

Iran

Kurdish Human Rights Association

Submission to the UN Universal

Key Words: constitution, role of the judiciary, women's rights, death penalty, tribal areas, arbitrary arrest and detention, extrajudicial executions and enforced disappearances, domestic violence, freedom of religion, freedom of expression, excessive use of force

Kurdistan

1. Introduction

Since the aftermath of the Iranian Islamic revolution and due to its radical repressive ideology, basic human rights have been denied for the peoples of Iran particularly for women, different religions and ethnic minorities. Iran's Kurdish population live mainly in the west and north-west of the country, in Kurdistan and neighboring provinces, bordering Kurdish areas of Turkey and Iraq. Internal existing nations or peoples such as the Kurds, Azari, Baluchi, Arabs and others are regarded and treated as second class citizens and their basic ethnic and democratic rights are violated on a daily basis.

The Kurdish nation has suffered intensively from the Iranian state's policies of assimilation and militarization of the region. Because of the continuous struggle and resistance of the Kurdish people for freedom, peace and democracy, they have been encountered with a culminated violence and oppression more than any other Iranian nations.

2. Death penalty

According to the statistics given by International Human Rights Agencies, Iran had executed at least 94 people in 2005, 177 people in 2006, and 317 people in 2007. The number for 2008 is said to be at least 346 according to amnesty international, while others put the figures as high as 370.

Many executions in Iran are carried out in public. Because of worldwide criticism, Iran's chief judiciary called for an end to this practice. Despite this several public executions took place

even in 2009. The actual execution methods are not designed to quickly kill the convicted person. Instead the authorities intend to maximize the presumed deterring effect of the execution by using especially cruel methods. Hanging, as an example, can take place in prisons or, during public executions, from cranes. Because the neck does not break when someone is hoisted with a crane, it can take up to two hours until the executed person actually dies. Stoning, this archaic execution method is still used in 21st century Iran, for offences like adultery. Regulations state that the stones must be big enough to cause serious harm but small enough to not kill immediately.

3. Death penalty for minors

Article 6.5 of the International Covenant on Civil and Political Rights (ICCPR) declares:

“Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age”.

Article 37(a) of the Convention on the Rights of the Child (CRC) provides that:

“Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age”.

As a signatory state, the Iranian government is under international obligation to comply with both articles. However, Amnesty International has documented 26 executions of child offenders in Iran since 2005 alone. In many cases, these minors have been imprisoned until the age of 18 and then executed. Currently, there are at least 134 minors on death row in Iran. Iran is the only country in the world in which juvenile offenders were known to have been executed in 2008.

There are several well known cases of minors sentenced to death in the Kurdish areas. The case of Delara Darabi, Abbass Hosseini, Mohammedreza Haddadi, Reza Hajizadeh and Mosleh Zamani.

Delara Darabi, 22 years old, has been sentenced to death for murder of a relative she allegedly committed when she was 17 years old. She has denied committing the crime. She is in danger of immediate execution. Her execution has only be postponed on 20 April 2009.

Abbass Hosseini was sentenced for killing a member of the Revolutionary Guard when he was 17 years old. **Reza Hajizadeh**, caused the death of a another child during child play with 13 years old. **Mosleh Zamani**, sentenced for a sexual relationship with his girl friend when he was

17 years old. **Mohammedreza Haddadi**, sentenced to death, at the time of the crime he was 15 years old.

4. Death penalty for political prisoners

The Iranian theocratic regime leaves no room for democratic opposition and any such opposition can be met with the accusation of *moharebe* or “enmity against god”. This underlines the theocratic character of the regime, because to challenge the state authorities is regarded as a “war against God”. Members of opposition groups are frequently subjected to torture. In the last years there was a sharp rising in death sentences against political opposition members, especially against Kurds. As of April 2009, at least 14 Kurds accused of oppositional activities are waiting for their execution. One member of a Kurdish opposition group has been executed in Urumiye Prison on 20 December 2007, **Hikmet Hesen Demir** a member of the Free Life Party of Kurdistan (PJAK) while he was suffering from serious wounds.

Farzad Kamangar is a Kurdish political prisoner. He is a teacher, trade unionist, journalist and activist of a human rights association and was arrested along with two other members of the Kurdish minority, Ali Heydariyan and Farhad Vakili, around July 2006. Subsequently they were tortured, including by being beaten, flogged and electrocuted, and sentenced to death.¹

Over 16 Kurdish detainees including Farzad Kamangar, Farhad Vakili, Ali Haydarian, Abdolvahed (Hiwa) Boutimar, Anvar Hossein Panahi, Arslan Oliya'i, Sherko Moarefi, Farhad Chalesh, Ramazan Ahmad, Rostam Arkia, Habibollah Latifi, Fasih Yasmini, Zeynab Jalalian, Ehsan' Fattahian, Shorsh Mehdi xani, Anwar Rostami, are given death sentences.

5. Prison

The situation in Iranian prisons for, Kurdish prisoners, particularly political prisoners and prisoners of conscience are critical. Torture is a regular feature of the Iranian prisons. It is systematically practiced by the prison guards. For this reason, a hundred prisoners in various prisons in Kurdistan and the rest of Iran went on a 47 day long hunger strike in August 2008, to protest against the brutal treatment and the policies of the prisons. The

¹ <http://www.iranrights.org/english/document-342-810.php>
Kurdish Human Rights Association
UPR Submission Iran – September 2009 (12th session)

hunger strike was held in the prisons of Tehran, Mariwan, Sine, Mako, Urmye, Saghez, Mahabad and Mako.

6. Recommendations

Opposition to the death penalty is not defined by regional or cultural borders, but is embedded within a global commitment to human rights and dignity. We call on the UN Human Rights Council to urge and invite the Islamic Republic of Iran:

1. To immediately stop the execution of children and respect Article 37(a) of the UN Convention on the Rights of the Child and Article 6.5 of the International Covenant on Civil and Political Rights (ICCPR).
2. Following on from the UN General Assembly resolutions calling for a universal moratorium on the death penalty, adopted in December 2007 and December 2008, to introduce a moratorium on the death penalty with immediate effect.
3. To abolish the death penalty in general and sign and ratify the Second Optional Protocol to the UN International Covenant on Civil and Political Rights.