



Freedom House

UPR Stakeholder Submission - Iran

Introduction

This report is submitted by Freedom House to the Office of the High Commissioner for Human Rights (OHCHR) to be considered for inclusion in the summary of stakeholder submissions for the Universal Periodic Review of the Islamic Republic of **Iran**, scheduled to take place in February 2010.

Executive Summary

1. This report focuses on the violation of human rights taking place in the Islamic Republic of Iran between August 2005 and August 2009. The report focuses particularly on the violation of human rights in three main areas: 1) the inhumane treatment of detainees and prisoners, including the use of arbitrary detention and torture or cruel, inhuman or degrading treatment or punishment; 2) the execution of juveniles; 3) and the abuse of religious minorities.

Treatment of Prisoners

2. Iran's treatment of prisoners and detainees on the basis of their political beliefs, ethnicity, sexual orientation, or religion constitutes a severe abuse of their basic civil rights and stands in violation to Iran's obligations as a state party to the International Covenant on Civil and Political Rights (ICCPR). The use of arbitrary detention and the infliction of cruel and degrading punishments by authorities are in direct violation of Articles 7, 9 and 10 of the ICCPR, as well as Articles 22 (the right to human dignity), 36 (sentencing in accordance with the law), 38 (prohibition of torture), and 39 (the rights of arrested persons) of the Iranian Constitution.
3. Although Article 38 of Iran's Constitution prohibits torture, the Iranian Penal Code does not categorize torture as a criminal offense. Nevertheless, Iran's *Majlis* (parliament) passed legislation banning torture during interrogations in 2004.
4. Despite clear contradictions with both domestic and international law, torture of prisoners—both for the purposes of obtaining confessions and for inflicting punishment—is routine and consists

of range of physical and mental abuses including amputations, fake executions (hangings), beatings, forced confessions, sleep deprivation, rape and solitary confinement. Prisoners with prior health problems are frequently denied their medications.

5. The country's penal code is based on Sharia Law and provides for flogging, stoning, amputation, and hanging for a range of social and political offenses and these punishments are carried out in practice. Although the constitution prohibits arbitrary arrest and detention, such abuses are routine, often in the form of temporary disappearances in which the family members of persons detained are not notified for days or weeks. Such arbitrary detention is a tool used by the regime to intimidate and silence both dissidents and critics, including journalists.
6. Article 27 of the Iranian Constitution limits freedom of association by prohibiting public gatherings that are "detrimental to the fundamental principles of Islam," a vague provision used to justify the heavy-handed dispersal of assemblies and marches. Vigilante and paramilitary organizations that are officially or tacitly sanctioned by the conservative establishment—most notably the Basij militia and Ansar-i Hezbollah—play a major role in breaking up demonstrations, often violently.
7. Following the June 12, 2009 presidential elections, reports have documented both the violent dispersal of peaceful demonstrators protesting the official results of the elections, as well as the detention and mistreatment of demonstrators and political opponents on a massive scale. The Iranian government has severely limited the ability of both local and international journalists and human rights defenders to investigate alleged abuses, so reliable statistics regarding the number of detainees and the instances of abuses, including deaths in custody, are difficult to accurately document and report. Nonetheless, reports from human rights defenders, journalists, and even Iranian government sources indicate widespread abuse.
8. Detainees have reported being hung from ceilings with their hands and feet tied together, then beaten with cables or burned with hot iron rods, and repeatedly asked if they received any instructions from foreign nations. They are given warm water and only one meal a day, often consisting of stale bread. Some have been interrogated under direct sunlight, in scorching temperatures, only to be soaked in ice water afterward; shocking the system and causing heart palpitations. Many prisoners report being raped in front of other detainees.
9. The authorities have refused to provide families with information about the status of prisoners, providing them with false news, openly denying arrests, or telling them only that release is imminent. Such actions have made it impossible for families to pursue justice as they have no tangible information as to the status of the detainee.
10. On July 10, 2009 President Ahmadinejad demanded laws to create harsher prison conditions for "professional criminals, hooligans, and thugs." Lawyers have questioned the meaning of this statement, stating the terms "hooligans" and "thugs" do not exist in a legal context.

11. In August 2009, widespread reports surfaced of the appalling conditions suffered by detainees in Kahrizak, a detention center in the south of Tehran. At least three prisoners are known to have died there. Detainees were locked in small containers with no toilet facilities and only a small hole in the ceiling. Captors hosed water into the container, forcing the prisoners to lick water before it was contaminated with their makeshift lavatory. Young men and women were savagely raped, then injected with a substance to induce sleep.

Juvenile Executions

12. Iran is a state party to the Convention on the Rights of the Child (CRC). However, it ratified the CRC with a reservation that “The Government of the Islamic Republic of Iran reserves the right not to apply any provision or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect.” Both the CRC and the ICCPR prohibit the execution of juvenile offenders as a violation of international law. Iran, as a country that leads the world in the execution of juveniles, is in violation of article 37 of the CRC and article 6 of the ICCPR.

13. According to Article 49 of Iran’s Islamic Penal Code, a boy becomes criminally liable at the age of fifteen and a girl at the age of nine and can therefore be sentenced to death if found guilty of certain crimes. Between 2004 and 2008, Iran was responsible for 26 of the 32 (73%) juvenile executions carried out worldwide, putting Iran second only to China in executing child offenders for crimes committed under the age of 18. Since 1990, Iran has executed 42 juvenile offenders. There are currently 114 child offenders on death row.

14. Juveniles imprisoned or on death row are frequently denied the ability to have a lawyer present upon arrest. Children are subjected to torture and repeated interrogations without the presence of a lawyer, resulting in confessions and self-incriminating statements that should be inadmissible in court. Nonetheless, sentences based on such evidence are often made quickly and appeals that provide evidence that the defendants were acting in self-defense are ignored. Even cases in which alleged victims have withdrawn their accusations have been denied appeal. Since Iran does not have a system of juvenile courts, children are tried in adult courts where judges do not have the expertise in dealing with juveniles.

15. Often, the children on death row are accused of accidental murders, such as the case of Behnam Zare, who was executed in August 2008 for causing the death of a man during a fight at the age of 15. Zare was executed without the knowledge of his family and lawyer. Even though Iranian law requires a 48 hour notice be given to the family and lawyer, the authorities chose to withhold the time and place of Zare’s scheduled execution.

16. In 2009, Delara Darabi was executed for the murder of a relative during a robbery attempt when she was 17. Despite the fact that Darabi recanted her confession, which she claimed had been falsely given to protect her boyfriend, and was granted a two-month stay of execution by Iran’s Head of the Judiciary, Darabi was hung on May 1.

Violations of Religious Freedom

17. Iran's Constitution declares Jafari Shi'ite Islam as the official religion and religious freedom is restricted for other religious groups or sects. Approximately 89% of Iranians are Shi'ites. Sunni Muslims are the largest religious minority and they are generally recognized as fellow Muslims, but whose religion is incomplete. Sunnis enjoy equal rights under the law but face discrimination in practice. There is no Sunni mosque in Tehran, and few Sunnis hold senior government posts. The government has allegedly barred public displays of Sunni religion and culture.
18. Sufi Muslims have also faced persecution by the authorities. In 2006, police in Qom reportedly arrested 1,200 Sufi and closed a major center of Sufi worship.
19. The Special Court of the Clergy investigates religious figures for alleged crimes and has generally been used to persecute clerics who stray from the official interpretation of Islam. Ayatollah Seyd Hussain Kazemeini Boroujerdi, a cleric who believes in separation of religion and politics, is currently serving 11 years in prison for his beliefs and has been unable to obtain treatment for his multiple ailments. Another reformist cleric, Hadi Qabel, was defrocked by the Special Court and sentenced to 40 months in jail beginning in April 2008 for his involvement with a reformist political party.
20. Article 13 of the Constitution recognizes Zoroastrianism, Judaism, and Christianity as minority faiths and proclaims that their followers are free to perform religious rites and ceremonies within the limits of the law. They are generally allowed to worship without interference, so long as they do not proselytize. Evangelical Christian churches have been shut down by the government and converts are frequently arrested, seemingly for their religious beliefs. In August 2009, Christian converts Maryam Rostampour and Marzieh Amirizadeh were told to recant their faith during a hearing.
21. Article 23 of Iran's Constitution states that "the investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief." In practice, religious minorities suffer publicly sanctioned discrimination in housing, employment, and education.
22. The Baha'i faith is not recognized by the Iranian Constitution and its 300,000 followers are frequently persecuted in Iran. Since the 1979 Islamic revolution, 200 Baha'is have been killed, while hundreds served prison time. Their homes have been subject to regular raids by government authorities resulting in the confiscation of property and arrests. Baha'is have been executed for refusing to denounce their faith. Baha'is' cemeteries and holy places have been vandalized and destroyed. Primary and secondary school students of Baha'i faith have been denigrated and abused by school authorities in at least ten Iranian cities. Baha'i students have been expelled from higher education in the past, likely for their religious beliefs. Baha'is are banned from government and military leadership posts and from the social pension system.

23. Fifty-four Baha'i youths were arrested in Shiraz in 2006 for participating in a literacy program for underprivileged children, despite having written permission from Shiraz' Islamic Council to attend. The young Baha'is were sent to prison and charged with propaganda against the regime. In order to have their prison sentences suspended, 50 of the Baha'i youths were told to participate in religion classes given by the Islamic Propagation Organization.
24. Seven national leaders of the Baha'i faith have been detained with no trial since spring 2008. They are accused of "espionage for Israel, insulting religious sanctities and propaganda against the Islamic Republic," allegations that the Baha'i International Community rejects. In May 2009, authorities told their families that the prisoners faced the additional charge of *mofsed fil arz* (being corrupt on earth) which means the seven Baha'is under arrest could get the death penalty. They have been given a trial date of August 18, 2009 despite the fact that the lawyers representing them are either in prison or outside Iran.
25. Conversion by Muslims to a non-Muslim religion is punishable by death.

Recommendations

- Iran should cooperate fully with both the Special Rapportuer on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on arbitrary detention.
- All prisoners held for their political beliefs, religion, sexual orientation, or anyone who is neither a threat to national security nor an advocate of violence, should be immediately released.
- Individuals responsible for torture and abuse of prisoners should be brought to justice and victims compensated.
- Iran should revoke its reservations as a state party to the CRC and immediately suspend the execution of the death penalty on individuals for crimes committed before the age of 18.
- Juvenile courts should be established to try minors and psychological evaluations and/or assistance should be provided to imprisoned minors.
- Iran should comply fully with Article 18 of the ICCPR, eliminating all forms of official and unofficial forms of discrimination against individuals for their religious beliefs and eliminate laws preventing religious conversion.

Attachments

Freedom in the World 2009: Iran