannons, chains, live ammunition and plastic bullets, killing an as yet undetermined number. Most of the injured and killed were beaten on their heads or shot in the head or chest. Security agents have arrested injured demonstrators when they sought medical treatment in hospitals. The use of force against demonstrators has been excessive, unlawful, and in gross violation of the standards contained in the *United Nations Basic Principles on the Use of Force by Law Enforcement Officers* upheld by the UN General Assembly. (Appendix I)

3. **Violations of Article 9.** State authorities have announced at least 4000 persons were arrested and detained for varying lengths of time. A large number were ordinary people who were taken into custody as they participated in peaceful demonstrations. The authorities have also arrested hundreds of opposition figures, journalists, human rights lawyers and activists, intellectuals, professors, students, and prominent former members of the government. In total, more than 240 persons were arrested in the first 10 days, from June 13 to 23, apparently on the basis of their political views, a process of criminalizing dissent that violates **Article 19**. Many of those detained were essentially "disappeared," as they were apprehended by unidentified persons and taken to unknown places. (Appendix II)

4. **Violations of Article 14.** Due process violations have accompanied all arrests. Arrests have been made with no warrants or other court documents being presented, or on the basis of general and undated warrants giving authorities virtually unlimited license to make arrests. They have often been made late in the night or very early in the morning and families have been abused in the process. Arrests have been made by plain-clothes agents presenting no identification. Personal property has sometimes been damaged or confiscated. Detainees have been taken to unknown locations. Many of those detained are reportedly held in solitary confinement and in *incommunicado* detention. They have not been informed of the charges against them until trials have started. They have been prevented from contact with lawyers, and lawyers have not been informed about the content of indictments under which many of the detainees have subsequently been charged. Indictments have not indicated which laws have been allegedly broken. A chronic problem is the Judiciary of the IRI demonstrably lacking any independence. (Appendix III)

5. **Violations of Article 7.** Numerous detainees have been tortured in order to produce confessions to corroborate charges against the detainees. Arrests have, in a number of cases, threatened the lives of the detainees. For example, Seed Hajjarian is a detained reformist political figure who, despite suffering from severe physical problems as a result of an assassination attempt in 2001 and needing special care 24 hours a day, was repeatedly tortured during interrogation. The treatment of other ill detainees has amounted to torture. Ebrahim Yazdi, a former Foreign Minister, was arrested and taken into detention while in the intensive care unit of a hospital. On 22 August 2009, Dr. Mohammad Maleki, a retired professor suffering from prostate cancer and confined to bed, was detained. Several detainees are known to have died in custody as a result of injuries inflicted during interrogations or neglect of wounds. There are numerous and credible reports of the sexual abuse and rape of detainees, as well as beatings, denial of food, disallowing use of toilets, and many other forms of physical and psychological abuse. (Appendix IV)

6. **Violations of Article 6, and of Article 37 (a) of the CRC.** As of this writing there is still no credible government account of the number of deaths that have occurred during and after demonstrations as the authorities have taken active steps to force some families to attest that loved ones died of natural causes. Numerous credible reports suggest that the authorities have attempted to conceal the number of those killed in demonstrations, keeping bodies in makeshift morgues and burying bodies surreptitiously. Iran's violations of the Right to Life include its application of the death penalty, making the country second only to China in the absolute number of executed people. The execution rate has jumped markedly since the onset of political stability, including several mass executions, with around 115 persons executed in a period of 50 days. The authorities have not released all the names of those thus executed or the crimes for which they have been convicted. Iran is the world's leading executioner of those who have allegedly committed crimes as juveniles, and well over 100 young people thus convicted and sentenced await execution on death row. (Appendix V)

7. Attention should also be given of Iran's discriminatory laws, violating **Article 26 of the ICCPR** and its persecution of women's rights activists (Appendix VI), the persecution of members of the Baha'i Faith (Appendix VII) violating **Article 18**, the ban on forming independent trade unions and the violent persecution of trade union activists, including inter alia Mansour Osanloo, Ebrahim Madadi, Farzad Kamangar, and Sajad Khaksari and violating **Article 8 of the ICESCR** (Appendix VIII), and the denial of the right to education, **Article 13 of**

ICESCR, as numerous Iranian university students have been denied education for their peaceful expressions of political and social opinions (Appendix IX).

8. The government and legislature have taken some positive steps to address some of these problems. A detention center, Kahrizak, where severe abuses took place, was closed, and the *Majlis* has established an investigative committee to look into allegations. As of this writing, only low-level officials have been charged for the crimes committed at Kahrizak; grave human rights violations have been and continue to be perpetrated in many other locations; and prisoners' safety has not been guaranteed in connection with the *Majlis* investigation.

D. Recommendations for action by the State under review

9. The IRI can take a number of steps to address immediate threats to human rights connected to the repression of recent protests and to implement a national human rights strategy to bring Iran's human rights practices into conformity with its international legal obligations.

(1) Arbitrary Arrests, Prison Conditions, Torture and Deaths of Demonstrators and Detainees

10. The IRI should initiate an immediate, independent review of those detained and serving sentences on the basis of their political views that is, of prisoners of conscience, and immediately release detainees and commute illegal sentences.

11. The IRI should issue invitations to the United Nations Special Rapporteurs on Arbitrary Detentions, Extrajudicial Executions, Torture, and Human Rights Defenders to advise and assist in this process.

12. The *Majlis* and Judiciary should thoroughly investigate and prosecute charges of torture and ill treatment and other violations of Iranian law, assuring victims of security if they cooperate.

13. The IRI should provide access to the International Committee of the Red Cross (ICRC) to all prisons.

14. The IRI should make a full, transparent disclosure of fatalities that have occurred during and after demonstrations since the 12 June elections, and thoroughly investigate each and prosecute any responsible security, militia, or prison personnel.

15. The IRI should avail itself to opportunities to inform and train security officials, Judiciary officials, prison authorities, and police officers, regarding respect for human rights principles especially with regard to the IRI's obligations to allow peaceful assemblies; observing UN standards for the use of force; preventing torture and ill-treatment; and respecting rules of due process and equality before the law.

16. The IRI should accede to the Convention Against Torture (CAT), and promulgate legislation and revisions to the penal code prohibiting and punishing torture consistent with the Convention.

(2) Violations of the Freedom of Expression, Association, and Peaceful Assembly

17. Bans on peaceful demonstrations and gatherings should be lifted.
18. Censorship and any restrictions on media and civil communications should end.
19. Nongovernmental organizations and activists including women's rights defenders and human rights defenders should be allowed to function without restrictions and spurious charges against such organizations should be immediately dropped, in accordance with the provisions of the UN Declaration on Human Rights Defenders. Imprisoned human right defenders including Mohammad Ali Dadkhah, Shiva Nazarahari, Kayvan Poursamimi, and Mohammad Sadiq Kaboudvand (who is serving an over 10-year sentence for his human rights activities) should be immediately released. Human rights organizations such as the Defenders of Human Rights Center should be allowed to function. (Appendix X)

(3) Death Penalty; Juvenile Executions

20. An immediate moratorium on imposing the death sentence should be imposed, pending an independent review of all pending cases that will focus on fair trials; the veracity of any confessions taken as evidence; the possible use of torture to coerce such confessions; restrictions on defense lawyers; and any other violations of due process as indicated in the Iranian constitution and Article 14 of the ICCPR, as well as in other UN standards accepted by the General Assembly.
21. The IRI should publicize all relevant facts regarding persons who have been executed in the past five years and the crimes for which they have been convicted.
22. The *Majlis* should pass legislation banning the execution of anyone for a crime committed before the age of 18. Laws should raise the age of legal responsibility to international standards.
23. All death sentences imposed on persons for crimes committed under the age of 18 should be immediately commuted including those sentenced to *qesas* for murder or to death for *hodoud* crimes that carry the death penalty.
24. A commission composed of members of the clergy, leading human rights advocates, members of parliament, academics, and including international experts should study the question of the death penalty and make public their discussion as part of a process of national inquiry.

(4) Changing Discriminatory Laws

25. The IRI should put an immediate end to all judicial proceedings against all women's rights defenders involved in the "One Million Signatures Campaign" as well as those who peacefully gathered on 4 March 2007, and 12 June 2006, as they have been prosecuted and sentenced arbitrarily and in relation to their human rights activities; and ensure that women's

rights defenders who have already been sentenced be granted fair and impartial trials when appealing their sentences.

26. The IRI should take concrete steps, in collaboration with the legislature, designed to address and rectify legal discrimination against women in Iran's civil and penal codes.

27. The IRI should sign and ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

(5) Protecting the Right to Form Free Trade Unions

28. Imprisoned labor activists, including Mansour Osanloo, Ebrahim Madadi, Farzad Kamangar, and Sajad Khaksari should be immediately released pending an independent review of all detentions, charges, and sentences imposed upon trade union activists.

29. Attacks on peaceful May Day demonstrators should be repudiated and violence against demonstrators investigated and prosecuted.

30. The IRI should implement the core conventions of the International Labor Organization (ILO), and ratify C87 (Freedom of Association) and C98 (Right to Organize).

31. The *Majlis* should initiate a revision of the IRI's labor laws to bring them into conformity with ILO standards and with Article 13 of the ICESCR.

(6) Protecting the Rights of Ethnic and Religious Minorities

32. The IRI should drop charges against and release imprisoned members of the Baha'is faith, and end discrimination in education, employment, other relevant areas, and investigate acts of violence against Baha'is by authorities.

33. The IRI should eliminate all arbitrary arrests, infringements on civil liberties including the freedoms of assembly and association, and protect the linguistic and cultural rights including the right to use their mother tongue of minority group members including members of the Arab, Kurdish, Baluchi, Sufi, Azerbaijani, and Christian communities, as well as many other groups. Minority rights activists, including Azerbaijani activist Saeed Matinpour who advocates for the rights of Azerbaijanis to speak their mother tongue, should be released, and the IRI should take active steps to combat ethnic discrimination.

Appendices:

Appendix I: Violations of the Right to Peacefully Demonstrate and Assemble

- Eyewitness account of Amir Toufanpour's death
- Eyewitness account of Tehran protests – 9 July 2009
- Eyewitness account of demonstrations – 20 June 2009
- 17 July 2009 Campaign statement
- 15 July 2009 Campaign statement
- 10 July 2009 Campaign statement
- 19 June 2009 Campaign statement
- 17 June 2009 Campaign statement
- 15 June 2009 Campaign statement
- 14 June 2009 Campaign statement
- 13 June 2009 Campaign statement

Appendix II: Arbitrary Arrests

- List of those Detained Arbitrarily and Killed since 12 June elections
- 8 July 2009 Campaign statement
- 23 June 2009 Campaign statement
- 17 June 2009 Campaign statement
- 17 June 2009 Campaign statement

Appendix III: Violations of Due Process Rights

- 8 July 2009 Campaign statement

Appendix IV: Torture in the Islamic Republic of Iran

- 10 August 2009 Campaign statement
- 30 July 2009 Campaign statement
- 27 July 2009 Campaign statement
- 6 July 2009 Campaign statement

Appendix V: Violations of the Right to Life and Rights of the Child

- Norooz.com Editor's explanation of secret burial news
- List of 114 Juvenile Offenders on Death Row

Appendix VI: Persecution of Women's Rights Activists in the Islamic Republic of Iran

- Campaign report on the systematic repression of the women's rights movement – May 2008

Appendix VII: Persecution of the Baha'i Community in the Islamic Republic of Iran

- List of Baha'is currently imprisoned in Iran
- 14 May 2009 Campaign statement
- 17 February 2009 Campaign statement

Appendix VIII: Trade Unions and Workers' Rights

- Campaign background on workers' rights in Iran
- 17 May 2009 Campaign statement
- 8 May 2009 Campaign statement
- 1 May 2009 Campaign statement

Appendix IX: Detention and Expulsion of University Students

- List of students detained, released, and died in custody

Appendix X: Persecution of Human Rights Activists and Human Rights Organizations

- 25 June 2009 Campaign statement

30 December 2008 Campaign statement
19 December 2008 Campaign statement