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الغدرالية الدولية لحقوق الانسان

Human rights situation in the Islamic Republic of Iran

Briefing note - March 2009

The human rights situation in the Islamic Republic of Iran has remained particularly dire throughout 2008 and during the first two months of 2009, confirming the pattern of widespread and systematic violations in the country. This poor record is confirmed in all fields, in particular the situation of human rights defenders and other peaceful activists, the repression against minorities and the use of the death penalty.

1. Human Rights defenders and other peaceful activists at the forefront of repression

In 2008, violations of the rights of human rights defenders continued unabated, with an ongoing repression against women human rights defenders, and an alarming increase of harassment against human rights activists belonging to minorities and against those working on minority issues. The culmination of that trend was the closure, in December 2008, of one of the rare independent human rights NGOs operating in the country and the arbitrary arrest of its administrative assistant in January 2009. With this closure, victims of human rights violations in Iran are left without access to any effective remedy.

Closure of the FIDH member organization and arbitrary arrest of its staff

On December 21, 2008, the headquarter of the Defenders of Human Rights Centre (DHRC) in Tehran, FIDH member organisation in Iran, was violently searched without judicial search warrant and closed by the police. A private meeting was scheduled on the very same day to commemorate the 60th anniversary of the Universal Declaration of Human Rights (UDHR).

The months preceding this closure, Ms. **Shirin Ebadi**, one of the Centre's founding member, had been victim of recurrent and increasing pressure so that DHRC ceases its activities. Representatives of the Ministry of Information visited her on two occasions at her office with that purpose, but she refused to put an end to the work of the DHRC. On 21 December 2008, the police locked all entrances to DHRC.

DHRC has been working on a series of crucial themes for the future of the country: support to political prisoners and their families, monitoring and denunciation of human rights violations, support to the campaign in favour of equality of women and men, scrutiny of the legislation and practices regarding elections. Besides, DHRC has established a working group on peace and human rights - a key issue in the eyes of the Iranian population following the threats of an armed American intervention in the country. The Iranian authorities therefore wanted to put an end to its activities.

The sealing of the office of DHRC has taken place without any judicial order, in violation of Article 17 of the Law for Activities of Parties, approved on 29 August 1981 by the Islamic Consultative Assembly, under which the only authority that may issue an order for the dissolution of civil or political groups is a court of law.

On 14 January 2009, Ms. **Jinus Sobhani**, the administrative assistant of the Defenders of Human Rights Centre (DHRC), was arrested at her home, following a home search and the seizure of her personal belongings and those of her husband, by security officers. No arrest or search warrant was presented to Ms. Sobhani. She is currently detained in the Evin prison, and did not have access to her lawyer or her family, in blatant violation of international human rights law. Ms. Sobhani was eventually released on 11 March 2009, thanks to the national and international mobilization about her case.

In addition, since its launch in January 2009, the website of the DHRC is being blocked in Iran, a message appearing on the computer's screen and explaining that "according to a decision of the judiciary, the DHRC has been closed down".

Continuous attacks on women's rights defenders

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), has documented acts of harassment and legal proceedings against 54 activists involved in the "One Million Signatures" Campaign¹, repressed for their involvement in the Campaign since its creation in 2006. The increasing popularity of this movement unfortunately led to an increasing repression against its members.

Among the most recent cases: On January 29, 2009, Ms. **Alieh Eghdamdoust**, sentenced to three years' imprisonment as a result of her participation in the June 12, 2006 protest in Haft Tir Square, was incarcerated in Evin prison, Tehran. Further, on January 30, Ms. **Nafiseh Azad** was arrested while collecting signatures. She remains detained in Vozara Detention Centre.

What is even more concerning are the harsh sentences against women belonging to ethnic minorities: Ms. **Hana Abdi** and **Ronak Safarzadeh** are sadly paying the price of being both women's rights activists and Kurdish. On June 18, 2008, Ms. Abdi was sentenced to five years imprisonment for "gathering and collusion to threaten national security" in first instance, a sentence reduced to 18 months imprisonment combined with internal exile in Razan (Hamedan department). She was released on February 28th, 2009 after having served her prison sentence. Ms. Safarzadeh is still detained awaiting trial.

On September 2, 2008, the Tehran Revolutionary Tribunal sentenced Ms. **Parvin Ardalan**, Ms. **Nahid Keshavarz**, Ms. **Jelveh Javaheri** and Ms. **Maryam Hosseinkhah**, to six months' imprisonment for "publishing information against the State", for having written articles for two online newspapers that defend women's rights in Iran. They have all been released on bail after having appealed their sentences, but remain under prosecution.

In September, the Observatory was informed that eight Kurdish human rights defenders were in hunger strike as a means to protest against the arbitrary character of their detention: Mr. **Adnan Hassanpour** and Mr. **Abdolvahid** (also known as Hiwa) **Boutimar**, two Kurdish journalists and active members of Iranian civil society, sentenced to death on July 16, 2007; their sentence was

¹ The Campaign seeks to put pressure on the Iranian legislators in order to withdraw provisions that have adverse effects on women's human rights.

See Urgent Appeals IRN 001 / 0208 / OBS 021.1, IRN 002 / 0308 / OBS 030, IRN 003 / 0408 / OBS 051, IRN 005 / 0408 / OBS 064, IRN 006 / 0508 / OBS 073, IRN 007 / 0508 / OBS 090, IRN 013 / 1107 / OBS 154.1, and Press Release of September 5, 2008.

quashed in appeal and they are waiting for a second trial. Mr. **Mohammad Sadigh Kaboudvand**, a journalist and the President of the Association for the Defence of Human Rights in Kurdistan (RMMK), sentenced to ten years imprisonment at the end of May 2008, Ms. **Hana Abdi** and Ms. **Ronak Safarzadeh**, Mr. **Massoud Kordpour**, one of the founding members of the Foundation for Democracy and Human Rights in Iranian Kurdistan, and a civil society activist working on human rights and environmental issues, detained since August 25, 2008, Mr. **Yasser Goli**, a student and Kurdish rights activist detained since October 9, 2007, as well as his mother, Ms. **Fatemeh Goftari**, a member of Azar Mehr, who began serving her three months' prison sentence on August 22, 2008, and Ms. **Zeynab Bayazidi**, a member of the One Million Signatures Petition Campaign, arrested on July 7, 2008 and sentenced on August 10, 2008 to four years' imprisonment. Ms. Bayazidi's sentence was confirmed on October 7, and she was also condemned to internal exile out of Kurdistan, in Zanjan. Mr. **Saman Rasoulpour**, a member of the Human Rights Organisation in Kurdistan (HROK), was arrested on July 27, 2008 and released on bail at the end of August.

Massoud Kordpour was condemned on 20 September 2008, following a trial held behind closed doors before the revolutionary tribunal of Mahabad, to one year in jail.

Iranian courts often resort to accusations of terrorism to silence Kurdish or other minority activists, which makes them even more vulnerable to repression. These cases of harassment are the sad evidence of the determination of the Iranian authorities to pursue their attempts to silence any dissenting voice in the country.

Messr. **Kamyar and Arash Alai**, two brothers and physicians involved in an NGO working on HIV-AIDS, were arrested in June 2008 for activities contrary to state security, while they were about to leave Iran for Mexico to attend a global conference on HIV-AIDS. In January 2009, they were sentenced, by the Revolutionary Court of Tehran, to respectively three and six years of imprisonment, following a closed doors trial. **Dr. Mehdi Zakerian**, an academic specialized in international law, was arrested in mid-August 2008, and is detained since then. He was about to leave Iran for the US to start a fellowship at the University of Pennsylvania and was awaiting his visa when he was detained. At the end of September, he was able to contact his family on the phone. It is unclear whether there are formal charges against him.

On 18 February, **Sussan Razani** and **Shiva Kheirabadi** were flogged inside the central prison in Sanandaj, capital of the Iranian Kurdistan province for having participated in a May Day celebration in Sanandaj on 1 May 2008. This shows how labour activists remain a target of repression, especially those working in minority areas.

Arrests of students, journalists and members of the opposition

On February 24th, more than 70 students were arrested, following a protest at the Amir Kabir University in Tehran. The students, in a rare anti-government demonstration, were expressing their disagreement with the transfer in the university area of the corps of victims of the Iran - Iraq war. They were carrying banners complaining that their university was turned into cemetery and saying that the Evin prison was turned into a university, an allusion to the high number of students imprisoned there. The protest was followed by clashes between protesters and security forces. 40 students were later released.

Four journalists, arrested and ill-treated during their detention in 2004, were sentenced *in absentia* (they have fled the country when they were released on bail) to severe sentences of imprisonment in February 2009 : **Rouzbeh Mirebrahimi** to two years of imprisonments and 82 lashes, **Omid Memarian** to two years and a half of prison and 100 lashes, **Shahram Rafiezadeh** to nine months and 20 lashes and **Javad Gholam-Tamimi** to three years and three months of imprisonment and 10 lashes.

According to the information received, on February 20th, agents of the Ministry of Intelligence launched a great scale raid in Tehran against numerous residences of families of members of the Organisation of Moudjahiddines of the People of Iran (OMPI, French acronym), currently living in the city of Achraf in Iraq. The security forces entered violently in the houses while people were sleeping by breaking doors and windows. They exercised physical violence and terrorized families by arresting people without even leaving them time to get dressed. Eleven persons (including Ms. **Mahsa Naderi**, student, Ms. **Fatemeh Zia'i**, Ms. **Zeynab Safa'i**, Mr. **Hamed Yazerlou** and Mr. **Hassan Tarlani**, 22 years old) were arrested and transferred to the Evin prison and remain under detention. Among the 9 families under attack, are Yazerlou, Naderi, Azimi and Tarlani. The security forces proceeded to the confiscation of their personal belongings, in particular books, family photos, CDs etc. Since December 2007, more than 87 persons have been reportedly arrested and remain under detention.

2. Crackdown against religious and ethnic minorities

The Baha'is and other religious minorities: The repression against the Baha'i community has continued in the Islamic Republic of Iran. Six Baha'i leaders were arrested in Tehran on 14 May 2008, by agents of the Ministry of Intelligence and are currently detained at the Evin prison in Tehran.

The six men and women arrested are members of the national coordinating group of Baha'i in Iran - the national-level coordinating group is an informal organ that was formed with the knowledge of the government to assist 300,000 member Baha'i community in Iran. According to the Baha'i International Community (BIC), the arrests took place during a early morning raid on the residences of the persons concerned. Three out of the six members had been previously arrested and subsequently released after periods of detention ranging from five days to four months. Those arrested on 14 May 2008 are: Mrs. **Fariba Kamalabadi**, Mr. **Jamaloddin Khanjani**, Mr. **Afif Naeimi**, Mr. **Saeid Rezaie**, Mr. **Behrouz Tavakkoli**, and Mr. **Vahid Tizfahm**.

The seventh member of the national coordinating group, Mrs. **Mahvash Sabet** had been arrested in Mashhad in March 2008, after being summoned by the Ministry of Intelligence office. Since 1st September 2008, the seven prisoners of conscience are reportedly not being held any more in solitary confinement. However, their lawyers have still not been granted access to the detainees or their files. Ms. Shirin Ebadi accepted to defend the seven Baha'i prisoners. As a result, in August and September 2008, attacks and denigration have been intensified against her and her family in the official media. On 11 February 2009, a Judiciary official reportedly said that the trial of seven leaders of the Baha'i community would take place soon, according to the Iranian Students News Agency.

A new wave of arrests took place on 14 January 2009, when at least five Baha'is were arrested after government security agents raided their homes. Among them, Mr. **Shahrokh Taefi**, Mr. **Didar Raoufi**, Mr. **Payam Aghsani** and Mr. **Aziz Samandari**. Furthermore, one of the six Bahá'ís who were not taken into custody on 14 January, when his home had been searched, was summoned for interrogation on 1 February 2009. Mr. **Nima Haghar**, obeyed the summons, was arrested and detained in Evin prison the same day. As noted by the Baha'I International Community, "those arrests take place in a context of escalating campaign of attacks against the Baha'i community that has included the creation and circulation of lists of Baha'is with instructions that the activities of the members of the community be secretly monitored; dawn raids on Baha'i homes and the confiscation of personal property; a dramatic increase over the past two months in the number of Baha'is arrested; daily incitement to hatred of the Baha'is in all forms of government-sponsored mass media; the holding of anti-Baha'i symposia and seminars organized by clerics and followed by orchestrated attacks on Baha'i homes and properties in the cities and towns where such events are held; destruction of Baha'i cemeteries throughout the country and demolition of Baha'i holy places and shrines; acts of arson against Baha'i homes and properties; debarring of Baha'is from access to higher education and, increasingly, vilification of Baha'i children in their classrooms by their teachers; the designation of

numerous occupations and businesses from which Baha'is are debarred; refusal to extend bank loans to Baha'is; sealing Baha'i shops; refusing to issue or renew business licenses to Baha'is; harassment of landlords of Baha'i business premises to get them to evict their tenants; and threats against Muslims who associate with Baha'is."

Two Sunni religious representatives were killed in Kurdistan at the beginning of October and pressure against secular religious leaders is on the rise. The religious intolerance of the regime also has an impact on Shiite groups that do not share the official version of Islam promoted by the authorities : **Ayatollah Kazemeyni Boroujerdi** is purging a ten years prison sentence and several of his sympathizers were condemned to one to five years prison sentences. The religious group *Aleyasin* advocating in favour of religious pluralism has been constantly under pressure by the authorities; its leader **Peyman Fatahi**, 35 years old, was detained in Evin prison for six months in 2007, and he was re-arrested on January 14th, 2009 and is currently detained in the block 209 of the same prison. Five members of the group, Ms. **Nazi Hessami**, Messr. **Morteza Rasoulia**, **Saïd Sourati**, **Hamid Sourati** and **Farhad Moradi** were arrested. No information was provided to their families regarding the charges brought against them. *Daravishe Gonabadi*, the most well known mystic group in Iran has also been under persecution : its places of worship in Ghom and In Ispahan were respectively destroyed in 2007 and last week. The protest of members of the group, gathering hundreds of participants in front of the Parliament on February 21st 2009, was violently dispersed by the police; Several protesters were beaten and more than 200 persons were arrested.

The Kurdish minority: Over the past year, the repression against persons belonging to the Kurdish minority has been severe. Several political activists have been condemned to death and six of them are currently on death row: **Farzad Kamangar** (teacher and member of the Kamyaran teacher's association, was also an active member of a local human rights organization banned by the government), **Anvar Hossein-Panahi**, **Farhad Vakili**, **Ali Heydarian**, **Arsalan Olyayi** and **Habibullah Latifi**. Accused of belonging to a Kurdish armed group PJAK, those persons are considered as "fighting God" (*mohareb*).

The repression against activists belonging to ethnic and religious minorities is dramatically on the rise in Iran. Sometimes, they are accused of terrorism, attacks against national security, treason even if there is no concrete evidence against them. The authorities do not seem to make any distinction between peaceful advocacy for the right of minorities and terrorist attacks by armed groups.

The Baluch, Azeri and Arabic minorities: The pattern is the same regarding the other minorities in Iran, notably the Baluch and the persons belonging to the Arabic minority of Khuzestan. The below-mentioned execution of Mr. **Yaghoub Mehrnehad**, a social activist in the south-eastern province of Sistan and Baluchistan and journalist for the Mardomsalari (Democracy) newspaper, witnesses this trend (see below). Repression against Sunni increased, notably in Kurdestan and Baluchistan, and tens of Azeri students and activists were arrested in September 2008.

3.Unprecedented infringements of international human rights standards in the application of the death penalty

At a time when there is a momentum across the world to end capital punishment, the Islamic Republic of Iran defies international human rights law by the high level of executions under conditions that blatantly violate international human rights standards. Around 350 persons were reportedly executed in 2008 (a steady increase to the number of executions in carried out in 2007 - 317 persons). In 2009, on January 20th and 21st, 22 persons were hanged in Tehran, in Yazd and in Ispahan for murder and drug trafficking. However, these numbers could be higher as the authorities consider as state secret any information on the number of the death sentences and the executions as well as the methods and the conditions of executions.

The laws of the Islamic Republic of Iran establish notably the sentence of death for the following crimes:

- a. If a married person commits adultery, he/she must be stoned to death (article 83, para. 2 of the Islamic Penal Law).
- b. Heresy (meaning giving up the Islamic faith) shall be sentenced to death (article 513)
- c. Killing a Muslim entails the death penalty (Article 207 of the Islamic Penal Law).
- d. Drug trafficking (specific law on drug trafficking)
- e. Armed robbery (art. 185 of the Islamic Penal Law)
- f. Rape (article 82 para. 4 of the Islamic Penal Law)
- g. Homosexual acts (art. 110 of the Islamic Penal Law)
- h. Incest (art. 82, para. 1 of the Islamic Penal Law)
- i. Fornication with the wife of one's father (art. 82, para. 2 of the Islamic Penal Law)
- j. Fornication of a non-Muslim with a Muslim woman (82, para. 3 of the Islamic Penal Law)
- k. Armed struggle, including with knives (art. 183 of the Islamic Penal Law)

FIDH notes with concern that the draft penal code provides that a Muslim converting to another religion may be condemned to death.

This situation blatantly violates article 6 of the ICCPR on the right to life, under which the death penalty must be restricted to the "most serious crimes". That notion must not go beyond "intentional crimes with lethal or extremely grave consequences"² and the death penalty "must not be imposed for sexual relations between consenting adults"³.

For the first time since years, a journalist and civil society activist has been executed, which marks a terrible setback for human rights in Iran. On 4 August 2008, Mr. **Yaghoub Mehrnehad**, a social activist in the southeastern province of Sistan and Baluchistan and journalist for the Mardomsalari (Democracy) newspaper, was executed. He was also the Executive Director of Voice of Justice Youth Association, a local NGO registered with the authorities since 2002. Mr. Mehrnehad had been sentenced to death for belonging to the "Jondollah" (Soldiers of Allah), a Baluchi armed group. This execution followed a blatantly unfair trial held behind closed doors, in the absence of a lawyer and without his family being informed of the hearing. FIDH and OMCT have expressed their fear that Mr. Yaghoub Mehrnehad may have been sentenced and executed for his peaceful activities advocating for the rights and the autonomy of the Baluchi minority of Iran.

In addition, the Islamic Republic of Iran is one of the few countries executing juvenile offenders. 16-year-old **Mohammad Hassanzadeh**, an Iranian Kurd, was executed on 10 June 2008 for a crime committed when he was 14. 106 juvenile offenders are known to be on death row in Iran, but the true figure could be even higher. The application of the death penalty against those who committed their offences while under the age of 18 constitutes a gross violation of customary international law, no matter what age the person has reached at the time of his/her execution.

Executions in Iran are usually carried out by hanging and in public. Public executions constitute a cruel, inhuman and degrading treatment. The UN Commission on Human Rights has repeatedly called upon States not to carry out capital punishment in public or in any other degrading manner⁴. In the draft Penal Code presented by the government to the Majlis, stoning and other corporal punishments are maintained.

FIDH endorses the recommendations of the United Nations General Assembly, in its resolution adopted on December 18th 2008, on the situation of human rights in the Islamic Republic of Iran⁵, calling the authorities to take urgent measures, notably :

² UN Safeguards guaranteeing protection of the rights of those facing the death penalty

³ Res. 2005/59 on the Question of the Death Penalty.

⁴ Res. 2004/67 and 2005/59 on the Question of the Death Penalty.

⁵ A/C.3/63/L.40

- To end the harassment, intimidation and persecution of political opponents and human rights defenders, including by releasing persons imprisoned arbitrarily or on the basis of their political views and guarantee the rights to freedom of expression and association;
- To eliminate, in law and in practice, amputations, flogging and other forms of torture and other cruel, inhuman or degrading treatment or punishment and to abolish, in law and in practice, stoning, public executions and other executions carried out in the absence of respect for internationally recognized safeguards, in particular, executions of persons who at the time of their offence were under the age of 18;
- To eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls and ratify the CEDAW as well as all forms of discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities,
- To uphold due process of law rights and to end impunity for human rights violations;

Lastly FIDH calls upon the Government of the Islamic Republic of Iran to redress its inadequate record of cooperation with international human rights mechanisms by cooperating fully with all international human rights mechanisms, including addressing standing invitations, facilitating visits to its territory of special procedures mandate holders and implementing the existing recommendations of human rights treaty bodies such as the WGAD.

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