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Human Rights

حقوق بشر

Document - Iran: Human Rights in the spotlight on the 30th Anniversary of the Islamic Revolution

<http://www.amnesty.org>

2/9/2009

10 February 2009 marks the 30 year anniversary of the change in government in Iran that led to the creation of the Islamic Republic. Amnesty International is marking the date by raising its concerns over a range of human rights violations that have persisted over the past 30 years.

Previous governments appointed by the former Shah, Mohammad Reza Pahlavi were widely regarded as corrupt and responsible for egregious human rights violations. The Islamic Republic of Iran was created following a nationwide referendum on 1 April 1979. Another referendum, in December 1979, approved the constitution and confirmed Ayatollah Khomeini as Supreme Leader.

Despite promises made by Ayatollah Khomeini that all Iranians would be free, the past 30 years have been characterised by persistent human rights violations. The vast scope and scale of those violations of the early years of the Islamic Republic did decline somewhat with time. Limited relaxation of restrictions on freedom of expression during the period of reform under former President Khatami raised hopes of a sustained improvement in the human rights situation, although the situation remained poor. However, these hopes have been firmly crushed since the accession to power of President Mahmoud Ahmadinejad.

Impunity, arbitrary arrest, torture and other ill-treatment, as well as the use of the death penalty remain prevalent. Some sectors of society – including ethnic minorities – continue to face widespread discrimination, while the situation for other groups – notably some religious minorities – has significantly worsened. Those seen as dissenting from stated or unstated official policies face severe restrictions on their rights to freedom of belief, expression, association and assembly. Women continue to face discrimination - both in law and practice. Impunity for human rights abuses is widespread.

Amnesty International has been documenting human rights violations in Iran since the middle of the 1960s. On the occasion of this anniversary, Amnesty International urges the Iranian authorities to:

- Release all prisoners of conscience: those imprisoned in Iran because of their political, religious or other conscientiously held beliefs, ethnic origin, language, national or social origin, sexual orientation or other status who have not used or advocated violence or hatred;
- Direct government, judicial and security officials to review the cases of all prisoners held for political reasons. This includes the release all political prisoners who were unfairly tried in previous years who should be retried under procedures which meet international standards for fair trial. Release those who have not yet been tried unless they are to be tried promptly and fairly on recognizably criminal charges;
- End impunity for past human rights violations, by fully investigating past abuses such as the 1988 mass killings of political prisoners, commonly known as the “prison massacres”;
- Make it clear to state officials that torture and other ill-treatment will not be tolerated and bring to justice anyone found responsible for such abuses;
- Reform key areas of the administration of justice to ensure that no one is arbitrarily arrested or subjected to unfair trial and that evidence obtained under torture and other ill-treatment is not admissible in courts.

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AMNESTY INTERNATIONAL’S CURRENT CONCERNS IN IRAN

Impunity for past violations

The vast majority of the myriad of serious human rights violation committed in the last 30 years have never been investigated, nor victims provided with redress. Of particular note are the 1988 “prison massacres” when the Iranian authorities carried out massive wave of executions of political prisoners. No one has ever been brought to account for these killings, and instead of investigating them, the authorities are trying to destroy vital evidence by recently bulldozing the grave site at Khavaran, where many of those executed are thought to be buried. Relatives of those killed have also been arrested and imprisoned after annual gatherings to commemorate the mass executions.

- **Hamideh Nabavi-Cheshmi (f)** is serving a one-year prison sentence in Evin Prison in Tehran. She was arrested on 7 October 2008, apparently in connection with her “intention” to have participated in the 2008 anniversary gathering, which she did not actually attend.

Restrictions on expression and association

Non-governmental organizations, newspapers, magazines and websites have been forcibly closed by the authorities, which also regularly blocks internet access to a wide range of internet sites, including some relating to human rights.

- In December 2008, the authorities forcibly closed the **Centre for Human Rights Defenders (CHRD)**, founded by Nobel Peace Prize Laureate Shirin Ebadi, shortly before the Centre was to hold an event commemorating the 60th anniversary of the Universal Declaration of Human Rights.

A host of vaguely-worded laws and practices relating to national and public security, slander, defamation of state officials, insults to Islam and other aspects of freedom of expression, association and belief are used to prosecute those who dissent, including those seeking to promote and protect human rights. Punishments for such “offences” range from imprisonment, flogging and fines to the death penalty in some cases. Individuals may also be additionally sentenced to deprivation of their civil rights, such as a ban on employment in certain sectors or enforced residency far away from their homes.

- **Mohammad Sadiq Kabudvand**, founder and Chair of the Human Rights Organization of Kurdistan, detained since July 2007, was sentenced to 11 years’ imprisonment in May 2008 following conviction after an unfair trial of “propaganda against the system” and “acting against state security by establishing the Human Rights Organization of Kurdistan”. In September 2008, an appeal court overturned the one-year sentence for “propaganda against the system” and confirmed the 10-year sentence. He has been denied visits by his family and lawyer for prolonged periods, and medical treatment that he required has been delayed.
- On 22 January 2009, Sufi **Jamshid Lak**, a Gonabadi Dervish from the Nematollahi order, was flogged 74 times after conviction of “slander” after he had publicly complained about ill-treatment by a Ministry of Intelligence official.

Discriminatory selection procedures, known as “gozinesh” are also used to exclude individuals from employment in or selection to state and para-statal bodies, including the Presidency, Parliament and professional associations such as the Bar Association, a form of pressure which causes many to self-censor.

- In the 2008 elections to the Board of the Central Bar Association, four lawyers, all members of the CHRD, were disqualified from standing. **Mohammad Dadkhah, Dr Hadi Esmailzadeh, Fatemeh Gheytrat (f) and Abdolfattah Soltani** were all prevented from standing by order of the judiciary.

Arbitrary Arrest, torture and ill-treatment

Hundreds, if not thousands, of people are arrested in Iran each year on suspicion of offences related to security or freedom of expression and association under the vaguely worded provisions referred to above. Many arrests in Iran are carried out by plain-clothed officials who fail to identify themselves and who do not produce an official arrest warrant or state a reason for the arrest. Those detained are often first taken to undisclosed locations, most of which are believed to be under the control of the Ministry of Intelligence, before later being transferred to prison. Those suspected of political offences are routinely denied access to family members and their lawyers, under Article 128 of the Code of Criminal Procedures

which permits a judge to deny access to lawyers during the investigation phase (which can last months) “where the case has a confidential aspect or the presence of somebody other than the defendant may, at the discretion of the judge, cause corruption, as well as in the case of offences against the national security”.

Members of Iran’s ethnic – mainly Arabs, Azerbaijanis, Baluch, Kurds and Turkmen - and some religious minorities – Bahai’s, evangelical Christians, Ahl-e Haq and Sufis – are regarded with particular suspicion and often appear to be particularly harshly treated. They are marginalized by administrative measures, especially in the provinces, where scrutiny by human rights groups of their cases is harder.

- Seven **Baha’i community leaders** are currently detained without charge or trial in Section 209 of Evin prison. Arrested in March and May 2008, they have not been granted access to lawyers and have received only one visit from family members. A recent wave of arrests of Baha’is, apparently on account of their religion, has seen the detention of eight Baha’is (later released) on the island of Kish, seven in Tehran, of whom one was released, and two in Mashhad.

Torture or other ill-treatment

Amnesty International documented torture and ill-treatment over many years by security officials in the time of the Shah, particularly members of the intelligence force SAVAK. Sadly, the situation has been no better in the 30 years of the Islamic Republic. Detainees – whether political or not - are all too frequently subjected to torture or other ill-treatment, particularly in the initial period of detention when little information is known about their whereabouts and situation. Methods described by former detainees include beatings, suspension from a height, insults, threats of rape, sexual abuse, electric shocks, prolonged sleep deprivation, being forced to stand in uncomfortable positions for long periods and prolonged solitary confinement. Denial of necessary medical treatment has also become increasingly common in recent years, apparently intended to place extra pressure on detainees and prisoners. Punishments which constitute torture or other ill-treatment – such as flogging and amputation - are also imposed and implemented.

- **Farzad Kamangar**, a 32 year old teacher, was arrested by officers from the Ministry of Intelligence in Tehran in 2006. He was initially held incommunicado at a series of locations, including in the cities of Kermanshah, Sanandaj and Tehran, where he was tortured, including by being beaten, flogged and electrocuted. He was sentenced to death in February 2008 after conviction of “enmity against God” – a charge levelled against those accused of taking up arms against the state - apparently in connection with his alleged membership of the armed group, the Kurdistan Workers Party (PKK), which carries out attacks in Turkey, after traces of explosive powder and a gun were found in a house he stayed in with his two co-accused and in a car that they had used. Farzad Kamangar denies any such membership. His trial was grossly flawed. Farzad Kamangar has been prohibited, on several occasions and for prolonged periods of time, from seeing his lawyer and family members. The two other men were also sentenced to death and to 10 years’ imprisonment, apparently for forging documents. Under Iranian law, they must serve their prison sentences before being executed. On 11 July 2008 Farzad Kamangar’s death sentence was upheld by the Supreme Court.

However, his lawyer has submitted his case to a judicial review panel in an effort to have his death sentence overturned. Under Iranian law, death sentences cannot be carried out while under review. He is currently held in Reja'i Shahr Prison, in Karaj, west of Tehran.

Unfair trials

Once detainees are brought to trial, often before Revolutionary courts or sometimes before the Special Court for the Clergy, legal counsel is often not permitted to attend, also under Article 128 of the Code of Criminal Procedures. Trials, particularly in the provinces, may last only minutes. Proof is often heavily reliant on “confessions”, which have often been extracted under torture or other ill-treatment, or on other evidence provided by the Intelligence services, which is not always made available to the defendant, thereby depriving the individual of the right to challenge it in court. Judges have wide discretion with regard to evidence in the reaching of a verdict, sometimes relying on the poorly-defined provision termed “knowledge of the judge”.

- Brothers **Arash and Kamiar Alaei**, both medical doctors specializing in HIV and AIDS prevention and treatment, were sentenced in January 2009 to six and three years' imprisonment respectively, for “cooperating with an enemy government” after months in pre-trial detention without access to a lawyer for over two months and an unfair trial in which secret evidence was produced which they were not allowed to see or challenge. Their arrest in June 2008 is believed to be related to their links with US-based civil society organizations and their criticism of changes in government policy towards HIV and AIDs programmes. Amnesty International considers them to be prisoners of conscience.

Use of the Death Penalty

Iran remains a prolific executioner. It is second only to China in the number of executions recorded annually, resisting the worldwide trend towards abolition of this brutal and irreversible punishment. Of particular concern is Iran's continued insistence on executing juvenile offenders – those who committed offences while under the age of 18 – which is strictly prohibited under international law. Few other countries continue this practice, while at least eight of the 346 executions Amnesty International recorded in Iran in 2008 were of juvenile offenders, including at least one who was under 18 at the time of his execution. Amnesty International believes the true number of executions is likely to be higher than the number recorded.

- At least one juvenile offender – Afghan national **Mola Gol Hassan** – has been executed so far in 2009.

The death penalty continues to be applied in political cases, where individuals are commonly accused of “enmity against God”. **Ali Ashtari** was executed in June 2008 for espionage, and at least 14 members of Iran's Kurdish minority are now said to have been sentenced to death for membership of the Party for a Free Life in Kurdistan (PJAK) or other groups over the last two years.

Despite a welcome directive from the Head of the Judiciary a year ago which banned public executions without his express permission, disappointingly some executions have continued to be carried out in public. Since the directive was issued, at least 11 people were executed in public, including four in Borazjan, six in Sabzevar on 10 and 14 July 2008 respectively, and one in Nikshahr in December 2008.

Legislation passed last year extended the application of the death penalty to audio-visual crimes such as the production of pornographic material. Other legislation currently under debate would, if passed, introduce the death penalty for apostasy, heresy and witchcraft and for certain internet-related crimes such as those found responsible for websites deemed to “promote corruption and apostasy”.

Sentences of execution by stoning continue to be imposed and, on occasion, carried out, despite a 2002 moratorium introduced by the Head of the Judiciary, and subsequent statements by officials that stonings no longer take place in Iran. Following strenuous efforts by local campaigners, supported by international pressure, the stoning sentences against 11 women and one man have been overturned or commuted to flogging. However, at least seven women and two men continue to be held under sentence of stoning in Iran.

New legislation apparently intended to limit stoning would not prevent the imposition of stoning sentences, nor their implementation, as discretion as to their implementation would lie with local judicial officials.

- On or around 26 December 2008, **Houshang Khodadadeh and another unidentified man** were stoned to death in a cemetery in Mashhad. A third man, an Afghan called “Mahmoud” escaped from the pit in which he was to be stoned, and is believed to be in detention.

Violations of Women’s rights

Iran’s achievements in raising educational standards – particularly of girls in urban areas – over the last 30 years should be recognized – over 60% of university entrants are now women. However, this well-educated sector is no longer willing to sit back and watch their mothers, sisters and daughters suffer the pervasive discrimination and abuse, whether in the home, in the street or in the public sphere which has persisted for generations in Iran. Some of the modest reforms in this area which had been achieved prior to the Islamic Revolution were reversed with the introduction of a new, Islamic Penal Code and other legislation, but campaigners in Iran’s vibrant women’s movement are seeking change by raising public awareness and debate about discrimination against women. Some modest successes have been achieved: the raising of the minimum usual age for marriage for girls from nine to 13 (it still discriminates as the age for boys is 15); and allowing divorced mothers to keep children of both sexes for longer. Most recently, the *Majles* passed a bill on 25 January 2009 raising the amount of inheritance a woman can receive from her deceased husband – though this still has to be approved by the Council of Guardians before it can pass into law. Even with these changes, a woman would be able to inherit a smaller portion of her husband’s estate than a man could of his wife’s.

Members of the Campaign for Equality, a grass-roots initiative to end legal discrimination against women in Iran, are aiming to collect a million signatures of Iranians to their petition

demanding an end to discriminatory legislation against women. However dozens of its members have been harassed, arrested, and some imprisoned for their efforts. At least five women's rights activists - most recently lawyer **Nasrin Sotoudeh** in December 2008 - have been banned from travel in an apparent attempt to prevent them from participating in conferences or accepting human rights awards.

- Prisoner of Conscience **Ronak Safarzadeh**, a member of the Kurdish minority, has been held for over 15 months in detention. She was tried in March 2008, but no verdict has yet been issued. She was arrested shortly after a meeting in which she had distributed Campaign for Equality leaflets and collected signatures, but was charged with "enmity against God" in connection with her alleged involvement in a bombing in Sanandaj which took place after her arrest. She was sentenced to nine months' imprisonment in a separate case for crossing the border illegally and possessing a satellite dish, and has recently been charged with participating in a hunger strike by Kurdish prisoners last year.
- Another prisoner of conscience, **Alieh Aghdam-Doust** began serving a three-year prison sentence on 1 February 2009. She was convicted in connection with her participation in a peaceful demonstration on 12 June 2006 protesting at legalized discrimination against women. The demonstration was forcibly broken up by police, who injured some of the demonstrators and arrested 70.