



Unrepresented Nations and Peoples Organization (UNPO)

Submission to the UN Office of the High Commissioner for Human Rights

Universal Periodic Review, 20th Session: Islamic Republic of Iran

***Key Words:** minority rights, freedom of expression and association, torture, death penalty, prisoners of conscience, human rights defenders, arbitrary arrest, due process, anti-narcotics law, ethnic discrimination.*

INTRODUCTION

Iran is a country composed of numerous minorities belonging to various ethnic, linguistic and religious identities. Yet, the data available is outdated and incomplete, making it difficult to know the country's real linguistic and ethnic composition. This report will focus on the main human rights violations occurring in Iran, with a special emphasis on the situation of minority groups, including the Ahwazi Arabs, the Azeri Turks, the Kurds and the Baloch.

Ahwazi-Arabs

The Ahwazi Arabs are an indigenous people of the southwestern province of Ahwaz, also known as Khuzestan or Arabistan. An autonomous emirate in the past, the region has experienced on-and-off recognition of autonomy and independence. One of their main concerns has to do with the government policies used to destabilize the community and change the ethnic composition of the region, with practices of cultural and language repression, land grabbing and forced migration. Ahwazi Arabs have also found themselves discriminated against and severely affected by deliberate underdevelopment.

Iranian Kurds

Iranian Kurdistan is located in the northwest region of Iran and holds a majority Kurdish population. Some of their main issues include political persecution and marginalization. Kurdish regions are often neglected by the Iranian government and suffer military and economic repression, leading to increasing levels of poverty and growing inequality. Forced evictions and lack of access to housing have led many to resort to living in precarious and unsafe conditions. Kurds also suffer cultural and religious repression, affairs well as political repression. They currently make up the majority of Iran's political prisoners of conscience.

Southern Azerbaijan

Lying south of the Republic of Azerbaijan and Armenia, the region has historically demanded self-determination. In Iran, ethnic Azeris continued to face retaliation for a brief experiment with independence after World War II. They are prevented from exercising their cultural rights, with Azerbaijani Turkish languages banned in schools, and suffer from political repression, with activists being persecuted under unfair and arbitrary charges while being deprived of legal representation.

West Balochistan

The indigenous Baloch people, the majority of whom reside in the Sistan-Balochistan province in southeast Iran, have experienced vast marginalization since the division of their nation by the British and Persian Empires. Successive government demographic manipulations have aimed at reducing the Baloch community to a minority in their own region and discrimination has been institutionalized. Because of these policies, the province is one of Iran's poorest and the Baloch communities are losing their identity, effectively becoming a minority in their homeland. Also, in the province of West Balochistan, repression and physical violence have become an everyday reality, with Baloch people repeatedly subjected to persecution, imprisonment, torture and executions.

HUMAN RIGHTS ISSUES



Unrepresented Nations and Peoples Organization (UNPO)

Submission to the UN Office of the High Commissioner for Human Rights

Universal Periodic Review, 20th Session: Islamic Republic of Iran

There are no significant signs of improvement in the routine violations of civil and political rights as well as economic, social and cultural rights that occur in Iran. Discrepancies between various aspects of national laws and Iran's human rights obligations, along with the erratic application of these laws are the reasons for the lack of progress. Human rights abuses, intolerance towards dissent and difference, are firmly established in Iran's policies and laws, completely disregarding national and international calls to put an end to them. The legal and societal discrimination and violence that minorities suffer must be understood under a broader context of widespread human rights violations. What distinguishes the Kurdish, Azeri, Arab or Baloch communities is that these abuses are carried out at a greater scale with greater impunity.¹

Restrictions on Freedom of Expression and Association

Articles 24 and 27 of the Constitution of Iran affirm the right to freedom of expression, while Article 26 includes freedom of association. However these rights can be restricted when they violate security laws or the essentials of Islam or of the Islamic Republic, which are used to severely restrict activities of peaceful assembly and association and freedom of opinion and expression.² There are systemic constraints imposed on the media, political opponents, human rights defenders, lawyers, journalists and citizens from all sectors of Iranian society. The government uses charges under the Press Code and Penal Code for offenses such as "threatening national security", "spreading propaganda against the system", "spreading lies", "insulting officials", *mofsid-fil-arz* ("corruption on earth") or *moharebeh* ("enmity against God"), to stop public protests, ban media outlets, close down NGOs, and target, intimidate and silent political dissidents and critics that exercise their right to freedom of expression and/or report human rights violations.³

In October 2013, it is estimated that at least 500 human rights defenders were being detained in Iran. Especially at risk of suffering the same fate are those journalists, amounting to 600, which the Government considers to be part of an anti-State network.⁴ There are also several hundred political detainees, broadly defined as individuals charged and sentenced to long prison terms, which are subject to long periods of pretrial detention and solitary confinement; prevented from having regular access to their lawyers; and subject to torture and mistreatment.⁵ The situation seems to be maintained despite Rouhani's promises during his electoral campaign for increased freedom of the press and civil society.

Among those persecuted, minorities are specially targeted for "stirring trouble and ethnic and racial conflict," or being accused for "working with opposition groups". Minority activists and journalists who express any type of peaceful dissent are often accused of having connections with banned opposition parties and prosecuted under Article 9 of the Press Law, making them even more vulnerable to human rights violations, including torture and the death penalty.⁶ For example, Kurdish journalists Khosro and Massoud Kordpour were arrested in March 2013, and held illegally for 111 days before being charged. They were charged with *moharebeh*, *mofsid-fil-arz*, "propaganda against the system", "insulting the Supreme Leader" and "propagating falsehoods". Khosro Kordpour was sentenced to six years in prison, and his brother to three and a half years. In its commentary, the

¹ Ghanea, N. and Hass, B. (2011). "Seeking justice and an end to neglect: Iran's minorities today", *Minority Rights Group International*, available at: <http://www.minorityrights.org/?lid=10535>

² Constitution of Islamic Republic of Iran, available at: <http://www.iranchamber.com/government/laws/constitution.php>

³ United States Department of State (2012). "Iran 2012 Human Rights Report", available at: <http://www.state.gov/documents/organization/204571.pdf>

⁴ Secretary-General (2013). "Situation of human rights in the Islamic Republic of Iran", *United Nations*, A/68/503, available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/68/503

⁵ Human Rights Watch (2012). "Codifying Repression. An Assessment of Iran's New Penal Code", available at: <http://www.hrw.org/reports/2012/08/29/codifying-repression>

⁶ Amnesty International (2012). "We are ordered to crush you. Expanding repression of dissent in Iran", available at: <http://www.amnesty.org/en/library/info/MDE13/002/2012/en>



Unrepresented Nations and Peoples Organization (UNPO)
Submission to the UN Office of the High Commissioner for Human Rights
Universal Periodic Review, 20th Session: Islamic Republic of Iran

Government accused the journalists of cooperating with terrorist groups but did not identify charges related to terrorism.⁷

Arbitrary Arrests and Unfair Trials

Arbitrary arrest and detention is prohibited under Articles 9 and 14 of the ICCPR and Iran's domestic legal framework should apply protection against such practices. In theory the judiciary system is independent in Iran and there are fair trial safeguards and procedural guarantees. According to the Constitution and Penal Code, a warrant is necessary for any arrest, and the defendant has the right to a fair trial, the presumption of innocence, a lawyer of his or her choice, and the right of appeal in most cases. But the lack of transparency facilitates abuses and impunity. Thousands have been arbitrarily arrested since 2009, many of whom have been subjected to other serious human rights violations.⁸ The Iranian authorities use arbitrary arrests to impede supposed anti-government activities, with numerous cases reported of plainclothes officers arresting people, conducting raids or confiscating private items without warrants or other assurances of due process. Individuals are often detained, at times incommunicado, for long periods of time without charges or trial.⁹ In addition, accused persons are often unaware of the charges against them and do not receive adequate legal representation, while on-camera confessions, many times obtained by harsh interrogation techniques or torture, are used in trials that result in disproportionate bail forfeits and heavy sentences for minor violations.¹⁰

The majority the trials in Iran are clearly unfair, especially those before Revolutionary Courts, which are used to prosecute national security offences. Vaguely worded laws are used to determine many of the offenses severely punished, and defendants are often denied adequate access to lawyers.¹¹ Amongst those targeted are political activists, human rights defenders, lawyers, journalists, filmmakers, bloggers, members of religious and ethnic minorities, and workers' rights activists. Although the exact number is unknown due to inadequate recordkeeping of prisoners, and the lack of public and independent available data, there are currently hundreds of prisoners of conscience and political prisoners held without trial or sentenced after unfair trials.¹² For instance Mr. Youssef Silawi, an Ahwazi-Arab, was taken from his house for "routine questioning" in March 2010 about the political and human rights activities of his daughter, Ms. Mona Silawi, and has not been heard of since.

Torture and Ill-Treatment

The clauses protecting against torture and ill treatment in Iran are inadequate.¹³ In reality cruel, inhuman or degrading treatment is routinely and widely used and there are numerous continuing allegations of the security forces and prison personnel torturing and abusing detainees and prisoners. Common methods reported by detainees include severe beatings; flogging and amputation; rape and sexual abuse; threats of rape or execution; harming or threatening to harm family members; deprivation of food and water, sanitation and medical treatment; prolonged solitary confinement and white torture. Torture and ill-treatment is often used as an interrogation technique to obtain forced

⁷ Secretary-General (2013). "Situation of human rights in the Islamic Republic of Iran", *United Nations*, A/68/503, available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/68/503; Reporters Without Borders (2013). "Rouhani's first 100 days see no progress on freedom of information", available at: <http://en.rsf.org/iran-rouhani-s-first-100-days-see-no-19-11-2013,45474.html>

⁸ Amnesty International (2012). "We are ordered to crush you. Expanding repression of dissent in Iran", available at: <http://www.amnesty.org/en/library/info/MDE13/002/2012/en>

⁹ United States Department of State (2012). "Iran 2012 Human Rights Report", available at: <http://www.state.gov/documents/organization/204571.pdf>

¹⁰ 14, 19 and United States Department of State (2012). "Iran 2012 Human Rights Report", available at: <http://www.state.gov/documents/organization/204571.pdf>

¹¹ Human Rights Watch (2012). "Codifying Repression. An Assessment of Iran's New Penal Code", available at: <http://www.hrw.org/reports/2012/08/29/codifying-repression>

¹² United States Department of State (2012). "Iran 2012 Human Rights Report", available at: <http://www.state.gov/documents/organization/204571.pdf>

¹³ Article 38 of the Constitution prohibits torture "to obtain a confession or information". Article 39 bans "defamation or aspersions" of detained or imprisoned persons. Constitution of Islamic Republic of Iran, available at: <http://www.iranchamber.com/government/laws/constitution.php>



Unrepresented Nations and Peoples Organization (UNPO)

Submission to the UN Office of the High Commissioner for Human Rights

Universal Periodic Review, 20th Session: Islamic Republic of Iran

“confessions” that are later used as evidence against the detainees. There are suspected occurrences of deaths in custody because of torture and denial of medical treatment. Complaints and accusations of ill-treatment are routinely ignored and not investigated. Furthermore, detainees who protest to judicial authorities, often suffer retaliation by being transferred to faraway prisons or charged with new offences.¹⁴

This widespread use of torture and cruel, inhuman or degrading treatment in detention facilities, many times in unofficial secret prisons and detention centers, is particularly aimed at persons accused of national security-related crimes. Members of minority communities are disproportionately victims of these. At the beginning of 2012, the Special Rapporteur on Torture, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and the Independent Expert on Minority Issues all expressed grave concerns about the alleged torture and later death in detention of two Ahwazi Arab activists, Nasser Albshokeh Derafshan and Mohammad Al-Kaabi.¹⁵ On 5 June 2012 Mohammad Mahdi Zaliéh, a Kurdish prisoner, also died in Rajaeé Shahr prison as a result of poor medical attention.¹⁶ These are only a few examples of the gross human rights violations that occur on a daily basis.

Death Penalty

Iran is known by its position as the second country in the world with most death sentences and as the biggest per capita executioner in the world. The death penalty is issued against vaguely worded crimes, such as “apostasy from Islam” or *moharebeh*, or for offences that are not considered as among the most serious crimes under international law, as are drug-related crimes. There is also a continuous increase in executions with the death penalty often imposed in cases where the accused are denied their due-process rights.¹⁷ The new Islamic Penal Code, referenced to by the government on various occasions as proof of the efforts to comply with international human rights standards, far from abolishing the death penalty, has even expanded its scope in some cases.¹⁸

The minimum figures that can be confirmed are of 314 reported executions in 2012, and 79 reported death sentences. Reliable sources increase this number to at least 544 executions, with evidence showing that Iranian authorities carry a large number of capital punishments secretly. In 2013 the number amounted to 625 executions and the extension continued in first two weeks of 2014, with more than 40 executions.¹⁹ Since Rouhani took office an average of 66 persons have been executed per month.²⁰

The majority of executions in Iran are related to drug-trafficking charges since they are considered “discretionary crimes”. Since the amended anti-narcotics law came into effect in late 2010, harshly criminalizing the possession and sale of even modest amounts of drugs, the number of drug related executions has increased drastically, accounting for over 80 per cent of the estimated 1,000 executions reported to have been carried out from January 2011 to December 2012.²¹ Iran has used its criminalization of drug use as a tool of repression and political control, especially on ethnic minorities. Most of the public executions for drug issues take place in minority areas in Iran and members of

¹⁴ Amnesty International (2012). “We are ordered to crush you. Expanding repression of dissent in Iran”, available at:

<http://www.amnesty.org/en/library/info/MDE13/002/2012/en>

¹⁵ Secretary-General (2012). “Situation of human rights in the Islamic Republic of Iran”, *United Nations*, A/67/327, available at:

<http://www.refworld.org/pdfid/50a107f02.pdf>

¹⁶ European Parliament (2013). “Situation of ethnic minorities in Iran”, *Official Journal of the European Union*, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:332E:0102:0104:EN:PDF>

¹⁷ Human Rights Watch (2012). “Codifying Repression. An Assessment of Iran’s New Penal Code”, available at:

<http://www.hrw.org/reports/2012/08/29/codifying-repression>

¹⁸ Secretary-General (2013). “Situation of human rights in the Islamic Republic of Iran”, *United Nations*, A/68/503, available at:

http://www.un.org/ga/search/view_doc.asp?symbol=A/68/503

¹⁹ Amnesty International (2012). “Death Sentences and Executions 2012”, available at: <http://amnesty.org/en/death-penalty/death-sentences-and-executions-in-2012>; Amnesty International (2014). “Iran hangs 40 people in two weeks amid surge in executions”, available at:

<http://www.amnesty.org/en/news/iran-hangs-40-people-two-weeks-amid-surge-executions-2014-01-16>

²⁰ Taylor, G. (2014). “Iranian executions spiking despite thaw with West, ‘moderate president’”, *Washington Times*, available at:

<http://www.washingtontimes.com/news/2014/feb/3/iranian-executions-spiking-despite-thaw-with-west/?page=all>

²¹ Secretary-General (2013). “Situation of human rights in the Islamic Republic of Iran”, *United Nations*, A/HRC/22/48, available at:

http://www.ohchr.org/Documents/Countries/IR/A-HRC-22-48_en.pdf



Unrepresented Nations and Peoples Organization (UNPO)

Submission to the UN Office of the High Commissioner for Human Rights

Universal Periodic Review, 20th Session: Islamic Republic of Iran

ethnic minorities are disproportionately targeted. Escalating crises, internally or externally, are followed by new and harsher anti-drug laws against and a dramatic increase of hangings of members of ethnic communities. These crackdowns and repression on drug users are legitimized with references to both moral depravation and national security. However, Iranian leaders not only use the drug issue to repress the political activists and the minorities internally, but they also use it to seek international collaboration. Despite the criminalization of the drug addicts and the multiple programs supported by the international community to fight against the drug problem, statistics show that drug victims have increased exponentially in the past three decades.²² This constitutes a clear violation of international law.²³

Many executions are also justified relating to national security requirements, but the veracity of these accusations are challenged by exiles and human rights experts.²⁴ The crimes of *moharebeh*, “rebellion” and *mofsid-fil-arz*, aimed at armed, violent activities, are applied to cases where the accused were allegedly associated with organizations that have been banned in Iran, even when there is no proof of the person taking up arms. Iran’s ethnic minorities, and the groups that claim to represent them, often fall under this category and are severely persecuted. As the repression of dissidents increases, the number of executions does too.²⁵

Five Ahwazi Arab men (Hadi Rashedi, Hashem Sha’bani Amouri, Mohammad Ali Amouri, Sayed Jaber Alboshoka and his brother Sayed Mokhtar Alboshoka) were arrested in early 2011, before the sixth anniversary of the 2005, apparently because of their cultural activities. They were sentenced to death on 7 July 2012 by a Revolutionary Court, after being charged for *moharebeh*, *mofsid-fil-arz*, “gathering and colluding against state security” and “spreading propaganda against the system”. Hadi Rashedi and Hashem Sha’bani Amouri were shown “confessing” on a State television channel just before their trial, even though this constitutes a violation of fair trial standards. On January 2013 the Supreme Court upheld their sentences. They began a 28-day hunger strike in March to protest the unfair trial and their ill-treatment by the prison authorities. All five men were later transferred to an unknown location for periods ranging between one and five weeks. By January 2014, Hadi Rashedi and Hashem Sha’bani Amouri were secretly executed, while the others remain at risk of suffering the same fate. Abd al-Rahman Heidarian, Taha Heidarian, Jamshid Heidarian, and Ali Sharifi were also executed in secret in June 2012 after being transferred to an unknown location. In November or December 2013, Ghazi Abbasi, Abdul-Reza Amir-Khanafereh, Abdul-Amir Mojaddami and Jasim Moghaddam Payam were executed. Their families were not informed beforehand and still don’t know the location of their bodies.²⁶

Countless examples can also be found amongst other minority groups. On 25 October 2013, Habibollah Golparipour and Reza Esmaili, two Kurdish political prisoners, were executed after being sentenced by a Revolutionary Court. Six men from Iran’s Kurdish minority (Jamshid Dehghani, his younger brother Jahangir Dehghani, Hamed Ahmadi, Kamal Molayee, Hadi Hosseini and Sedigh Mohammadi) started a hunger strike on November 4, 2013, to protest their death sentences after a trial that did not follow due process and the inhumane conditions of their imprisonment.²⁷ On 6 July 2013, 11 prisoners from Balochistan were reportedly executed after being transferred to solitary confinement. Barely three months later, another 16 Baloch individuals were executed in “retaliation”

²² Aliassi, T. (2013) “Iranian Minorities: What Future After Ahmadinejad?”, *Unrepresented Nations and Peoples Organization*, available at: <http://www.unpo.org/downloads/675.pdf>

²³ United States Department of State (2012). “Iran 2012 Human Rights Report”, available at: <http://www.state.gov/documents/organization/204571.pdf>

²⁴ United States Department of State (2012). “Iran 2012 Human Rights Report”, available at: <http://www.state.gov/documents/organization/204571.pdf>

²⁵ Amnesty International (2012). “Death Sentences and Executions 2012”, available at: <http://amnesty.org/en/death-penalty/death-sentences-and-executions-in-2012>

²⁶ Amnesty International (2014). “Urgent Action. Two Ahwazi Arab Men Executed, Three at Risk”, available at: <http://www.amnesty.org/en/library/asset/MDE13/008/2014/en/5f563be7-e4f0-4a7a-b11b-90df292e3d6a/mde130082014en.html>

²⁷ Amnesty International (2013). “Urgent Action. Death Row Kurds on Hunger Strike”, available at: <http://www.amnesty.org/en/library/asset/MDE13/055/2013/en/0e31b26a-1883-4c11-b1b5-51d4b7ec335c/mde130552013en.html>



Unrepresented Nations and Peoples Organization (UNPO)
Submission to the UN Office of the High Commissioner for Human Rights
Universal Periodic Review, 20th Session: Islamic Republic of Iran

for a border attack by a Sunni armed group, without proof of the accused's connection with the incident.²⁸

RECOMMENDATIONS

To eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to ethnic, linguistic or other minorities;

To end the intimidation, harassment and persecution of political dissidents, human rights defenders, academics, media workers, and lawyers, on the basis of their political views;

To amend or abolish the vague security laws under the Constitution and Islamic Penal Code and other legislation that permits the government to arbitrarily suppress and reprimand individuals for peaceful political expression;

To free all individuals currently deprived of their liberty for peacefully exercising their rights to freedom of expression, association, and assembly;

To free all minority rights activists, human rights defenders, journalists and others who are currently imprisoned for their peaceful advocacy for minority rights;

To uphold, in law and in practice, procedural guarantees to ensure due process of law;

To eliminate, in law and in practice, all forms of torture and other cruel, inhuman or degrading treatment or punishment;

To fight impunity, investigating complaints of torture, ill-treatment and unfair trials;

To abolish death sentences for drug-related crimes and convert those already passed to prison terms;

To declare a moratorium on all executions; ban public executions; and limit capital punishment to offences considered to be serious crimes under international law.

²⁸ Secretary-General (2013). "Situation of human rights in the Islamic Republic of Iran", *United Nations*, A/68/503, available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/68/503