



Human Rights Issues Regarding the Islamic Republic of Iran

**Submitted by Human Rights Watch
to the UN Human Rights Committee on the occasion of its
Pre-Sessional Review of Iran**

August 2011

This memorandum provides an overview of Human Rights Watch's main concerns with respect to the human rights crisis in Iran, submitted to the United Nations Human Rights Committee ("the Committee") in advance of its pre-sessional review of Iran in 2011. We hope it will inform the Committee's preparation for its review of the Iranian government's compliance with its obligations under the International Covenant on Civil and Political Rights ("the Covenant").

It has been 17 years since Iran last submitted its State Report to the Committee. During this time, the government has engaged in systematic violations of the Covenant, including extensive restrictions on the rights to freedom of expression, peaceful assembly, and association, and the widespread use of torture, ill-treatment, and unfair trials of political detainees. The number of executions, including those of juvenile offenders, has steadily risen in recent years. The government intensified its targeting of human rights defenders following the disputed presidential election of June 2009. Pressures on civil society groups have increased sharply during President Mahmoud Ahmadinejad's administration, and Iran continues to discriminate against religious, ethnic, and other minorities both in law and practice.

Iran submitted its latest report to the Committee a few months after the June 2009 presidential election and the ensuing violent crackdown against largely peaceful demonstrators and opposition activists. Violence initiated by security forces, including the *basij* militia affiliated with official security forces, led to the killings of dozens of demonstrators. Authorities arbitrarily arrested and detained thousands of demonstrators and opposition figures in the months after the election. Several detainees died at Kahrizak detention facility in Tehran after being subjected to torture and ill-treatment. Public street protests all but ceased by early 2010 as a consequence of the government's crackdown, but resumed in February and March 2011 when thousands of demonstrators took to the streets to show their support for pro-democracy protests in neighboring countries and protest the arrest and detention of opposition leaders. The authorities' violent

response led to at least three deaths and hundreds of arrests. The Ministry of Interior continues to refuse to issue permits for peaceful rallies and demonstrations.

As in years past, the government, including the judiciary, has failed to hold accountable officials responsible for committing serious human rights violations. There have been no comprehensive or transparent investigations into government repression, including the killings of demonstrators and custodial deaths of detainees. Although several security personnel were tried in closed military courts for the deaths of detainees at Kahrizak, no high-level authority has yet been charged, let alone convicted, for these crimes. At the same time, the judiciary prosecuted hundreds of demonstrators, civil society activists, and members of opposition parties, some of whom were paraded on national television during several show trials on vague national security-related charges (including “propaganda against the regime”), and sentenced many to lengthy prison terms and, in some cases, to death.

Notwithstanding the numerous and serious abuses committed by state officials, Iran's State Report does not begin to adequately address allegations concerning violation of core civil and political rights under the Covenant. There are frequently references to legal provisions in Iran's Constitution and criminal and civil codes but no discussion of how the authorities are implementing or complying with these provisions. Rulings that may or may not address the specific issue in question are simply listed. And the portions of the report that address specific articles of the Covenant contain glaring omissions and inaccuracies, such as providing no information on Iran's abusive revolutionary courts, which seriously distorts the current situation of human rights in the country.

Among the most serious problems with Iran's 2009 State Report are the following:

- The report devotes little attention to the death penalty under **Article 6 (right to life)**, even though Iran is believed to have executed 388 people in 2008, and is second only to China in the number of executions carried out annually;
- The section on **torture and ill-treatment (Article 7)** recounts provisions in Iranian law that prohibit the use of torture and references several cases where government officials were apparently convicted of torture, but nowhere addressing credible reports regarding the authorities' systematic use of torture in Iran's detention facilities;
- The section on Iran's compliance with the prohibition on **arbitrary arrest and detention (Article 9)** provides some references to rulings presumably related to convictions of government officials who violated these rights, but it contains no discussion of arbitrary arrest and incommunicado detention carried out by Iran's security and intelligence forces;

- There is significant discussion on the **treatment of detainees and prisoners (Article 10)**, but it largely describes the systems and programs that ostensibly have been put into place. The report does not address serious problems incurred by detainees and prisoners, particularly those accused of national security-related crimes or convicted by revolutionary courts;
- The section on **due process and fair trials (Article 14)** fails to provide any relevant information regarding the workings of the revolutionary courts, where the state prosecutes most political dissidents and commits systematic and gross violations of the right to a fair trial;
- The report's discussion of the right to **freedom of expression (Article 19)** does not address the government's severe restrictions on peaceful dissent by using both criminal law and repressive practices;
- Regarding the rights to **peaceful assembly and freedom of association (Articles 21 and 22)**, the report fails to acknowledge the ways in which the government systematically prevents civil society organizations – including student, women's, labor, journalist, legal, and human rights groups – from meeting or conducting their activities.

In short, the Committee's concluding observations with regard to Iran's report 17 years ago unfortunately remain equally applicable today: Iran's report provides "virtually no information about factors and difficulties impeding the application of the Covenant."

Iran's Noncooperation with UN Human Rights Bodies

Since Iran's submission of its State Report in late 2009, the human rights crisis in the country has only deepened.¹ Human Rights Watch is particularly concerned about the broad-based targeting of civil society activists, including lawyers, students, women's rights activists, and journalists, and a sharp increase in the use of the death penalty.² Yet the government's record of cooperation with international institutions, particularly with UN mechanisms, remains extremely poor. Most strikingly, Iran continues to refuse access to UN special procedures despite their longstanding and repeated requests for invitations to visit. No special rapporteurs have visited the country since 2005. The government has also demonstrated its lack of commitment to cooperation through its continued failure to implement UN expert bodies' recommendations. In July 2011 the Iranian government announced its unwillingness to cooperate with or allow access to the newly-appointed special rapporteur on Iran. The position was

¹ See "Iran: Crisis Deepening One Year After Elections," Human Rights Watch news release, June 10, 2010, <http://www.hrw.org/en/news/2010/06/10/iran-crisis-deepening-one-year-after-disputed-elections>.

² See "Iran: Deepening Crisis on Rights," Human Rights Watch news release, January 26, 2011, <http://www.hrw.org/news/2011/01/26/iran-deepening-crisis-rights>.

created by the UN Human Rights Council in March 2011 in response to the worsening rights situation in Iran.³

An example of the government's intransigence was its approach to the Universal Periodic Review process in February 2010, which was characterized by a refusal to accept any substantive criticism of its human rights record, and even outright denial of a number of well-documented problems. Iran rejected 45 recommendations of member states, including allowing the special rapporteur on torture to visit the country, prosecuting security officials involved in torture, rape, or killings, implementing policies to end gender-based violence, and halting the use of the death penalty, including against political prisoners.

Despite this record of noncooperation, Iran ran for a seat on the Human Rights Council in 2010. In April it withdrew this bid after strong international opposition. During the June session of the Human Rights Council, 56 states joined a statement expressing concern over "the lack of progress in the protection of human rights in Iran, particularly since the events surrounding the elections in Iran last June." While Iran did gain a seat on the Commission on the Status of Women, it lost its bid to gain a seat on the board of the newly established UN Women in November.

In October 2010, the UN Secretary-General's office released its report on human rights in the Islamic Republic of Iran, pursuant to General Assembly resolution 64/176. The report noted "further negative developments in the human rights situation" in Iran, including "excessive use of force, arbitrary arrests, and detentions, unfair trials, and possible torture and ill-treatment of opposition activists" following the June 2009 election. A month later, the Third Committee of the UN General Assembly approved a draft resolution condemning Iran for grave human right violations. The resolution, which has been adopted every year since 2004, passed by a large margin.

Human Rights Watch's "Issue List" for Iran

Death Penalty and Extrajudicial Killings (Articles 2, 6):

In 2010 Iranian authorities recorded 252 executions, but human rights groups believe that several hundred more were executed without official acknowledgement.⁴ Many of them had been convicted of drug-related

³ See "UN: Rights Body Acts Decisively on Iran, Cote d'Ivoire," Human Rights Watch news release, March 25, 2011, <http://www.hrw.org/news/2011/03/25/un-rights-body-acts-decisively-iran-cote-d-ivoire>.

⁴ See "Death Penalty in 2010: Executing countries left isolated after decade of progress," Amnesty International press release, March 28, 2011, <http://www.amnesty.org/en/news-and-updates/report/death-penalty-2010-executing-countries-left-isolated-after-decade-progress> (accessed August 23, 2011).

offenses.⁵ In 2009 Iran executed at least 388 individuals according to Amnesty International, second in number only to China. Human Rights Watch has documented in detail dozens of cases of individuals executed since 1993 – the year Iran last submitted its State Report – including at least nine political dissidents in 2010 who were convicted of *moharebeh* (literally “enmity against God”) by revolutionary court judges in closed trials.⁶ Yet there is no mention in the State Report of the imposition of death sentences by revolutionary courts for the crime of *moharebeh*, a charge often brought against political prisoners and opposition figures, particularly in ethnic minority areas where there are armed separatist movements.⁷

Human Rights Watch remains extremely concerned regarding the high incidence of state executions in ethnic minority areas. For example, in December 2010 authorities executed 11 men in Sistan and Baluchistan province for their alleged involvement with an armed separatist group that claimed responsibility for a suicide attack that killed 39 civilians in the city of Chabahar on December 15, 2010.⁸ The accused were convicted of *moharebeh*, allegedly by revolutionary court judges, and hanged less than a week after the bombing took place. There are also at least 16 Kurds on death row, many of them for alleged national security crimes such as *moharebeh*.⁹

The Iranian penal code provides the death sentence for crimes not considered to be among “the most serious” as required by the Covenant, such as adultery, drug possession and trafficking, and same-sex conduct.¹⁰ Iran’s State Report asserts that there is a prohibition on execution of persons under the age of 18; yet Iran executes more juvenile offenders than any other country in the world –

⁵ See “Iran: Nobel Laureate and Rights Groups Demand Moratorium on Executions,” Human Rights Watch news release, February 16, 2011, <http://www.hrw.org/news/2011/02/16/iran-nobel-laureate-shirin-ebadi-and-rights-groups-demand-moratorium-executions>.

⁶ See “Iran: Executed Dissidents ‘Tortured to Confess,’” Human Rights Watch news release, May 11, 2010, <http://www.hrw.org/en/news/2010/05/11/iran-executed-dissidents-tortured-confess>.

⁷ Inexplicably, the report refers to article 186 of the penal code not as *moharebeh*, but as “armed robbery.” An individual may be convicted of *moharebeh* if he or she takes up arms against the state or is affiliated with an organization that takes up arms against the state. Iranian officials maintain that the charge is often used to bring “terrorists” to justice.

⁸ See “11 Hanged in Iran Following Suicide Bomb Attack,” Amnesty International press release, December 21, 2010, <http://www.amnesty.org.au/news/comments/24407/> (accessed DATE).

⁹ See e.g., “Iran: Rescind Execution Order for Kurdish Dissident,” Human Rights Watch news release, December 26, 2010, <http://www.hrw.org/en/news/2010/12/24/iran-rescind-execution-order-kurdish-student>; “Iran: Stop Imminent Execution of Kurdish Dissident,” Human Rights Watch news release, June, 29, 2010, <http://www.hrw.org/en/news/2010/06/29/iran-stop-imminent-execution-kurdish-dissident>.

¹⁰ See e.g., “Iran: Discrimination and Violence Against Sexual Minorities,” Human Rights Watch news release, December 15, 2010, <http://www.hrw.org/news/2010/12/15/iran-discrimination-and-violence-against-sexual-minorities>.

at least five juvenile offenders in 2009, and more than 100 juvenile offenders are currently on death row.¹¹ There are also credible reports by human rights groups that as many as several hundred prisoners, most of them convicted on drug trafficking charges, were secretly executed by prison authorities in northeastern Iran after unfair trials and without the notification of their lawyers or family members.¹²

State security forces were responsible for the deaths of dozens of demonstrators after the 2009 disputed presidential election, most of which were believed to be extrajudicial killings. Several more demonstrators died in custody.¹³ Security forces are implicated in the deaths of at least three more protesters in early 2011.¹⁴ Human Rights Watch has also received credible reports that several dozen protesters, most of whom were ethnic Arabs, were killed by security forces in Iran's southwestern province of Khuzestan.¹⁵ The government failed to investigate the circumstances surrounding the deaths of these individuals.

Arbitrary Arrest and Detention (Articles 2, 9, 10, 14):

Human Rights Watch has documented numerous instances of arbitrary arrest and detention since Iran's last State Report in 1993, and the situation has deteriorated dramatically since the disputed June 2009 presidential election. Government officials acknowledged that they arrested more than 4,000 individuals during and after the post-election unrest – many of those arrested were peaceful protesters or government critics and civil society activists.¹⁶ Authorities arrested hundreds of others following demonstrations in February and March 2011.¹⁷ Human Rights Watch believes that several hundred people are

¹¹ See, e.g., "Iran, Saudi Arabia, Sudan: End Juvenile Death Penalty," Human Rights Watch news release, October 9, 2010, <http://www.hrw.org/en/news/2010/10/09/iran-saudi-arabia-sudan-end-juvenile-death-penalty>. The government contends that it does not execute anyone under 18; it waits for the juvenile offenders to reach age 18 before carrying out the execution order.

¹² See, e.g., "Ten More Secret Executions in Mashad, Foreign Citizens Among Those Executed," International Campaign for Human Rights in Iran press release, November 3, 2010, <http://www.iranhumanrights.org/2010/11/ten-executions-vakilabad/> (accessed August 23, 2011).

¹³ See, e.g., Human Rights Watch, *The Islamic Republic at 31*, February 2010, <http://www.hrw.org/en/reports/2010/02/11/islamic-republic-31-0>.

¹⁴ See "Iran: End Violence Against Protesters," Human Rights Watch news release, March 3, 2011, <http://www.hrw.org/news/2011/03/03/iran-end-violence-against-protesters-0>.

¹⁵ See "Iran: Investigate Reported Killings of Demonstrators," Human Rights Watch news release, April 29, 2011, <http://www.hrw.org/news/2011/04/29/iran-investigate-reported-killings-demonstrators>.

¹⁶ See, e.g., "Iran: Stop Framing Government Critics," Human Rights Watch news release, July 21, 2009, <http://www.hrw.org/en/news/2009/07/21/iran-stop-framing-government-critics>.

¹⁷ See "Iran: End Violence Against Protesters," Human Rights Watch news release, March 3, 2011, <http://www.hrw.org/news/2011/03/03/iran-end-violence-against-protesters-0>.

currently being held in Iran's prisons for the peaceful expression of their political views.

Human Rights Watch documented instances where security and intelligence agents, often in plainclothes, raided homes and arrested individuals, seized their belongings, and transferred them to secret locations.¹⁸ Many victims or their family members claimed they were either not shown arrest warrants, the warrants were blank, or they were "general" warrants that authorized the arrest of anyone thought to be involved in election protests.¹⁹ Although the number of arbitrary arrests and detentions has somewhat subsided since the period immediately following the 2009 election, security and intelligence forces maintain a "revolving door" of arbitrary arrests and detentions targeting opposition figures, human rights defenders, and civil society activists.

Authorities often keep detainees in incommunicado "pretrial" or "temporary" detention without access to family members or lawyers for weeks, sometimes months. During this time, as noted below, they are often subjected to prolonged interrogations, solitary confinement, and mistreatment.²⁰ Authorities regularly detain individuals without promptly informing them of their charges in writing, providing reasons for their temporary detention beyond the 24-hour limit permitted under Iranian law, or allowing detainees to appeal any decisions extending the period of temporary detention.²¹ In cases where posting bail is allowed, authorities often set amounts so high that family members are unable to secure the detainee's release. It is not uncommon for prosecutors to announce official charges against a detainee months after their arrest, and weeks if not days before the scheduled trial date.²²

Torture and Ill-Treatment of Detainees, and Mistreatment in Prisons (Articles 2, 7, 10, 14, 17):

Iran's State Report makes no attempt to address fundamental problems related to the torture and ill-treatment (cruel, inhuman, or degrading treatment) of detainees, particularly those accused of national security-related crimes or those

¹⁸ See, e.g., "Iran: Halt the Crackdown," Human Rights Watch news release, June, 19, 2009, <http://www.hrw.org/en/news/2009/06/19/iran-halt-crackdown>.

¹⁹ See, e.g., "Iran: Violent Crackdown on Protesters Widens," Human Rights Watch news release, June 23, 2009, <http://www.hrw.org/en/news/2009/06/23/iran-violent-crackdown-protesters-widens>.

²⁰ See, e.g., "Iran: Detainees Describe Beatings, Pressure to Confess," Human Rights Watch news release, July 8, 2009, <http://www.hrw.org/en/news/2009/07/08/iran-detainees-describe-beatings-pressure-confess>.

²¹ Iranian law requires judges to renew orders to extend the period of temporary detention and provide sufficient reason for why the period must be extended. Otherwise they must allow the detainee to post bail.

²² See, e.g., "Iran: Release Rights Activist, Guarantee Fair Trial," Human Rights Watch news release, November 1, 2009, <http://www.hrw.org/en/news/2010/09/01/iran-release-rights-activist-guarantee-fair-trial>.

tried in revolutionary courts. Moreover, the State Report fails to address the fundamental violations of due process rights that facilitate such torture and ill-treatment, including prolonged incommunicado pretrial detention and the lack of an independent judiciary.

Since 1993, Human Rights Watch has documented numerous cases of torture perpetrated by agents of the Ministry of Intelligence, Revolutionary Guards, police, and *basij*, particularly against political prisoners. This torture includes beatings, prolonged sleep deprivation, mock executions, and rape and other sexual violence.²³ On May 11, 2011, twenty-six prominent political prisoners wrote a letter to Iranian authorities alleging that authorities routinely violated Iran's own Citizens' Rights Law, which specifically protects prisoners against torture, ill-treatment, and due process violations during arrest, interrogation, and detention.²⁴ Since 2003, at least 17 political prisoners have died in Iran's prisons apparently due to torture, abuse, or neglect.²⁵

Other practices permitted by the Iranian penal code – namely stoning, flogging, amputations, and hanging by strangulations – all constitute torture. Psychological abuse amounting to torture, including the use of prolonged solitary confinement or “white torture,” is also commonly used.²⁶ In many cases, torture is used to secure coerced confessions that are later used in court, often with the knowledge of presiding court officers or judges.

Special sections or wards of Tehran's Evin prison, for example, are controlled by various security and intelligence agencies. Section 209 is run by the Ministry of Intelligence, while the Revolutionary Guards control ward 2-A. Iran's State Prisons Organization, the agency responsible for monitoring and administering prisons, does not have regular access to these sections to ensure compliance with Iranian and international law.²⁷ In addition, since 1993 there have been numerous secret, unlawful, or temporary detention facilities that have operated outside the control of the State Prisons Organization, administered by various

²³ See, e.g., Iran: Stop Covering Up Sexual Assaults in Prison,” Human Rights Watch news release, June 9, 2009, <http://www.hrw.org/en/news/2009/06/09/iran-stop-covering-sexual-assaults-prison>.

²⁴ See “Investigate Torture and Mass Due Process Violations by Prominent Prisoners of Conscience,” International Campaign for Human Rights in Iran press release, May 16, 2011, <http://www.iranhumanrights.org/2011/05/investigate-torture-claims-letter/> (accessed August 23, 2011).

²⁵ See “Death in Prison: No One Held Accountable,” International Campaign for Human Rights in Iran press release, June 24, 2011, <http://www.iranhumanrights.org/2011/06/death-in-prison/> (accessed August 23, 2011).

²⁶ See, e.g., Human Rights Watch, *Like the Dead in Their Coffins*, June 2004, <http://www.hrw.org/en/reports/2004/06/06/dead-their-coffins-0>.

²⁷ Human Rights Watch has documented cases where ill-treatment has occurred even when the State Prisons Organization has been allowed access to these prisons or wards.

security forces including the national police. Torture and ill-treatment regularly took place in these facilities.²⁸

Even in facilities controlled by the State Prisons Organization, Human Rights Watch has documented repeated and systematic violations of prisoners' rights, including unreasonable limits on family visits, failure to provide proper and sanitary accommodations, crowded conditions, and failure to segregate prisoners.²⁹ In addition, Human Rights Watch has documented instances of abuse whereby prison authorities have refused to allow access to proper and necessary medical treatment.³⁰

Despite these bleak realities, the State Report contends that authorities respect the rights of prisoners, that there have been "visits by more than 80 human rights groups to prisons in the country," that solitary confinement "has been eliminated as a form of disciplinary punishment," and that visitation and medical access rights are routinely permitted. On August 8, 2011, the head of Iran's State Prisons Organization flatly denied allegations that some prisons in the country are operated outside government control, saying that "torture has no place in prisons inside the Islamic Republic of Iran."³¹

Lack of Due Process and Fair Trials (Articles 2, 9, 10, 14):

The Committee's comments regarding Iran's report in 1993, which "deplore[d] the lack of respect for due process of law, particularly before the revolutionary courts, where trials in camera tend to be the rule and where apparently no real possibility is provided to the accused to prepare a defense," are still valid today. Iran's current State Report fails to provide any relevant information regarding the workings of the revolutionary courts, where authorities prosecute political dissidents and drug offenders, and trials are routinely unfair and in violation of Covenant requirements.

Many of the most serious due process violations occur during pretrial detention. Prison authorities routinely prevent many political detainees from meeting with their lawyers, denying defendants adequate time and facilities for the preparation of their defense. During pretrial detention, political detainees are often held incommunicado and at times in undisclosed locations, rendering them vulnerable to torture and ill-treatment for the purpose of coercing

²⁸ Human Rights Watch, *Like the Dead in Their Coffins*.

²⁹ See, e.g., "Iran: Stop Abuse of Political Prisoners," Human Rights Watch news release, August 6, 2010, <http://www.hrw.org/en/news/2010/08/06/iran-stop-abuse-political-prisoners>.

³⁰ See, e.g., "Iran: Release and Provide Urgent Medical Care to Jailed Activist," Human Rights Watch news release, July 28, 2010, <http://www.hrw.org/en/news/2010/07/28/iran-release-and-provide-urgent-medical-care-jailed-activist>.

³¹ See "Head of State Prisons Organization: Torture in Iran is a Big Lie," BBC Persian, August 8, 2011, http://www.bbc.co.uk/persian/iran/2011/08/110807_u02_iran_prisons.shtml (accessed August 23, 2011).

confessions.³² The Judiciary relies, in part, on article 128 of the Criminal Procedure Code, which allows judges to deny access to lawyers during the investigation phase of crimes related to national security.³³

Prosecutors and interrogators conducting pretrial investigations, particularly those in Evin prison, often act under the influence or direction of intelligence services such as the Ministry of Intelligence and the Revolutionary Guards.³⁴ Judges regularly extend temporary detention orders without providing reasons for their decision. Moreover, representing political detainees has become even more difficult since the post-election crackdown, partly because the Judiciary has set up a prosecutor's office inside Evin prison. This office regularly prohibits lawyers from meeting with their clients or reviewing their clients' case files. Lawyers defending political detainees complain that, since the 2009 election, revolutionary court judges regularly deny them access to their clients without cause, or refer them to the prosecutor's office.³⁵

Trials in revolutionary courts rarely meet the "fair and public hearing" standards of the Covenant; nor do these courts qualify as "independent and impartial tribunal[s]." Human Rights Watch has documented numerous instances where lawyers are allowed to review case files only shortly before their clients' trials commence.³⁶ In addition, these trials are often plagued with irregularities. Most revolutionary court trials are convened behind closed doors despite a constitutional provision requiring that all political and press offenses be tried in public and before a jury.³⁷ Judges sometimes prevent lawyers from speaking in court or effectively defending their clients.³⁸ This often results in convictions for which little or no evidence is put forward.³⁹

³² See, e.g., Human Rights Watch, *You can Detain Anyone for Anything*.

³³ *Ibid.* According to lawyers interviewed by Human Rights Watch, authorities can only deny access to lawyers for a certain period of time provided they give reasons for such denial.

³⁴ See, e.g., Human Rights Watch, *Like the Dead in Their Coffins*.

³⁵ See, e.g., "Iran: Stop Abuse of Political Prisoners," Human Rights Watch news release, August, 6, 2010, <http://www.hrw.org/en/news/2010/08/06/iran-stop-abuse-political-prisoners>.

³⁶ See, e.g., "Iran: Release Rights Activist; Guarantee a Fair Trial," Human Rights Watch news release, September 1, 2009, <http://www.hrw.org/en/news/2010/09/01/iran-release-rights-activist-guarantee-fair-trial>.

³⁷ Despite this, the State Report maintains that "apart from exceptional cases, the trials are open and the public are allowed to attend the proceedings ... in accordance with article 168." However, "exceptional cases" tend to be the norm when it comes to revolutionary court trials.

³⁸ See, e.g., "Iran: Executed Dissidents 'Tortured to Confess,'" Human Rights Watch news release, May 11, 2010, <http://www.hrw.org/en/news/2010/05/11/iran-executed-dissidents-tortured-confess>.

³⁹ Examples include the closed trials and convictions of human rights defenders Farzad Kamangar and Shiva Nazar Ahari on charges of *moharebeh* for their alleged participation with terrorist organizations (authorities executed Kamangar in May 2010),

Unfair verdicts and heavy sentences handed down by revolutionary court judges, such as Judge Salavati (Branch 15) and Judge Moghisseh (Branch 28) (who handled many of the post-election cases), are noteworthy examples of a lack of adherence to due process standards. Also noteworthy are show trials of hundreds of individuals rounded up after the post-election demonstrations.⁴⁰ Prosecutors indict them on patently political charges rather than criminal offenses such as “actions against the national security,” “propaganda against the regime,” “disturbing public order,” “membership in illegal groups,” and “participating in unlawful gatherings” after defendants were forced to confess guilt in front of television cameras, in violation of the right under the Covenant “not be compelled to testify against [one]self”.

Restrictions on Freedom of Expression (Articles 17, 19):

The government uses laws and state regulations to criminally prosecute and severely repress press freedom and peaceful dissent.

The Ministry of Islamic Culture and Guidance heads the Press Supervisory Board, a regulatory agency charged with issuing publication licenses based on highly subjective criteria, including an individual's political beliefs, claimed Islamic principles, and protecting “public interests and rights.” A complex system of laws, including the Press Law and the Islamic Penal Code, regulate what individuals can and cannot write about.

Journalists are often among the first victims of the Iranian government's censorship campaigns. Currently there are more than 30 journalists in prison. More than 60 journalists have been forced into exile since 2011, and authorities have shut down at least 40 publications since 2009. Prosecutors have charged numerous journalists with laws that on their face violate the Covenant, such as “propaganda against the regime,” “insulting the president,” “insulting the prophets,” “insulting the Supreme Leader,” “publication of lies,” and “disturbing the public opinion.” Courts have handed down sentences on these charges that include heavy prison terms, flogging, and work bans.⁴¹ Arrests and prosecutions

and the conviction seven Baha'i leaders on charges of espionage despite lack of any evidence offered by the prosecution in connection with this charge.

⁴⁰ See, e.g., “Iran: Show Trial Exposes Arbitrary Detention,” Human Rights Watch news release, August 4, 2009, <http://www.hrw.org/en/news/2009/08/04/iran-show-trial-exposes-arbitrary-detention>.

⁴¹ For example, in 2010 Jila Baniyaghoub received a one-year prison sentence and a 30-year ban from journalism on charges of “propaganda against the regime.” See, e.g., “Iran: Rights Defender Dedicating Award to Women Activists,” Human Rights Watch news release, November 10, 2010, <http://www.hrw.org/en/news/2010/11/10/iran-rights-defender-dedicating-award-women-activists>.

based on these laws make Iran one of the largest prisons for journalists in the world today.⁴²

The government has similarly targeted bloggers with prosecution. Saeed Mortazavi, a former judge known as the “butcher of the press” for ordering the closure of numerous reformist publications in the early 2000s, organized the arbitrary detention of more than 20 bloggers and journalists in 2004 and held them in secret prisons, where security forces compelled them to make false confessions.⁴³ In September 2010, a revolutionary court sentenced Hossein Derakhshan, a prominent Iranian blogger, to 19-and-a-half years in prison – the heaviest such sentence to date against a blogger.⁴⁴

Authorities strictly monitor expression in universities by students, professors, and administrators. In 2005, the Ministry of Science and the Supreme Council of the Cultural Revolution, initiated an aggressive campaign aimed at monitoring student publications, prohibiting politically active students from registering for classes, forcibly retiring undesirable professors, and paving the way for an “Islamicization” of the social science curriculum. In 2011 authorities began implementing their Islamicization program and cut several social science courses in at least one prominent university.

The government regularly targets those whose speech it does not like, including opposition members, dissident clerics, human rights activists, and lawyers. Since the post-election crackdown, the government has intensified its campaign to block websites that carry political news and analysis, slow down internet speeds to hinder web access, jam foreign satellite broadcasts, and deploy the Revolutionary Guards to target dissident websites.⁴⁵

Restrictions on Freedom of Assembly and Association (Articles 2, 3, 21, 22):

Public street protests all but ceased by early 2010 as a consequence of the government’s severe crackdown against peaceful protesters following the disputed June 2009 election. Authorities killed dozens and arrested hundreds during the post-election crackdown. In February and March 2011, protests resumed when thousands of demonstrators took to the streets to show their support for pro-democracy protests in neighboring countries and protest the

⁴² Foreign journalists and those with dual Iranian citizenship have also been detained and prosecuted.

⁴³ See, e.g., “Iran: Prosecute Mortazavi for Detention Deaths,” Human Rights Watch news release, January 13, 2010, <http://www.hrw.org/en/news/2010/01/13/iran-prosecute-mortazavi-detention-deaths>.

⁴⁴ See “Iranian Blogger Hossein Derakhshan Sentenced to Over 19 Years in Prison,” International Campaign for Human Rights in Iran press release, <http://www.iranhumanrights.org/2010/09/iranian-blogger-hossein-derakhshan-receives-19-5-years-in-prison/> (accessed August 23, 2011).

⁴⁵ See, e.g., Human Rights Watch letter to Eutelsat, June 23, 2010, <http://www.hrw.org/en/news/2010/06/23/letter-eutelsat-corporation>.

arrest and detention of opposition leaders.⁴⁶ The authorities' violent response led to at least three deaths and hundreds of arrests.⁴⁷ The Ministry of Interior continues to refuse to issue permits for peaceful rallies and demonstrations in violation of international law and Article 27 of the Iranian constitution.

Since its 1993 State Report, the Iranian government has systematically targeted, harassed, and prosecuted civil society organizations – including student, women's, labor, journalist, legal, and human rights groups – in order to prevent them from meeting or conducting their activities. Pressures on civil society groups have increased sharply during President Mahmoud Ahmadinejad's administration. In April 2011 nine human and labor rights organizations expressed serious concern regarding a draft bill intended to severely restrict the activities of independent civil society groups in the country.⁴⁸

Even prior to the unrest after the 2009 elections, authorities detained or suspended several hundred students, many of them members of student groups.⁴⁹ Government ministries declared groups such as the Tahkim-e Vahdat (Office for Consolidating Unity), a national independent student association, to be illegal.⁵⁰ Security forces used the post-election unrest as a pretext to go after student leaders, arresting several central committee members of Tahkim and Advar (the national alumni student group) on national security charges.

Since 2005, Iran has stepped up repressive measures against those who advocate for women's rights.⁵¹ Authorities have prevented women's rights activists, particularly volunteers and members of the grassroots One Million Signatures Campaign, from gathering and petitioning against discriminatory legislation.⁵² Scores of campaign volunteers have been arbitrarily arrested and detained. Security forces have regularly prevented the Mourning Mothers, whose

⁴⁶ See "Iran: Stop Attacks on Peaceful Demonstrators," Human Rights Watch news release, February 14, 2011, <http://www.hrw.org/news/2011/02/14/iran-stop-attacks-peaceful-demonstrators>.

⁴⁷ See "Iran: End Violence Against Protesters," Human Rights Watch news release, March 3, 2011, <http://www.hrw.org/news/2011/03/03/iran-end-violence-against-protesters-0>.

⁴⁸ See "Iran: Parliament Ignores Concerns of Independent Civil Society Organizations Over Draft Bill," NGO joint press release, April 10, 2011, <http://www.hrw.org/news/2011/04/10/iran-parliament-ignores-concerns-independent-civil-society-organisations-over-draft->.

⁴⁹ See, e.g., "Iran: Release Students Detained for Peaceful Protests," Human Rights Watch news release, February 27, 2009, <http://www.hrw.org/en/news/2009/02/27/iran-release-students-detained-peaceful-protests>.

⁵⁰ See "Iran: Escalating Repression of University Students," Human Rights Watch news release, December 7, 2010, <http://www.hrw.org/news/2010/12/06/iran-escalating-repression-university-students>.

⁵¹ See, e.g., "Iran: Rights Defender Dedicates Award to Women Activists," Human Rights Watch news release, November 10, 2010, <http://www.hrw.org/en/news/2010/11/10/iran-rights-defender-dedicating-award-women-activists>.

⁵² Ibid.

sons and daughters were killed by security forces during the 2009 unrest, from gathering at Laleh Park in Tehran.⁵³

Authorities continue to prevent workers from forming independent trade unions such as the Syndicate of Workers of Tehran and Suburbs Bus Company, teachers' associations, and the Coordination Committee for the Establishment of Trade Unions. Security forces block these and other groups from holding meetings or engaging in public protests. Government crackdowns sometimes turn violent, and many group members have been arrested and convicted of committing various national security-related crimes. Family members of those prosecuted have also been subject to arbitrary arrests. Several labor leaders, such as Mansour Osanloo, Mahmoud Salehi, and Majid Hamidi, are currently serving prison sentences on politically motivated charges.⁵⁴

The government has also targeted opposition political parties and their leaders. In response to calls by former presidential candidates and opposition leaders Mir Hossein Mousavi and Mehdi Karroubi for mass protests in February 2011, security forces arbitrarily arrested dozens of political opposition members beginning on the evening of February 8. Several days later, they placed both Mousavi and Karroubi under house arrest, where they remain at this writing.⁵⁵ Back in September 27, 2010, the general prosecutor announced a court order dissolving two pro-reform political parties, the Islamic Iran Participation Front and the Mojahedin of the Islamic Revolution. Authorities have similarly shut down professional organizations, including the Journalists' Association and the Bar Association, in an effort to silence dissent.⁵⁶

Discrimination and Mistreatment of Ethnic, Religious and Other Minorities (Articles 2, 18):

The government denies adherents of the Baha'i faith, Iran's largest non-Muslim religious minority, the right to freely practice their religion.⁵⁷ In August 2010, a court convicted seven leaders of the national Baha'i organization to 20 years in prison after holding them in detention for 20 months without charge; their sentences were later reduced to 10 years' imprisonment. They were convicted of espionage after an unfair trial in which no evidence was presented against

⁵³ See, e.g., "Iran: Free Mourning Mothers Supporters," Human Rights Watch news release, March 5, 2010, <http://www.hrw.org/en/news/2010/03/05/iran-free-mourning-mothers-supporters>.

⁵⁴ See, e.g., Human Rights Watch, *You can Detain Anyone for Anything*.

⁵⁵ See "Iran: End Violence Against Protesters," Human Rights Watch news release, March 3, 2011, <http://www.hrw.org/news/2011/03/03/iran-end-violence-against-protesters-0>.

⁵⁶ See, e.g., "Iran: Lawyers' Defense Work Repaid with Loss of Freedom," NGO joint press release, October 1, 2010, <http://www.hrw.org/en/news/2010/10/01/iran-lawyers-defence-work-repaid-loss-freedom>.

⁵⁷ See, e.g., "Iran: End Persecution of Bahais," Human Rights Watch news release, February 23, 2010, <http://www.hrw.org/en/news/2010/02/23/iran-end-persecution-baha>.

them.⁵⁸ On May 21, 2011, security forces arrested at least 30 Baha'is in a series of coordinated raids in several major cities. All those arrested in the latest raids were affiliated with the Baha'i Institute for Higher Education, an online/correspondence university established in 1987 in response to the government's policy of depriving Baha'i students of the right to pursue higher education.⁵⁹

Iranian laws also discriminate against other religious minorities, including Sunni Muslims, in employment and education.⁶⁰ Sunni Muslims, most of whom are also ethnic minorities and comprise about 10 percent of the population, cannot construct mosques in major cities. In 2010, security forces detained several members of Iran's largest Sufi sect, the Nematollahi Gonabadi order, and raided their houses of worship. Authorities similarly targeted converts to Christianity for arrest. From 2009-11 security forces arrested and/or detained dozens of converts to Christianity following raids in Iran's major cities. Authorities have charged these individuals, many of whom belong to evangelical protestant groups, with a host of crimes including "acting against the national security," "insulting Islamic sanctities," and apostasy. On August 23, 2010, an appeals court upheld the death sentence for Youcef Nadarkhani, a 34-year-old pastor who converted to Christianity at the age of 19 and led a congregation of 400 Christians in the northern city of Rasht.⁶¹ Nadarkhani was charged with apostasy despite the fact that no such crime exists in Iran's penal code.

The government also regularly restricts cultural and political activities among the country's Azeri, Kurdish, and Arab minorities, including the organizations that focus on social issues. Human Rights Watch has documented numerous

⁵⁸ See, e.g., "Iran: Free Bahai Leaders," Human Rights Watch news release, August 10, 2010, <http://www.hrw.org/en/news/2010/08/10/iran-free-bahai-leaders>.

⁵⁹ See "Baha'i educational programme targeted in raids," Baha'i International Community, May 22, 2011, <http://bic.org/home-stories/bahai-educational-programme-targeted-in-raids> (accessed August 23, 2011). See also "Government Attacks Baha'i Online University; Detains 30 Instructors," International Campaign for Human Rights in Iran press release, May 23, 2011, <http://www.iranhumanrights.org/2011/05/bahai-university-attacked/> (accessed August 23, 2011).

⁶⁰ For example, Sunni Muslims (and other religious minorities) are effectively prevented from becoming employees of government ministries if they do not adhere to the principle of *velayat-e faqih*, or "guardianship of the jurist." This concept, which endorses the idea of a Shia supreme leader and is espoused by the Iranian government, is not accepted by most Sunni Muslims.

⁶¹ See "Supreme Court Says No Apostasy Execution if Pastor Was Never Muslim and Repents," International Campaign for Human Rights in Iran press release, July 26, 2011, <http://www.iranhumanrights.org/2011/07/nadarkhani-no-execution-if-not-muslim-and-repents/> (accessed August 23, 2011). Iran's supreme court has since ruled that that if Nadarkhani was a Muslim after the age of maturity then he is guilty of apostasy and must be sentenced to death. If not then he must repent and renounce his Christianity or he will be sentenced to death.

violations against Iran's Kurdish⁶² and Ahwazi Arab minorities over the past few years. In April 2011, Human Rights Watch received credible reports that several dozen protesters, most of whom were ethnic Arabs, were killed by security forces in Iran's southwestern province of Khuzestan.⁶³ The 2011 protests marked the sixth anniversary of the 2005 protests in Khuzestan in which security forces opened fire to disperse demonstrators in Ahvaz and other cities and towns in the province. As in 2005, authorities arrested hundreds of ethnic Arabs, prosecuted some during flawed trials where they had limited or no access to lawyers, and executed several.⁶⁴

Iran also engages in systematic discrimination against Iranians on the basis of sexual orientation and gender identity.⁶⁵ The penal code criminalizes all sexual relations outside of traditional marriage. Punishment for same-sex "crimes," which are subject to punishment fixed under *Sharia* or Islamic law, are severe. Under the Penal Code, *lavat* (sodomy) is punishable by death where a judge determines that penetration was involved. Other crimes are subject to corporal punishment. Iran is one of only seven countries with laws allowing executions for consensual same-sex conduct.⁶⁶ Legal provisions that criminalize and impose capital punishment for consensual same-sex conduct run afoul of Iran's obligations under the ICCPR, which prohibits death sentences except for the "most serious crimes."⁶⁷

In addition, Iran's security forces, including police and forces of the hard-line paramilitary *basij*, rely upon discriminatory laws to harass, arrest, and detain individuals whom they suspect of being gay. Human Rights Watch has documented cases in which security forces raided homes and monitored internet sites for the purpose of detaining people they suspected of engaging in non-conforming sexual conduct or gender expression. Those charged with engaging in consensual same-sex offenses stand little chance of receiving a fair trial, partly because Judges ignore penal code evidentiary guidelines in sodomy

⁶² See, e.g., Human Rights Watch, *Freedom of Expression and Association in Kurdish Regions*, January 2009, <http://www.hrw.org/en/reports/2009/01/08/iran-freedom-expression-and-association-kurdish-regions>.

⁶³ See "Iran: Investigate Reported Killings of Demonstrators," Human Rights Watch news release, April 29, 2011, <http://www.hrw.org/news/2011/04/29/iran-investigate-reported-killings-demonstrators>.

⁶⁴ See "Iran: Halt Execution of Ethnic Arabs After Secret Trial," Human Rights Watch news release, November 10, 2006, <http://www.hrw.org/en/news/2006/11/10/iran-halt-execution-ethnic-arabs-after-secret-trial>.

⁶⁵ See Human Rights Watch, *We are a Buried Generation: Discrimination and Violence Against Sexual Minorities in Iran*, December 2010, <http://www.hrw.org/node/94978>.

⁶⁶ See "Iran: Discrimination and Violence Against Sexual Minorities," Human Rights Watch news release, December 15, 2010, <http://www.hrw.org/news/2010/12/15/iran-discrimination-and-violence-against-sexual-minorities>.

⁶⁷ The UN Human Rights Council has called on all states parties to repeal laws criminalizing homosexuality or consenting same-sex conduct between adults.

cases and often rely instead on confessions extracted through physical torture and extreme psychological pressure.⁶⁸

Targeting of Human Rights Defenders (Articles 2, 9, 10, 14, 17, 19, 21):

Government efforts to intimidate human rights defenders and lawyers and prevent them from effectively advocating on behalf of victims of human rights abuses continue unabated. Today many of the most prominent human rights defenders are either in prison or exile.⁶⁹

The government has increased pressures against defense lawyers since 2005, and especially after the election protests.⁷⁰ Several lawyers, such as Mohammad Olyaeifard, are currently serving prison sentences on politically motivated charges, while others like Nobel Peace laureate Shirin Ebadi have effectively been forced into exile after authorities shut down her Center for Defenders of Human Rights.⁷¹ In September 2010, authorities arrested Nasrin Sotoudeh, who represented numerous political prisoners.⁷² On, January 9, 2011, Iranian authorities sentenced Sotoudeh to 11 years in jail for charges that included "acting against the national security" and "propaganda against the regime." She has also been barred from practicing law and from leaving the country for 20 years.

Mohammad Mostafaei was forced to flee Iran after authorities repeatedly summoned him for questioning and detained his wife, father-in-law, and brother-in-law.⁷³ Mostafaei represented high-profile defendants such as Sakineh

⁶⁸ See "Iran: Discrimination and Violence Against Sexual Minorities," Human Rights Watch news release, December 15, 2010, <http://www.hrw.org/news/2010/12/15/iran-discrimination-and-violence-against-sexual-minorities>. Iranian courts have convicted defendants of sodomy solely on the basis of "the knowledge of the judge derived from customary methods." This evidentiary provision of Iran's penal code enables judges to rely on tenuous circumstantial evidence to determine whether a crime has occurred even in the absence of other evidence or in the presence of exculpatory evidence.

⁶⁹ See "Iran: Deepening Crisis on Rights," Human Rights Watch news release, January 26, 2011, <http://www.hrw.org/news/2011/01/26/iran-deepening-crisis-rights>.

⁷⁰ See, e.g., "Iran: Lawyers' Defense Work Repaid with Loss of Freedom," NGO joint news release news release, October 1, 2010, <http://www.hrw.org/en/news/2010/10/01/iran-lawyers-defence-work-repaid-loss-freedom>.

⁷¹ See, e.g., "Iran: Stop Harassing Shirin Ebadi," Human Rights Watch news release, December 10, 2009, <http://www.hrw.org/en/news/2009/12/10/iran-stop-harassing-shirin-ebadi>; "Iran: End Persecution of Nobel Laureate," Human Rights Watch news release, December 30, 2008, <http://www.hrw.org/en/news/2008/12/30/iran-end-persecution-nobel-laureate>.

⁷² See, e.g., "Iran: Lawyers' Defense Work Repaid with Loss of Freedom," NGO joint news release news release, October 1, 2010, <http://www.hrw.org/en/news/2010/10/01/iran-lawyers-defence-work-repaid-loss-freedom>.

⁷³ See, e.g., "Iran: End Intimidation and Harassment of Lawyer and his Family," Human Rights Watch news release, July 30, 2010, <http://www.hrw.org/en/news/2010/07/30/iran-end-intimidation-and-harassment-lawyer-and-his-family>.

Mohammadi Ashtiani, the woman sentenced to death by stoning, and numerous juvenile detainees on death row.⁷⁴ In October 2010, a Revolutionary Court sentenced Mohammad Seifzadeh, a colleague of Shirin Ebadi and co-founder of the banned Center for Defenders of Human Rights, to nine years' imprisonment and banned him from practicing law for 10 years. In 2011 a revolutionary court sentenced Mohammad Ali Dadkhah, co-founder and spokesperson for the Center for Defenders of Human Rights, to nine years in prison and a 10 year ban from teaching in universities and practicing as an attorney.⁷⁵ Another revolutionary court sentenced Khalil Bahramian to 18 months in prison on charges of "propaganda against the regime" and "insulting the head of the judiciary," and imposed a ten year ban on his practicing law.⁷⁶

Security forces routinely harass and arrest human rights activists, often holding them without charge, and there are few if any independent human rights organizations openly operating in the country today.

In March 2010, numerous activists were swept up in raids and accused of attempting to overthrow the government via "cyber-warfare."⁷⁷ On September 21, 2010, a revolutionary court sentenced Emad Baghi to six years in prison for an interview he conducted with dissident cleric Grand Ayatollah Montazeri several years earlier. Another revolutionary court sentenced Shiva Nazar Ahari and Koohyar Goodarzi, both members of the Committee of Human Rights Reporters, to six years and one year respectively after months of "temporary detention" for alleged national security offenses.⁷⁸

For further reference, please find below the link to Human Rights Watch's country page on

⁷⁴ Houtan Kian, Ms. Ashtiani's second lawyer, is also currently in custody.

⁷⁵ See "Prominent Lawyer Sentenced to Eight Years in Prison and Ten Year Ban on Legal Practice," International Campaign for Human Rights in Iran press release, July 4, 2011, <http://www.iranhumanrights.org/2011/07/dadkhah-prison-ban/> (accessed August 23, 2011).

⁷⁶ See "Another Human Rights Lawyer Sentenced," International Campaign for Human Rights in Iran press release, February 6, 2011, <http://www.iranhumanrights.org/2011/02/another-human-rights-lawyer-sentenced/> (accessed August 23, 2011).

⁷⁷ See, e.g., "Iran: New Coordinated Attacks Against Human Rights Groups," Human Rights Watch news release, March 24, 2010, <http://www.hrw.org/en/news/2010/03/24/iran-new-coordinated-attack-human-rights-groups>.

⁷⁸ See, e.g., "Iran: Release Rights Activist; Guarantee a Fair Trial," Human Rights Watch news release, September 1, 2010, <http://www.hrw.org/en/news/2010/09/01/iran-release-rights-activist-guarantee-fair-trial>.

Iran: <http://www.hrw.org/en/middle-eastn-africa/iran>.