



Australia - Iran Human Rights Dialogue Human Rights Watch Submission

July 2018

We write on the occasion of the Australia-Iran human rights dialogue, to be held for the first time in Tehran in August 2018.

Australia should use this opportunity to raise critical human rights concerns while at the same time engaging Iranian authorities on ways to strengthen mechanisms for the protection of human rights. Specifically, we ask you to raise pressing human rights issues in an unambiguous manner, set clear benchmarks for improvements, and make the outcome of the discussions public. This submission covers freedom of expression, torture, due process rights, women's rights, and the death penalty.

Since December 2017, several waves of protesters across Iran have demonstrated against the government and ruling authorities, often motivated by a mix of economic¹ and environmental grievances,² perceptions of state corruption, and a glaring absence of social and political freedom.³

The Iranian security forces have responded to these protests with a range of abusive acts. They have arrested thousands of protesters on vaguely defined national security charges and deprived them access to a lawyer, and Iran's revolutionary courts are handing down long prison sentences to protesters, often based only on their peaceful dissent.⁴ Domestic media and rights groups have reported at least 25 deaths during the crackdown, and 5 deaths in custody since January 2018. Yet despite repeated allegations of authorities torturing detainees and serious due process violations,

¹ The Wall Street Journal, "Iranians Protest Over Economic Malaise," December 30, 2017, <https://www.wsj.com/articles/iranians-protest-over-economic-malaise-1514579608> (accessed July 30, 2018).

² Los Angeles Times, "A Long-Simmering Factor in Iran Protests: Climate Change," January 17, 2018, <http://www.latimes.com/world/middleeast/la-fg-iran-protests-climate-change-2018-story.html> (accessed July 30, 2018).

³ The New York Times, "How the Other Half Lives in Iran," January 14, 2018, <https://www.nytimes.com/2018/01/14/opinion/iran-protests-inequality.html> (accessed July 30, 2018).

⁴ "Iran: Crackdown on Student Activists," Human Rights Watch news release, July 21, 2018, <https://www.hrw.org/news/2018/07/21/iran-crackdown-student-activists>.

they have not conducted any impartial investigation into these serious allegations, including security forces' excessive use of force.⁵

The US withdraw from the nuclear agreement with Iran and the potential for renewed US sanctions has had an impact on President Hassan Rouhani's domestic policies. As the geopolitical tension and US pressure on Iran rise, Iran's hardliner-controlled judiciary and security establishment are further shutting down domestic dissent and arresting activists.

In January, Iran's Islamic Revolutionary Guard Corps Intelligence Organization arrested at least 12 environmentalists from the Persian Wildlife Heritage Foundation, eight of whom remain in detention in Evin prison in Tehran. This conservation organization works on protecting the Asiatic Cheetahs, an endangered species found in Iran. Authorities have detained them without clear charges, and they face the threat of torture. One of the detained environmentalists, Kavous Seyed Emmami, was an Iranian-Canadian dual citizen and well-known university professor, who died under suspicious circumstances while in detention.⁶ Authorities have claimed he committed suicide, but instead of allowing for an independent investigation, they have embarked on a smear campaign against him, threatened his family, and placed a travel ban on his wife.⁷

Iran's judiciary recently imposed a restriction on the right to access a lawyer.⁸ According to Iran's 2014 criminal procedure law, defendants accused of national security crimes – commonly used to prosecute activists – can only be represented by lawyers from a list approved by Iran's judiciary during the investigative phase. In Tehran's court jurisdiction only 20 lawyers made the list, which also did not include any human rights lawyers or women.

Several activists who remain behind bars are also suffering from serious health issues and are deprived of adequate access to medical treatment in prison.⁹

In December 2017 and January 2018, several women took off their headscarves in public to protest the compulsory hijab law in the country. Authorities are now prosecuting these women on anti-morality charges, and courts have sentenced them to prison terms ranging from 24 months to 20

⁵ "Iran: Dervish Member Executed," Human Rights Watch news release, June 18, 2018, <https://www.hrw.org/news/2018/06/18/iran-dervish-member-executed>.

⁶ "Iran: Investigate Suspicious Deaths in Detention, Release Activists," Human Rights Watch news release, February 13, 2018, <https://www.hrw.org/news/2018/02/13/iran-investigate-suspicious-deaths-detention-release-activists>.

⁷ "Iran: Stop Persecuting Families of People Who Died in Jail," Human Rights Watch news release, March 13, 2018, <https://www.hrw.org/news/2018/03/13/iran-stop-persecuting-families-people-who-died-jail>.

⁸ "Want to Choose Your Lawyer? Good Luck in Iran," Human Rights Watch news release, June 5, 2018, <https://www.hrw.org/news/2018/06/05/want-choose-your-lawyer-good-luck-iran>.

⁹ "Iran: Jailed Rights Defender Ailing," Human Rights Watch news release, April 10, 2018, <https://www.hrw.org/news/2018/04/10/iran-jailed-rights-defender-ailing>.

years in prison. In the case of Shaparak Shajarizadeh, who protested the compulsory hijab law and was sentenced to 20 years in prison, the court later suspended 18 years of her sentence, meaning she has to serve a 2-year prison sentence.

On June 13, authorities arrested Nasrin Sotoudeh,¹⁰ a prominent human rights lawyer, for her work in defending the rights of women who are protesting the compulsory hijab law.¹¹ Sotoudeh remains behind bars, along with several other prominent human rights defenders such as Narges Mohammadi¹² and Abdolfattah Soltani.

A recent amendment to the country's drug law, which limited the circumstances for applying a mandatory death penalty for drug offenses, has led to authorities to halt all drug-related executions and review cases in accordance with the new law.¹³ However, authorities have executed at least four individuals for crimes they committed as children since January 2018. In 2017, Iran executed at least 507 individuals, according to Amnesty International.¹⁴

Recommendations

Australia should publicly and privately call on the Iranian government to:

- Abolish drug-related and child executions as a matter of the highest priority, as part of efforts to end the use of the death penalty.
- Conduct transparent and impartial investigations into officials implicated in the arbitrary arrests of protesters and the alleged torture and killing of detainees, as well as facilitate access for independent monitors, including the United Nations Special Rapporteur on the situation of human rights in Iran, to conduct in-country investigations on these incidents.
- Release all persons detained arbitrarily, including those imprisoned or detained for exercising their rights to free expression, peaceful assembly, movement, or political or religious association, and cease arresting and detaining others for such actions. Some of the most urgent cases for release are:

¹⁰ "Iran: Prominent Rights Defender Arrested," Human Rights Watch news release, June 13, 2018, <https://www.hrw.org/news/2018/06/13/iran-prominent-rights-defender-arrested>.

¹¹ "Iran: Women Arrested for Dancing," Human Rights Watch news release, July 11, 2018, <https://www.hrw.org/news/2018/07/11/iran-women-arrested-dancing>.

¹² "Iran: 10-Year Sentence Confirmed for Prominent Rights Defender," Human Rights Watch news release, October 1, 2016, <https://www.hrw.org/news/2016/10/01/iran-10-year-sentence-confirmed-prominent-rights-defender>.

¹³ "Iran: Raising the Death Penalty Bar," Human Rights Watch news release, August 15, 2017, <https://www.hrw.org/news/2017/08/15/iran-raising-death-penalty-bar>.

¹⁴ Amnesty International, "Amnesty International Global Report: Death Sentences and Executions 2017," 2018, <https://www.amnesty.org/download/Documents/ACT5079552018ENGLISH.PDF> (accessed July 30, 2018).

- Mir Hossein Mousavi, Zahra Rahnavard, and Mehdi Karroubi, prominent opposition figures who remain under house arrest without charge or trial since February 2011.¹⁵
- Abdolfattah Soltani, a prominent human rights lawyer who is currently serving a 13-year prison sentence for his human rights work since 2011.
- Narges Mohammadi, a member of the banned Center for Human Rights Defenders who is serving a 10-year prison sentence for charges that include establishing an anti-death penalty coalition since June 2015.¹⁶
- Nasrin Sotudeh, prominent human rights lawyer, who has been detained without charge since June 2018.¹⁷
- Arash Sadeghi, a human rights activist who is sentenced to 16 years in prison, and was recently diagnosed with a bone tumor.¹⁸
- Morad Tahbaz, Sam Rajabi, Amirhossein Khaleghi, Houman Jokar, Taher Ghadirian, Speideh Kashani, and Niloufar Bayani, eight environmental activists who have been detained for more than 6 months with no clear charges against them.
- Stop prosecuting women for their choice of dress.
- Remove restrictions on access to lawyers for people charged with national security crimes and in the meantime, ensure detainees have adequate access to medical treatment.
- Establish independent mechanisms for reporting and investigating allegations of torture and deaths in custody.

¹⁵ “Iran: Opposition Figures Denied Health Care,” Human Rights Watch news release, August 2, 2017, <https://www.hrw.org/news/2017/08/02/iran-opposition-figures-denied-health-care>.

¹⁶ “Iran: 10-Year Sentence Confirmed for Prominent Rights Defender,” Human Rights Watch news release, October 1, 2016, <https://www.hrw.org/news/2016/10/01/iran-10-year-sentence-confirmed-prominent-rights-defender>.

¹⁷ “Iran: Prominent Rights Defender Arrested,” Human Rights Watch news release, June 13, 2018, <https://www.hrw.org/news/2018/06/13/iran-prominent-rights-defender-arrested>.

¹⁸ Centre for Human Rights in Iran, “Political Prisoner ‘Wasting Away’ as Iran Refuses to Provide Medical Tests for Potentially Cancerous Bone Tumor,” June 29, 2018, <https://www.iranhumanrights.org/2018/06/arash-sadeghi-wasting-away-as-iran-refuses-to-provide-medical-tests-for-potentially-cancerous-bone-tumor/> (accessed July 30, 2018).