



**Background information and Recommendations for the UNGA**  
**Resolution on**  
**Human Rights in the Islamic Republic of Iran**

October 2013

FIDH (International Federation for Human Rights), the League for the Defence of Human Rights in Iran (LDDHI), and the Defenders of Human Rights Centre (HRDC), call for a strong and comprehensive resolution on the situation of human rights in the Islamic Republic of Iran at the 68<sup>th</sup> session of the UN General Assembly (UNGA). Our organisations take note of the signs of change displayed by the Iranian Government since the election of President Hassan Rouhani in June 2013 and his taking of office on 3 August 2013, but note that this has so far not significantly impacted the human rights situation in Iran. Isolated 'good will' gestures, including the release of Ms. Nasrin Sotoudeh, do not offset the overall continued repression and human rights violations, not to mention the ongoing imprisonment of other human rights defenders, journalists, and trade unionists.

This year's UNGA resolution should also address the extremely unfair and discriminatory vetting procedure in parliamentary and presidential elections. The two main opposition leaders, Mehdi Karoubi and Mir Hossein Mousavi, remain under house arrest.

Please find attached a short briefer on some of the most pressing ongoing human rights violations in Iran, which we urge you to reflect in the language of this year's UNGA resolution.

## **Abusive use of the death penalty**

**The upcoming UNGA resolution should denounce the increasing number of executions, carried out both secretly and publicly, often using appalling and inhumane methods of execution, and sometimes against minors. The UNGA resolution should also denounce the application of the death penalty for crimes that are ambiguously defined, and call for the review of the new Islamic Penal Code to conform to international law.**

The change of administration in Iran has not brought any changes in policy or practice as far as the death penalty is concerned.

Thousands of prisoners remain on death row in Iran, but exact figures are not known, because the authorities do not publish figures of death sentences imposed and carried out. In 2013, international human rights organisations recorded at least 508 executions as of 16 October, including five people who may have been younger than 18 when they were alleged to have committed the crimes. At this rate, the number of executions is likely to exceed well over 600 by the end of the year.

Between the 14 June 2013 presidential election and 1 October 2013, more than 200 people have reportedly been executed, including 4 people who were reported to be younger than 18 years of age when they were alleged to have committed the crimes for which they were executed.

### New Penal Code: the death penalty targeting minors and non-Muslims

The Iranian parliament (Majlis) passed the new Islamic Penal Code (IPC) in April 2013, which was communicated for enforcement to the government on 29 May 2013. The new IPC has retained the death penalty in almost all the instances that were punishable under the previous IPC, and appears to have expanded its scope. Judges now have the power to impose a death sentence in additional cases on the basis of the Sharia.

It is also notable that the new IPC specifically rejects the principle of presumption of innocence in regard to *moharebeh* (enmity against God), 'corruption on earth', theft, and 'untrue accusation of fornication or sodomy'<sup>1</sup> (Article 121).<sup>2</sup>

The IPC also discriminates against non-Muslims. For example, a non-Muslim who kills a Muslim shall be sentenced to death, but if a Muslim kills a non-Muslim, the killer shall not be sentenced to death (Article 301). Moreover, a Muslim man involved in non-adulterous fornication with a Muslim woman would be flogged, but a non-Muslim man would be executed (Article 224).

The IPC has specifically retained the inhuman punishment of stoning for male and female defendants charged with adultery while married (Article 225), but the courts have been provided with the alternative to impose the death sentence upon the approval of the Head of the Judiciary, "if it is not possible to perform stoning". Adultery clearly does not fall in the category of "most serious crimes" which can be punishable by death under international law.

The new IPC also allows for the continued application of the death penalty against minors. For example, Article 91 leaves it at the discretion of judges to decide if a juvenile offender understood the nature of their offence and thus to impose the death sentence on them. Article

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<sup>1</sup> *qadf*

<sup>2</sup> These crimes are all punishable by death, although in the case of theft and 'untrue accusation of fornication or sodomy,' only on the fourth conviction.

147 also has repeated the provisions of the previous law as well as the Civil Code regarding maturity and the age of criminal responsibility, allowing for girls as young as 8 years of age and a boys as young as 14 to be sentenced to death.

### **Cruel and inhuman punishment**

**The UNGA resolution should call for abolition of all forms of corporal punishment that amount to torture and other cruel and inhuman punishment, including a call to repeal article 1179 of the Civil Code, articles 49 and 59 of the Penal Code, and article 7 of the Law on the Protection of Children, which are often cited as legal justification for the use of torture, as well as the Islamic Penal Code's provisions that stipulate flogging and amputation of body parts.**

Prisoners are frequently sentenced to flogging, or “flogging and death,” whereby the person being executed is inhumanely beaten before execution. The new IPC has provided for flogging up to 100 lashes for numerous crimes, including “sexual offences.”

The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran has provided detailed figures of the application of flogging punishments in his October 2013 report (Paragraph 28) for the period of July 2012-2013. The UN Secretary General's report from September 2013 also cites examples of cruel corporal punishment, including a case of public amputation in January 2013.

### **Persecution of human rights defenders**

**The resolution should call for an end to the persecution of human rights defenders, and the immediate and unconditional release of all imprisoned human rights defenders.**

We welcome the release on 18 September 2013 of Nasrin Sotoudeh, a prominent human rights lawyer, as well as the recent release of some other prisoners of conscience. However, dozens of human rights defenders continue to serve prison sentences and dozens of others are awaiting court decisions on charges related to their legitimate human rights work. The authorities frequently prosecute them on ambiguous charges related to “state security.”

In late September 2013, the appeals court confirmed an additional six-year sentence against Mr. Mohammad Seifzadeh, a prominent human rights lawyer and founding member of the Defenders of Human Rights Centre (DHRC), for “collusion to take action against the national security” and “spreading propaganda against the system.” These charges were based on a July 2011 letter he wrote to former President Khatami, in which he strongly criticised the Judiciary and called for the dissolution of unconstitutional courts such as the Islamic Revolution Courts. This six-year sentence was initially handed down in March 2013, just before Mr. Seifzadeh was to complete a two-year sentence he was already serving for similar charges.

Mr. Abdolfattah Soltani, a lawyer and founding member of DHRC, is currently serving a 13-year sentence for “propaganda against the system,” “participation in founding the Human Rights Defenders Centre,” “assembly and collusion against national security,” as well as “earning illegitimate assets” as a laureate of the Nuremberg City Human Rights prize in 2009. In January 2013, the UN Working Group on Arbitrary Detention ruled that Mr. Soltani's detention was arbitrary and ordered his immediate release, yet he remains imprisoned.

On 10 March 2013, Ms. Massoumeh Dehghan, his wife, was sentenced to one year of imprisonment (currently suspended for 5 years) and a 5-year ban on foreign travel for travelling to Germany to accept the Nuremberg Human Rights Prize on her husband's behalf.

### **Violations of women's human rights**

**The issues outlined in resolution A/RES/67/182 regarding the rights of women are still of concern, and gender discrimination in law and in practice has even escalated over the past year. The new UNGA resolution should condemn these laws and practices, and call for their abolition.**

The widespread violations of women's rights have increased and continue to be institutionalized through law and government policies. In addition, women are subject to further discrimination on the basis of their religion, ethnicity, and political opinion. Some examples of laws that violate the rights of women:

- Girls are prohibited from enrolling in dozens of subjects in many universities throughout Iran, and certain university departments have introduced gender separation.
- Domestic violence, including marital rape, is implicitly sanctioned by law, for example in articles 8, 16 and 22 of the 1975 Family Protection Law.
- The Family Protection Law and the Civil Code have provided for polygamy.
- The Civil Code stipulates that women have a legal obligation to be obedient to their husbands. For example, under article 1117, a man has the power to prohibit his wife from entering employment.

### **Discrimination against ethnic communities and religious minorities**

**The resolution should address the repression of ethnic communities and religious minorities, including violations of their cultural and economic rights.**

In May 2013, the Committee on Economic, Social and Cultural Rights expressed concern that ethnic minorities in Iran including Kurds, Arabs, Azeris and Baluchis, face discriminatory policies which impact on their equal enjoyment of their rights to cultural life as well as to employment and education.

Ethnic activists and journalists often face arbitrary arrest and prosecution. Some political activists suffer torture, and grossly unfair trials before Islamic Revolution Courts. In some cases, they are accused of collaboration with opposition groups operating from abroad, charged with *moharebeh* and sentenced to death. In particular, Arabs in Khuzestan province, Baluchis in the southeast, and Kurds throughout the country have been disproportionately targeted for executions. Poor Afghan migrants and refugees are especially targeted for execution on drug-related charges.

Discrimination against religious minorities, both the three constitutionally recognised minorities and the numerous minority groups not recognized by the constitution, is rampant. Some examples of such discrimination enshrined in the law include:

- Only male Shiites may be appointed or elected as the Supreme Leader, President, Head of the Judiciary, Prosecutor-general and President of the Supreme Court.
- Sunni teachings and Sunni religious literature have been banned in public schools and authorities have also prevented Sunni Iranians from constructing mosques in major cities or even holding mass prayers in large cities where they are in the minority.

- Non-Muslims may not become judges and are banned from several other positions in the government.
- The three recognised religious minorities face extreme discrimination of sentencing under the Islamic Penal Code in cases of murder or adultery. Furthermore, under the Civil Code they face outright discrimination in regard to inheritance rights in favour of any relatives who may have converted to Islam. Male followers of the three religions are legally barred from marrying Muslim women.
- Converts from Islam to other religions are frequently persecuted. They may be condemned to death for converting to other religions or becoming atheists. An unknown number of converts are in prison for their religious beliefs, including Pastor Sa'eed Abedini.
- Followers of the Baha'i non-recognized religious minority enjoy virtually no rights under the law, and are banned from practising their faith. As of October 2013, at least 115 Baha'is were being held in prison solely because of their religious belief including several instructors of the BIE online university.

### **Ongoing impunity for human rights violations**

**The resolution should call for an end to impunity for human rights violations, including the mass executions that took place in the 1980s. The resolution should also denounce the ongoing persecution of the families of the victims of the executions of the 1980s, and call for the respect of the rights of these families to know the fate of their loved ones and where they are buried.**

As of today, the Iranian authorities, some of whom were in power in the 1980s, have not yet acknowledged the extrajudicial killing of thousands of prisoners in 1980s. They have also failed to bring the perpetrators of these illegal killings to justice, and consistently denied the victims' close relatives the right to know where their loved ones have been buried. Family members of the victims who have sought to uncover the truth have frequently been harassed and persecuted, including on the judicial level. Scores of supporters of *the Khavaran Mothers* and *Mothers of Park Laleh (MPL)* (also known as *The Mourning Mothers*) have been detained, prosecuted, imprisoned, or forced to leave the country, and several of them are currently serving prison terms on irrelevant charges such as 'spreading propaganda against the State' and 'acting against the national security'.

### **Violations of Economic, Social, and Cultural Rights**

**The resolution should call on Iran to ratify key conventions that protect economic and labour rights, in particular the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the relevant ILO conventions on the Right to Organise and Collective Bargaining, the Minimum Age Convention and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

Workers in Iran have no right to organise freely. Attempts in recent years to establish independent trade unions have been harshly repressed, and labour leaders have been imprisoned on charges including 'acting against national security' and 'spreading propaganda against the system.' **Many unionists have served prison sentences in recent years and several are currently facing court proceedings and facing the threat of imprisonment.**

Journalists, human rights defenders, and critics of the government are often discriminated against where they work.

### **Lack of cooperation with UN mechanisms**

**The resolution should call on Iran to extend an invitation to the Special Rapporteur on Iran and other special procedures and assist them to implement their mandate. The new Iranian administration should also be called upon to stop reprisals against individuals who have cooperated with UN mechanisms, as indicated in UN Secretary General's report from September 2013.**

Even though the new Iranian authorities have stated their willingness to work with UN human rights mechanisms including the OHCHR, they apply this commitment selectively and continue to refuse to work with and assist the Special Rapporteur on the situation of human rights in Iran, Dr. Ahmed Shaheed. Dr. Shaheed has yet to receive a response to his numerous requests to visit the country. A sustained engagement with special procedures, in addition to complementary contacts with the OHCHR, is the best way to ensure support for Iran in addressing ongoing human rights concerns.

### **Lack of Due process**

**The resolution should also call for compliance with due process and international standards of fair trial as well as the disbanding of unconstitutional 'judicial' bodies, such as the Islamic Revolution Courts and the Special Court for Clergy.**

There are ongoing problems regarding the lack of due process in Iran, including the regular practice of televising self-incriminating coerced 'confessions' from detainees, and the lack of the right of appeal for drug smugglers sentenced to death (Anti-Narcotics Law; article 32).

Several Iranian Arab cultural activists have appeared in self-incriminating televised confessions in the past few years, including in 2013. Press TV, the channel that has aired televised 'confessions' in the past, reported in early October 2013 that it would air more confessions in November of this year. Many victims have later retracted their confessions and said they were made under coercion and torture.

Prisoners of conscience accused of political offences in particular, spend a long time in solitary pre-trial confinement and are often denied their right to legal counsel. Journalists Khosro and Massoud Kordpour, who have been detained since March 2013, spent two months in solitary confinement, and Khosro Kordpour went on a hunger strike in April in protest for being denied access to his lawyer.

### **Violations of freedom of expression**

**The UNGA resolution should denounce restrictions placed on access to information and freedom of expression, and call on the government of Iran to respect freedom of expression, freedom of the press and other media, as well the freedom to obtain information freely.**

Restrictions on freedom of expression have been ongoing over the past year: many newspapers, including those that were closed during the 2009 presidential election, remain

banned.

The Death fatwa issued by state-affiliated sources, calling for the killing of Iranian rap singer and activist Shahin Najafi, has not been retracted nor has the fatwa against the writer Salman Rushdie.

Plans to build a “national Internet” (a self-contained network that would allow the government to further control access to online information in the country) are still under way. Social networks are extremely difficult to access and most are still banned. The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran reported in October 2013 that up to 5 million websites have been blocked, in addition to several other restrictions on freedom of access to information.

Access to satellite TV programmes is banned. A military organisation crushed hundreds of satellite dishes under tanks in the city of Shiraz in September 2013.

### **Violations of freedom of association**

**The resolution should call for lifting of bans on all political parties and other associations and labour unions, and for the release from prison of activists affiliated to these groups.**

Many political parties and groups were banned during the 2009 political protests and remain outlawed today, along with several others that were banned prior to 2009. Journalist associations and independent labour unions face similar repression. A number of activists are serving lengthy prison terms for organising independent unions and peacefully calling for an increase in wages. These include Board members of the Teachers Association, members of the Tehran bus workers union, sugar cane workers, members of the Free Union of Iranian Workers, and other independent union members.