



Amnesty International's Comments on the National Report presented by the Islamic Republic of Iran for the Universal Periodic Review

Amnesty International looks forward to the Universal Periodic Review (UPR) of the Islamic Republic of Iran, during the 7th session of the UPR Working Group in February 2010, as an important opportunity to further the promotion and protection of human rights in the country. As described in Amnesty International's submission for the UPR of Iran, there are a number of key human rights challenges that must be effectively addressed to ensure concrete improvements in the situation of human rights across Iran. These include discrimination against women and minorities in law and practice, as well as entrenched failings in the administration of justice leading to arbitrary arrest, torture and other ill-treatment, unlawful killings, restrictions on freedoms of expression, association and assembly, unfair trial, and the death penalty and other cruel punishments.

Amnesty International welcomes the attention which the Islamic Republic of Iran has given to the Universal Periodic Review process. However, the Iranian authorities have made a number of assertions in the national report which are contradicted by research conducted by Amnesty International and other human rights organizations. The organization is taking this opportunity to present a number of written comments and recommendations addressing these contentions.

Amnesty International recognizes that Iran is a large and diverse country, which has made important strides in some areas relating to economic and social rights in recent years, as seen by the increase in rates of literacy and primary education. Of particular note is the fact that there are now more women than men studying at undergraduate level. However, despite constitutional guarantees of rights, progress with regard to civil and political rights as well as cultural rights has lagged far behind.

Amnesty International hopes that the Iranian government will demonstrate a real commitment towards improving its respect for human rights by adopting key recommendations made to it by other states and by making concrete commitments to strengthen the protection of human rights during the UPR, including by committing to facilitating, at the earliest opportunity, the visits of relevant special mechanisms of the Human Rights Council, particularly the Special Rapporteurs on extrajudicial, summary and arbitrary executions and on torture.

Amnesty International offers the following comments¹ on the report submitted by the Islamic Republic of Iran, with a view to contributing to the successful outcome of the review process. Many of these comments are based on issues raised in the organization's submission in the framework of the UPR. Particular attention is paid to the need to review legislation and to strengthen key areas of the administration of justice, without which an improvement in the human rights situation in Iran would be difficult to envisage.

Methodology

Amnesty International notes that the state report has been produced after consultations with a broad range of civil society institutions, including academics and NGOs. However, the Iranian authorities have in recent years, and especially since the disputed presidential election in June 2009, obstructed the work of independent civil society institutions, including human rights NGOs. Human rights defenders or their relatives have been arrested, imprisoned and threatened, and NGOs have been forcibly closed [for more information, see the section on NGOs below]. In addition, there has been a purge of teaching staff at universities in Iran, in which academics teaching human rights courses have been fired or forcibly retired.ⁱⁱ

Normative and institutional framework for the promotion and protection of human rights

A: The Constitution.

Although the Iranian Constitution does indeed acknowledge human rights and fundamental freedoms, these rights and freedoms are in practice limited by “claw-back clauses” and phrases such as “in accordance with Islamic criteria”. In this regard, discrimination against women and ethnic and religious minorities becomes permissible in law.

B. Legislative System

1. The Islamic Consultative Assembly

The state report states that members “cannot be prosecuted or arrested for opinions expressed in the Assembly”. However, in some cases, former members of the *Majles* have been detained apparently in connection with their earlier parliamentary activities. For example, Sayed Ali-Akbar Mousavi-Kho’ini, who served in the sixth *Majles*, was beaten and arrested in June 2006 during a demonstration calling for an end to legalized discrimination against women. After his release on bail over four months later, Ali Akbar Mousavi-Kho’ini said in a report carried on the Advarnews website, “I consider my detention to have been a punishment for my useful and effective activities during my time as a deputy for the people of Tehran and a representative of the student movement in the sixth *Majles* [2000-2004 parliamentary term], following up the affairs of prisoners and illegal detention centres, criticizing the conduct of officials and power holders and performing my responsibility in the Alumni Association of Iran, especially criticism of the conduct of [President Ahmadinejad’s] government in his management of the nuclear issue, and so on.”

2. National Legislation

Some legislation referred to in the state report has been an improvement, such as the revival of the Offices of the Prosecutor, the equalization of *diyeh* for non-Muslims with Muslims and efforts to combat human trafficking. However, Amnesty International notes that several other human rights bills currently pending before the *Majles* have been under consideration literally for years without progress. For example, the Juvenile Crimes Investigation Bill which state officials have suggested may reduce the number of death sentences imposed on juvenile offenders – sentences which breach international law - has been under consideration in various forms since about 2001. The draft law currently contains major flaws which would limit its effectiveness in preventing the execution of juvenile offenders. These flaws fall in to five areas: confusion over which courts have jurisdiction in juvenile cases; the procedures to stop an execution; the right to appeal; the granting of pardons; and the contention that there is a distinction between sentences of *qesas* (retribution) and the death sentenceⁱⁱⁱ.

In addition, the redrafted Islamic Penal Code which is still under consideration by the *Majles*, if enacted in its current form would have a severely retrograde impact. It not only fails to fully address areas of concern in the current temporary Penal Code, such as legislation providing for the death penalty for certain consensual sexual relations outside marriage, including same-sex relationships; and indeed widens the scope of “enmity against God” and “corruption on earth” which can also carry the death penalty; and for cruel punishments such as flogging and amputation, but in its initial form sought to introduce new crimes such as “apostasy” and “witchcraft”, punishable in some cases by death. Although removed by a parliamentary committee, these articles could be reinstated as the bill progresses towards becoming law.

3. Human Rights Mechanisms of the *Majles*

Amnesty International welcomes the establishment of a human rights committee in the *Majles*, and hopes that this committee will take seriously its responsibilities in the arena of domestic human rights. Amnesty International hopes to be able to enter a meaningful dialogue with this body and is encouraged by the recent announcement of the Committee’s head Fatemeh Alia that an invitation has been extended to the UN High Commissioner for Human Rights^{iv}. It is to be hoped that strenuous efforts will be made not only to facilitate an early visit by the High Commissioner, but also visits by relevant human rights mechanisms of the Human Rights Council, particularly those to which the Iranian government has already extended agreement in principle for such visits to be conducted.

C. Judicial and Legal System

22. Rule of Law

Article 169 of the Constitution and Article 2 of the Islamic Penal Code both state that no act or omission may be regarded as an offence, unless clearly regarded as an offence by law. However, under Article 167 of the Constitution, and Article 214 of the Code of Criminal Procedures, judges are required to use their knowledge of Islamic Law to rule in cases where no codified law exists.

This means that people can be tried for actions or omissions which are not crimes under the codified law of the country, including some which can carry the death penalty, thus introducing a dangerous layer of ambiguity into proceedings which should leave little or no room for ambiguity, particularly proceedings which might entail the ultimate sanction of the death penalty. Of particular concern to Amnesty International is the fact that those who convert from Islam to other religions may be at risk of charges of “apostasy”; this is not currently prescribed as a crime in the Penal Code, but such conversion is forbidden under Islamic Law.

For example, Maryam Rostampour and Marzieh Amirizadeh Esmaeilabad, both Christian converts from Islam, were arrested on 5 March 2009 by members of the security forces in Tehran. Held mostly in Evin Prison, Tehran, in October 2009 they were acquitted of acting against state security by a judge in a branch of the Revolutionary Court in Tehran, but the judge referred other charges of “apostasy” and “propagation of Christianity” to a branch of the General Court, although neither of these acts are crimes under the Penal Code. They were released on 18 November 2009 and are not known to have faced a further trial.

23 Equality before the law

Despite the constitutional guarantees of equality, men and women are not treated equally under the law, and nor are Muslims and non-Muslims treated equally. The age of majority is

different for girls and boys; being 9 lunar years for girls and 15 lunar years for boys. This means that girls as young as 8 years and eight months, and boys as young as 14 years and seven months can be tried as an adult, including for crimes which attract the death sentence. Although the age for marriage of girls was raised to 13 in 2003, a father can still apply to the courts for permission for his daughter to marry if she has reached nine lunar years.

Furthermore, in some instances, a woman's testimony in court is worth only half that of a man's; women receive only half the compensation of a man for bodily injury or death and women do not have equal status with men under many other areas of law, particularly those relating to marriage, divorce, custody of children and inheritance.

Non-Muslims are also treated unequally in some instances. For example, if a non-married non-Muslim man is convicted of having sexual relations with a non-married Muslim woman, the man would be sentenced to death, whereas a non-married Muslim man would face a sentence of flogging. If a Muslim is murdered, the murderer is sentenced to *qesas* (retribution in kind)^v. If a non-Muslim murders another non-Muslim, the murderer again will be sentenced to *qesas*^{vi}, but in the case of a non-Muslim being murdered by a Muslim, there is no penalty of *qesas* stipulated. In such cases, it is possible the murderer could be prosecuted under Article 612 of the Penal Code, which prescribes imprisonment from three to 10 years, but only if "his action disturbs public order, protection or security of society, or incites him or others".

Shi'a clerics are also not treated equally under the law, as all court cases involving clerics, regardless of the offence, are tried by the Special Court for the Clergy (SCC). This special court, which was established by a directive of Ayatollah Khomeini, the first Leader of the Islamic Republic and which has no basis in the Constitution, operates according to its own regulations outside the framework of the Judiciary, under the direct control of the Supreme Leader. Defendants can only be represented by other clerics who have been approved to stand before the SCC and are permitted to defend those who appear before it. Amnesty International has documented cases of clerics who have been unable to find any one prepared to represent them. The UN Working Group on Arbitrary Detention has found that the SCC is incompatible with Article 20 of the Constitution which provides for equality of citizens before the law^{vii}.

26. Open Trials

According to Article 165 of the Constitution, trials should normally be held in open court, except where this would be incompatible with accepted principles of "public decency" or if the parties request that the trial be held in closed session. Under Article 188 of the Code of Criminal Procedures, proceedings may be conducted *in camera* when charges relate to national security or if a public trial would "offend the religious sentiments of the people." As a result, in practice most cases heard before Revolutionary Courts, trials are held *in camera*. Those trials which the authorities claim are open often appear to be nothing but "show trials", selected extracts of which may be broadcast nationally, apparently as a warning or deterrent to others.

The most recent example of such "show trials" took place in August and September 2009, and February 2010, after demonstrations following the disputed presidential election. In a grotesque parody of justice, dozens of people dressed in prison pyjamas, looking haggard and thin, were brought into the Revolutionary Court in Tehran on 1 August and collectively accused of having "participated in riots, acting against national security, disturbing public order, vandalizing public and government property and having ties with counter-revolutionary groups". Among them were former government ministers, leading members of opposition political

parties, journalists and Iranian staff of European embassies. Some were not even on trial – they seemed to be there simply to be forced to listen to other people’s contrite “confessions” and abject “apologies”.

It started without warning for the defendants’ lawyers and families, and involved about 100 detainees who were brought to court. Four more sessions involved a further 50 or so defendants. The exact number has never been clarified, as no comprehensive list of defendants has been provided by the authorities, some defendants appeared in more than one session and some, though present in the court, were not on trial.

These grossly unfair trials had the characteristics of what are commonly regarded as political “show trials”. That the defendants would be convicted was not in doubt. These televised extracts of these trials featured “confessions” that defendants had been coerced to make while held in pre-trial detention, “apologies” and statements incriminating others. The trials were not about justice but served rather as an attempt by the authorities to validate their official account of the post-election unrest and its origins, and to make clear the severe consequences of expressing dissent and opposition to the authorities. The trials were no less than a travesty of justice, whose outcome for the defendants is extremely serious – many have been sentenced to lengthy prison terms and at least 13^{viii} have been sentenced to death. Two have already been executed; they were convicted of vaguely-worded charges on the basis of coerced “confessions” to involvement in events which did not take place until after they had been arrested and were already in custody.

27. The right to have legal counsel.

Despite the Constitutional and legal requirement for courts to conduct hearings in the presence of a defence lawyer, in practice many defendants are denied this right. They are either not granted any lawyer at all, or their chosen legal representatives discover that a court-appointed lawyer was present, and did not present an adequately-prepared defence.

For example, the lawyer of Arash Rahmanipour who was one of the two executed on 28 January for alleged involvement in the post-election unrest has said that she was barred from attending all sessions of his trial and was threatened with arrest when she tried to enter the court room. In the one 15-minute meeting they had after his conviction, he said he had falsely “confessed” after his pregnant sister was threatened with harm in front of him. She was not informed of his execution in advance, as is required by law, and when she spoke out publicly about the case, her cell phone was cut off.^{ix} In another case, Zeynab Jalalian, a member of Iran’s Kurdish minority, who was sentenced to death in or around January 2009 has said that her trial lasted only a few minutes and that she was not allowed a lawyer in court.

In addition, the state report fails to acknowledge that in Iran, under a note to Article 128 of the Code of Criminal Procedures, judges have the discretion to bar defendants’ access to lawyers in “sensitive cases” – a practice which is in fact the norm. Thus defendants are routinely barred from access to a lawyer during the investigative stage of their detention, which can be extended indefinitely.^x Amnesty International is aware of many cases where people have been detained for months in pre-trial detention with no access to a lawyer, and only limited access to family members. Their lawyers are only granted access to their clients’ files once the investigation has been completed, which may be only days before a trial hearing is scheduled, although applications for delay may be made to allow more time for preparation.

Article 3 of the Law on respect for legitimate freedoms and safeguarding citizens’ rights, enacted in 2004, requires courts and prosecutors’ offices to respect the right of the accused

and defendants to a legal defence and to provide them with the opportunity to be represented by a lawyer and to use the services of experts. This appears to remove the limitations provided under the note to Article 128 of the Code of Criminal Procedures, but in practice, prosecutors and courts have ignored this new legislation and have continued to invoke this note to deny defendants their right to a lawyer.

The UN Working Group on Arbitrary Detention concluded in its 2003 report:

through an extremely restrictive interpretation of article 128 of the Code of Criminal Procedure and of note No. 3 to the law on the selection of counsel, the revolutionary tribunals - in addition to the fact that they have no constitutional legitimacy - abuse the already questionable authority given them under these instruments to exclude counsel at their discretion from hearings in cases covered by this article, that is, those involving the internal and external security of the State, cases in which their presence is all the more necessary. This derogation is so serious that it makes these tribunals "special courts".^{xi}

28. Presumption of Innocence

Amnesty International believes the Constitutional guarantee of presumption of innocence is widely flouted in Iran. The heavy reliance on "confession" as the primary source of evidence leads to many situations where defendants are tortured, otherwise ill-treated or coerced into signing "confessions" of guilt. This is of particular importance in the investigation of crimes which can carry the death penalty, including *moharebeh*, or certain sexual offences, such as adultery or same-sex sexual relations.

Other rules of evidence also affect the presumption of innocence, including the "knowledge of the judge", which can be invoked in similar cases. Amnesty International has documented cases where people have been convicted and sentenced to death simply because the judge said he believed that the defendant was guilty, although no substantive evidence of such guilt had been produced.

For example, Makwan Moloudzadeh was hanged on the 4th December 2007 in Kermanshah Central Prison after conviction of rape when he himself was only 13. His trial, held in the western cities of Kermanshah and Paveh, was grossly flawed. He withdrew his "confession" to raping a 14-year-old boy in court, saying he had been tortured to make it. The plaintiffs withdrew their accusations in the course of the trial, and said they had either lied or had been forced to lodge their complaints. In sentencing Makwan Moloudzadeh to death, the judge relied on his own "knowledge" of the case; on the basis of this, he determined that Makwan Moloudzadeh could be tried as an adult, that he had committed the alleged offence and sentenced him to death.

The sentence was confirmed by the Supreme Court about a month later. Makwan Moloudzadeh's lawyer sought a judicial review of the case, and in November 2007, the Head of the Judiciary, Ayatollah Shahroudi, granted a temporary stay of execution pending a further review of the case. On or around 1 December this review appears to have found no fault with the verdict and sentence and Makwan Moloudzadeh was hanged three days later, even though his lawyer had not been given advance notice of his client's execution, although this is required by Iranian law.

In addition, in sensitive political cases, defendants are often given “show trials”, such as those in August 2009, that appear to be stage managed, intended to validate the authorities’ view of events, and where the ultimate conviction of the defendant is never in doubt.

29. Prohibition of torture

Article 39 of the Constitution bans all affronts to the dignity of detained or imprisoned persons. Article 6 of the Law on respect for legitimate freedoms and safeguarding citizens' rights states that while a prisoner is being detained, interrogated or investigated, law enforcement officers must not harm him/her or an accused person for example by blindfolding them or tying their limbs. However, torture is only defined and prohibited in law if it is “for the purpose of extracting confession or acquiring information”^{xii}. In practice, torture and other ill-treatment is routine, partly because of the value attached to “confessions” in court and because of the culture of impunity which exists for officials in Iran.

30. No punishment for unexpressed offence by Law:

Although Article 169 of the Constitution and Article 2 of the Penal Code stipulate that no act or omission shall be regarded as an offence unless provided for in law, the requirement of Article 167 of the Constitution and of Article 214 of the Code of Criminal Procedure that judges should use their knowledge of Islamic Law to rule in cases where no codified law exists introduces a level of ambiguity into this requirement. For example, as illustrated above, converts from Islam are at risk of prosecution for “apostasy” although this is not currently a crime under codified law.

Amnesty International considers that the Iranian authorities should ensure that all crimes are defined as specifically as possible in law, so as to remove current areas of ambiguity arising from the lack of or vague definition of crimes, and that this should be done with particular urgency where the penalties prescribed are severe, such as the death penalty, or lengthy prison terms.

31. Differentiation between political and press offences, and ordinary offences

Although a Press Law is in existence, and Press Courts were reintroduced in 2005, there is currently no definition of political offences, as legislation in this regard is still under review by the *Majles*^{xiii}. Political offences are therefore still tried without juries, usually in Revolutionary Courts, by one or more judges.

32. Prohibition of illegal arrests.

The right to habeas corpus is recognized in Iranian law.^{xiv} Article 32 of Iran’s Constitution requires that “charges with the reasons for accusation must, without delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of 24 hours. Article 24 of the Code of Criminal Procedure also sets 24 hours as the limit within which authorities must provide a detainee with a written reason “in cases where the detainee must be kept in detention in order for the authorities to continue their investigations.

Ordinarily, Iranian law requires a judge to authorize any pre-trial detention and provide written charges within 24 hours of any arrest. However, Article 32 of the Code of Criminal Procedure states that a judge may issue temporary detention orders for cases involving offences under the Security Laws, allowing authorities to hold detainees without charge beyond the 24-hour

period. Article 33 of the Code gives the accused the right to appeal his or her detention order within 10 days. While Article 33 states that the detainee's case must be resolved in the course of one month, it also allows the judge to renew the temporary detention order. The Code sets no limits on how many times this order may be renewed.

Amnesty International is aware of some cases in which judges have issued an order for release on bail, but the detainee was not released, apparently because one or other intelligence body refused to comply with the release order. For example, Mohammad Ghouchani, the editor of the newspaper *Etemad-e Melli*, detained in June 2009, was released in October, two months after payment of one billion rials (approx. US\$100,000) bail. In other cases, detainees continue to be held although their temporary arrest warrants have expired – in effect, they are now being detained without any legal basis.

34. All rulings by the courts can be appealed.

Previously, sentences of more than 10 years' imprisonment, flogging or death were appealable to the Supreme Court, but a 2007 Supreme Court ruling transferred competency for appeals in these cases back to the provincial Appeal Court. This appears to have caused some confusion. For example, Reza Kademi was sentenced to death in or around October 2009 by Branch 15 of the Revolutionary Court in Tehran for *moharebeh* in connection with the post-election unrest. His appeal was sent to Branch 36 of the provincial Appeal Court, which ruled that it did not have jurisdiction in the case. The appeal was then sent to the Supreme Court, which in turn ruled that it did not have the jurisdiction to hear the case, and sent it back to the Appeal Court.

In addition, Appeals Courts can increase sentences, including to the death penalty, if an appeal has been lodged by the prosecution. It is not clear if a defendant has any further right of appeal over such a conviction and sentence, despite the requirement under Article 5 of the ICCPR that "Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law." It would appear that a defendant in such a circumstance could request an extraordinary review of his or her case, but the Head of the Judiciary can refuse such a request and there is nothing to prevent an execution going ahead in such circumstances once the death warrant has been signed by the Head of the Judiciary.

Among those whose sentence was increased to death on appeal are Mohammad Amin Abdollahi and Ghader Mohammadzadeh, both members of Iran's Kurdish minority, who were initially sentenced to prison terms, but on 16 January 2010, both were sentenced to death on appeal for "acting against state security" and *moharebeh*. Prior to this, on 11 November 2009, Ehsan Fattahian, another Kurd, was executed in Sanandaj prison, after his initial 10-year prison sentence was increased to a death sentence on appeal.

2. Human Rights Mechanisms of the Judiciary

(b) Judicial supervision

38. Prosecutor

According to the state report, the Prosecutor has been delegated authority over the management and supervision of enforcement officers. In this regard, judges are dispatched to police stations to visit holding cells and to ensure that all police procedures in respect of arrested persons are in line with the law and regulations.

However, the state report fails to make clear that many detention centres are operated by other security agencies than the police (see below); it is not clear whether the prosecutor has similar responsibilities over all these centres or not.

(d) Supportive arrangements (39 to 51)

There is no mention in this section of the state report of the Special Court for the Clergy, which operates outside the framework of the Judiciary, and which the UN WGAD has found to violate the Constitutional guarantee of equality before the law.

43. Pardoning arrangements

Under Article 24 of the Penal Code, the Supreme Leader has the power to grant pardons or to reduce or commute sentences, on the recommendation of the Head of the Judiciary “in accordance with Islamic principles”, a phrase that appears to exclude *qesas* and *hodoud*^{xv} cases, where the right to pardon is not viewed as lying with the realm of the state. The Regulations Governing the Amnesty Commission state in Article 10(1) that all death sentences can be subject to pardon, with the exception of *qesas-e nafs* (presumably on the grounds that the right to pardon lies solely with the victim’s blood relatives). However, Article 9(7) states that crimes such as espionage, corruption (*ertesha*), rape (*zena ba ‘onf*), kidnapping and armed robbery are excluded from pardon. These crimes can, in some or in all circumstances, carry the death penalty, when classified as *hodoud* offences.

This appears to mean that for many types of crimes punishable by death in Iran, there is no, or only very limited, possibility of pardon or commutation by the state. This contravenes Article 6(4) of the ICCPR which states:

“Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.”

47. Children Courts

Although some courts have been designated Children’s Courts and hear cases of those aged under 18, because the age at which children are regarded as reaching adulthood is set so low (9 lunar years for girls, 15 lunar years for boys), children may often end up either being tried as adults in ordinary courts, (see for example the case of Makwan Moloudzadeh above) or sentenced as adults even if tried in Children’s Courts.

4. Cooperation with NGOs and International Organizations

Cooperation with NGOs (58)

Although the government has allowed some human rights organizations to be set up, with which it cooperates, these are in effect quasi-governmental bodies. Independent human rights NGOs have faced obstruction and even closure in their work, and their members have been detained.

For example, the Centre for Human Rights Defenders, established by Shirin Ebadi and other prominent human rights lawyers, has never been granted legal registration since its formation in 2001. As a result, Shirin Ebadi and her colleagues have had to work in a legal limbo and

under constant threat of closure and reprisals. They have also faced repeated harassment, intimidation, arrest and imprisonment at the hands of state authorities.

On 21 December 2008 the Centre was forcibly closed by the authorities shortly before it was due to hold an event commemorating the 60th anniversary of the Universal Declaration of Human Rights. However, members have continued to meet and work, raising human rights concerns in Iran. At least three members were arrested after the June 2009 presidential election. Although all were later released on bail, Abdolreza Tajik was rearrested in December 2009. Narges Mohammadi, CHRD spokesperson and deputy chair, has also been barred from travelling abroad. On 10 May 2009 she was banned from travelling to Guatemala where she was due to speak at an international conference organized by the Nobel Women's Initiative. Her passport was confiscated and she was summoned to appear before the Revolutionary Court. On 22 May it was announced that Narges Mohammadi has been charged with "propagating" against the country's Islamic system. She was not permitted to travel to Italy in July 2009 to collect the Alexander Langer human rights award.

The Human Rights Organization of Kurdistan (HROK), established by journalist Mohammad Sadiq Kaboudvand, has been under considerable pressure. The HROK was co-founded by Mohammad Sadiq Kaboudvand in April 2005 and was never granted official recognition. Mohammad Sadiq Kaboudvand was arrested on 1 July 2007. Following a closed trial session held in late May 2008, Mohammad Sadiq Kaboudvand was sentenced to 11 years' imprisonment by Branch 15 of the Revolutionary Court in Tehran. It comprises 10 years' imprisonment for "acting against state security by establishing the Human Rights Organization of Kurdistan (HROK)" and one year's imprisonment for "propaganda against the system". Amnesty International considers him to be a prisoner of conscience who should be released immediately and unconditionally.

More recently, Kaveh Ghassemi Kermanshahi, who acted as spokesman for the HROK, was arrested on 3 February 2010 in the western city of Kermanshah. An active campaigner against the death penalty, he reported on the protests against the execution on 11 November 2009 of Ehsan Fattahian, a member of Iran's Kurdish minority^{xvi}. He was the only journalist who reported on the authorities' transfer of Ehsan Fattahian's body for burial in a cemetery in Kermanshah, which took place without the knowledge of Ehsan Fattahian's family.

Emadeddin Baghi, a journalist and prominent human rights defender who founded the Association in Defence of Prisoners' Rights (ADPR) was arrested on 28 December, about a week after the death of dissident cleric, Grand Ayatollah Montazeri. The ADPR had been closed down in August 2009, shortly after the disputed presidential election. Held in Section 240 of Evin Prison, he was arrested on the basis of a general warrant which did not name him and stated that the reason for the arrest was to prevent incidents that might happen after the death of Ayatollah Montazeri. An interview Emadeddin Baghi had conducted with Ayatollah Montazeri two years previously was shown on BBC Persian TV after Ayatollah Montazeri's death. He has previously spent years in prison in connection with his human rights work.

The Committee for Human Rights Reporters (CHRR) has come under particular attack since the June 2009 presidential election. At least eight members are currently detained – most recently Ali Kala'i was arrested on 7 February 2010 – and others are in hiding to escape arrest. The authorities have accused the group of having links to the banned political opposition group, the People's Mojahedin Organization of Iran (PMOI). As a result, at least two of those detained – Kouhyar Goudarzi and Mehdi Rahimi – are said to have been accused of *moharebeh*, a charge often levelled against members of opposition groups such as the PMOI. The CHRR vehemently deny any such links.

B. Cooperation with International Organizations (59 and 60).

The state report fails to mention that international human rights organizations such as Amnesty International are not permitted access to Iran in order to conduct first hand research into human rights. Amnesty International was last able to conduct research in Iran on human rights violations in the country in April 1979. The Geneva office of Amnesty International and Amnesty International representatives in several European countries have had meetings with Iranian diplomats in recent years, but the Iranian embassy in London has consistently failed over a number of years to meet with Amnesty International or respond to its communications. The Tehran authorities have also failed to respond to numerous communications from Amnesty International, including a proposal in August 2009 that Amnesty International observers attend the trials of those charged in connection with the post-election protests, although in 2009 the Tehran judiciary sent some responses to Amnesty International members about individual cases. The organization last reiterated its request to visit Iran in November 2009.

5. Institutions affiliated to the Judiciary

The Organization of Prisons, Security and Correctional Measures (61 and 62).

While, in theory, the prison regulations provide some protection for prisoners, the state report fails to mention that detainees are regularly denied many of the provisions included in the regulations, such as regular family visits, prison leave, and access to a lawyer of their choice. In addition, both untried detainees and convicted prisoners frequently complain of inadequate medical care. Several apparently preventable deaths in custody are reported each year. Amnesty International is particularly concerned by reports that in some cases, the authorities have deliberately withheld medical treatment from untried detainees to coerce them to “confess”, and to punish sentenced prisoners for alleged misdemeanors while in prison.

Omid Reza Mirsayafi, an internet blogger aged around 25, died on 18 March 2009 at Tehran's Evin Prison less than six weeks after he is said to have begun serving a 30-month prison sentence. He was convicted of "insulting the Supreme Leader" and "propaganda against the system" in relation to articles he had written on his blog, *Rooznegar*; he denied the charges. Prior to his detention, Omid Reza Mirsayafi told the NGO Reporters without Borders, “I am a cultural blogger, not a political blogger. Of all the articles I have posted online, only two or three were satirical. I did not mean to insult anyone.”

According to Amnesty International's information, Omid Mirsayafi became seriously ill after taking an overdose of a medication he received from the prison clinic for depression. Another prisoner, who is a medical doctor, Dr Hesam Firouzi, provided immediate assistance and recommended his hospitalization. Despite this, prison staff failed to transfer him to hospital. Omid Mirsayafi died in a medical facility of the prison.

Two weeks earlier, on 6 March 2009, Amir Hossein Heshmat Saran died at a hospital in Karaj shortly after he was taken there from Raja'i Shahr (or Gohardasht) Prison. He was serving an eight-year sentence imposed in 2004 for establishing the United National Front political party. His death occurred after he became seriously ill on 4 March, although he had been feeling unwell for several days previously. According to his wife, who visited him in hospital on 5 March, he was in a coma and was shackled to the hospital bed. After his death, she was told by a hospital doctor that he had suffered a brain haemorrhage and a lung infection and that he should have been hospitalized sooner.

The state report also fails to take into account that many detainees are initially held for interrogation in detention centres that are not under the control of the Prisons Organization. The judiciary attempted to address this problem in 2005, when the head of the Supervisory and Inspection Committee to safeguard citizens rights issued a report confirming human rights violations had occurred in the following detention centres, many of which are not in the control of the Prisons Organization:

1. the Tehran Criminal Department detention centre [Agahi-ye Tehran],
2. the Army Intelligence Organization detention centre,
3. the Public Places detention centre [Bazdashtgah-e amaken],
4. the Defence Ministry intelligence department centre known as 64,
5. the Police Intelligence Department centre,
6. Raja'i Shahr prison,
7. the Revolutionary Guards Security Intelligence department centre,
8. the Revolutionary Guards Intelligence Department centre
9. Section 209 of Evin prison belonging to the Ministry of Intelligence,
10. the Criminal Investigations detention centre in Shahr-e Rey,
11. the Rey counter-narcotics headquarters,
12. the centre at Police Station 160 in Khazaneh,
13. Unit 3 of Qezel-Hesar jail in Karaj,
14. the Kharvin correctional facility at Varamin,
15. the Varamin and Shahriar Criminal Department detention centres,
16. the Shahriar counter-narcotics headquarters detention centre,
17. the Tehran Revolutionary Court,
18. District 7 Revolutionary Prosecutor's office.

Despite official assurances that these problems were resolved, allegations of human rights violations at some of these detention centres have continued to emerge. Although under the Prison's Organization Law, "judicial, executive, intelligence, military or police authorities are prohibited from operating their own prisons and detention facilities", in 2007 the then Head of the Judiciary, Ayatollah Shahroudi issued a directive that acknowledged the right of intelligence and security agencies – the Ministry of Intelligence, and the Intelligence Departments of the Revolutionary Guards Corps, the Police and the Army - to establish and run their own detention facilities, so long as those facilities fell within the monitoring jurisdiction of the Prisons Organization. It is not clear to what extent the Prisons Organization is able to monitor such facilities in practice.

D. National Human Rights Infrastructure

7. Bar Association of Iran (71 and 72)

The Bar Association of Iran has a long history of independence, but the Iranian authorities have been making moves to limit its independence.

In June 2009, the Head of the Judiciary approved new by-laws to the 1955 law establishing the independence of the Iranian Bar Association which would give the Judiciary the power to approve membership of the Bar and lawyers' licensing applications, thereby undermining the independence of the Bar. The by-laws, which do not need parliamentary approval have been challenged by the Bar Association. Article 11 sets up a five-member committee to make decisions on bar membership or renewal. Three of the members will be appointed by the Head of the Judiciary, while the other two, appointed by the Bar Association's board of directors, must also have the Head of the Judiciary's approval. Article 17 states that the "Deputy to the

Head of the Judiciary or an official representative of the Judiciary will be responsible for the accreditation of the licenses to practice law." In July 2009, it was reported that implementation of the by-laws had been suspended for six months. Amnesty International is not aware of whether they are currently in force or not.

The authorities also interfere with elections to the Bar Association. For example, in 2008, the candidacies of lawyers Mohammad Dadkhah, Dr Hadi Esmailzadeh, Fatemeh Gheyrat and Abdolfattah Soltani for elections to the board of directors of Iran's Central Bar Association were disqualified under long-standing provisions that provide for judiciary-led exclusions provided for under *gozinesh*, or selection provisions. Amnesty International believes that the four lawyers - all members of the Centre for Human Rights Defenders - were disqualified from standing for the board because of their activities as human rights defenders.

IV Scope of International Commitments (74)

Amnesty International welcomes the information that Iran is considering acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women. However, the organization notes that legislation in this regard previously approved by the *Majles* was rejected by the Guardian Council, which is empowered to vet all legislation for conformity to the Constitution and Islamic Law.

With regard to the Convention on the Rights of the Child, which Iran has ratified, Amnesty International shares the concern of the Committee on the Rights of the Child that the "broad and imprecise nature of the State party's general reservation potentially negates many of the Convention's provisions and raises concern as to its compatibility with the object and purpose of the Convention."^{xvii} The organization urges the Iranian authorities to remove this reservation.

VI Promotion and protection of human rights on the ground

A. Civil and Political Rights

1. Democratic Elections (80 and 81).

The Council of Guardians screen candidates for popular election. Criteria for candidacy for the presidency are of particular concern, as they appear to infringe several Constitutional Provisions.

The Council of Guardians screens all registered candidates for election to "ensure their suitability for the Presidency". Article 115 of the Constitution stipulates that candidates must be "religious and political personalities" [Persian: *rejal*, from an Arabic word meaning "men" , although many Iranians believe this word should be interpreted more widely in Persian as meaning "statespeople"] and possess: "Iranian origin; Iranian nationality; administrative capacity and resourcefulness; a good past-record; trustworthiness and piety; convinced belief in the fundamental principles of the Islamic Republic of Iran and the official religion of the country." In previous elections, the majority of registered candidates were disqualified under these criteria, including all women. Women have been excluded from standing in all presidential elections apparently because of their gender.

These requirements appear to run counter to and negate other articles of the Constitution which provide for equality of all citizens before the law; require respect for the rights of women and prohibit the investigation of a person's beliefs. In addition, they contradict Articles 2, 3, 18, 19 and 26 of the International Covenant on Civil and Political Rights (ICCPR) to which Iran is a state party and which prohibit discrimination on any grounds, and require the state to

respect and protect freedoms of belief and opinion. The screening requirements also contravene Article 25 of the ICCPR, which states that all citizens have the right to vote and to be elected to public office, without discrimination.

3. Freedom of Expression and Press (83 to 85).

The Iranian authorities assert in their national report that freedom of press is guaranteed by the Press Law and that the free flow of information via media and press is quite visible in the political and cultural atmosphere of Iran.

In reality, freedom of expression in Iran is severely restricted and those crossing an undefined “red line” invariably are subject to human rights violations or other repressive action by the authorities.

In the run up to, and aftermath of, the disputed presidential election, freedom of expression was severely curtailed. Newspapers were closed, access to internet sites restricted, mobile phone networks were switched off, satellite transmissions into the country were blocked and the movement of foreign journalists was restricted by the Iranian authorities. Moreover, dozens of journalists and human rights defenders who have sought to bring information to the world outside have been arrested. Many remain in prison. Some have been sentenced to lengthy prison terms, such as Bahman Ahmadi Amouie, who was sentenced to seven years and four months imprisonment and 32 lashes, and Saeed Laylaz, who was sentenced to nine years in prison. Both were arrested after the disputed presidential election.

4. Freedom for Political Parties, Associations and Assemblies (86 and 87)

Despite the Constitutional guarantees of freedom of association, in practice, only groups representing a narrow range of political opinion are granted permits to operate (see Cooperation with NGOs above). In addition, the Minister of the Interior frequently denies permits for peaceful gatherings, which may only be requested by associations which have been granted permits. Even such legally-recognized groups may be denied permission to hold public rallies. For example, in July 2009, unsuccessful presidential candidates Mir Hossein Mousavi and Mehdi Karroubi were denied permission for mourning ceremonies to be held in the Grand Mosalla in Tehran for those who had died in the unrest.

5. Trade and Labour Unions (88)

The Labour Code and the Law on Parties, Professional Societies and Associations do not permit the activities of independent trades unions, which are banned. Under Iranian labour legislation, workers are allowed to form Islamic Labour Councils (ILCs) in companies with more than 50 workers. They are not, however, permitted to set up any other labour organization. The ILCs' remit does not include defending the terms and conditions of work of their members. Those standing for leadership positions in the ILCs must first be vetted and approved, and may be disqualified, by an official selection body under discriminatory selection criteria known as *gozinesh* – a selection procedure that requires prospective state officials and employees to demonstrate allegiance to Islam and the Islamic Republic of Iran^{xviii}.

Those who have attempted to form, or re-establish independent trades unions in recent years have suffered harassment and arrest. In particular, Mansour Ossanlu and Ebrahim Madadi, leading members of the Syndicate of Tehran and Suburbs Bus Company (*Sherkat-e Vahed*), are serving five and three year prison sentences respectively, in connection with their trade union activities. They are both prisoners of conscience, imprisoned solely for their peaceful advocacy

of workers' rights, and should be released immediately and unconditionally. Mansour Ossanlu, like many other prisoners in Iran, has also been denied medical care while in custody, which has threatened his health.

The leader of the Haft Tapeh Sugar Cane Company (HTSCC) Workers' Syndicate, Ali Nejati, is currently serving a prison sentence in Dezful prison, in Khuzestan province, southwestern Iran. He too is a prisoner of conscience detained solely on account of his peaceful trade union activities who should be released immediately and unconditionally. Four other leaders, Ghorban Alipour, Jalil Ahmadi, Fereydoun Nikufard, and Mohammad Haydari Mehr have been released since the beginning of February 2010.

On 20 December 2008 the five HTSCC men were charged with "spreading propaganda against the regime" for giving interviews at the time of May Day protests in 2008 to foreign media about working conditions at the plant, in which they protested against the non-payment of wages of Haft Tapeh workers and other violations of workers' employment rights.

On 12 October 2009 a court convicted them on similar charges relating to 2007 to six months' immediate imprisonment and six months suspended for five years except for Mohammad Haydari Mehr who was sentenced to four months' immediate imprisonment and a further eight months which were suspended. The five men have also been suspended from work for five years and banned from participating in any labour activities including running for any elected position for any organization for three years. A sixth man, Reza Rakhshan who is the Syndicate's Communications officer, is awaiting a final verdict on similar charges. He was also detained for over two weeks in January 2010 and may face trial on charges of "acting against state security".

B. Economic, Social and Cultural Rights

3. Education (93 and 94)

Amnesty International recognizes the huge improvement in literacy, including of girls and women that has been achieved since the establishment of the Islamic Republic in 1979. However, in some rural areas, including those containing many members of Iran's ethnic minorities, literacy rates – particularly among girls and women – continue to lag behind the rest of the country.

Amnesty International also recognizes the great strides women have made in obtaining access to higher education in Iran, where over 60 percent of all university entrants are women. However, the organization is concerned at regulations implemented in the current academic year which require unmarried female students to study in their home town. Student bodies have expressed concern about this discriminatory requirement which restricts female students' choice of course and institution. Such restrictions are incompatible with Article 13 (c) of the International Covenant on Economic, Social and Cultural Rights, to which Iran is a state party.

5. Housing (96)

As the UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living noted in his report following his mission to Iran in 2005, various obstacles deny the very poor access to adequate housing, and state policies and practices that discriminate against members of ethnic and religious minorities and nomadic groups are reflected in the disproportionately poor housing and living conditions of these groups. Women are also discriminated against in respect to housing rights, land, inheritance and property.^{xix}

C. Vulnerable Groups

1. Rights of Women (98 to101)

While welcome progress has been achieved in the situation of women in recent years, women continue to face serious discrimination in both law and in practice. Some legal reforms have been instituted, such as the equalization of insurance compensation payouts to women and men injured in road traffic accidents and in the area of inheritance laws, but further, far-reaching reform is urgently needed. Iranian women continue to peacefully organize in support of their demand for equal treatment under the law in areas such as marriage, divorce, custody of children, employment, nationality, the administration of justice and the right to hold all offices of state. However, those leading the calls for gender equality have been among those particularly targeted by the Iranian authorities; over 50 members of the One Million Signatures Campaign, also known as the Campaign for Equality, have been arrested, and several are currently being detained.

3. Rights of the Child (108 to 109)

Amnesty International is seriously concerned that the age of majority is defined as 9 lunar years for girls and 15 for boys, which is not only discriminatory, but leaves children open to treatment as adults under Iran's criminal justice system. This is of particular concern due to the ongoing practice of the execution of juvenile offenders in Iran – those convicted of capital crimes committed when they were under the age of 18. Such executions are strictly prohibited under international law. According to official statements by the Iranian authorities, such executions are prohibited - yet Amnesty International recorded at least five in 2009. Many are cases of murder, where the alleged killer has been sentenced to *qesas* (retribution) which the Iranian authorities contend is a private matter between the defendant and the family of the victim where the family of the victim has the final say on whether the defendant should be executed. This contention is not recognized in international law. The Iranian authorities should undertake immediate steps to prohibit the imposition of the death penalty against juvenile offenders, to halt any scheduled executions of juvenile offenders and to commute all death sentences.

4. Rights of Minorities (110 to111)

Amnesty International is concerned that members of Iran's diverse ethnic and religious minorities continue to face discrimination in law and practice.

The social, political and cultural rights of Iran's ethnic minorities have long been repressed, as have their economic aspirations. Regions with large minority populations have been economically neglected, resulting in entrenched poverty. Forced evictions and destruction of homes have left members of minorities with restricted access to adequate housing. Parents are banned from registering their babies with certain names linked to their communities. The use of minority languages in education is frequently thwarted. Religious minorities – particularly those not officially recognized by the state - are targeted by measures designed to stigmatize and isolate them. The discriminatory *gozinesh* system denies minority community members equality in employment and political participation.^{xx}

The Iranian authorities do allow minority languages to be used in certain broadcasts and some publications. Expressions of culture, such as dress and music, are respected. However, when minority rights activists link their human rights work – drawing attention to the government's

failure to observe international human rights standards - to their identity as minorities they risk further violations of their rights. All too often, such individuals have found themselves in jail – such as prisoner of conscience Sa'id Metinpour, an Azerbaijani rights activist currently serving an eight-year prison sentence for his peaceful advocacy of the rights of the Azerbaijani minority – or are targeted for other abuses, including the imposition of the death penalty for alleged political offences.

B. Cooperation with Special Procedures (115 to 116)

The state report fails to mention that despite the standing invitation to UN Human Rights mechanisms issued in 2002, no visits have been organized since 2005. In this regard, it should be noted that Iran has agreed in principle to visits by the Special Rapporteurs on extrajudicial, summary and arbitrary executions and freedom of religion and belief, as well as the Working Group on enforced and involuntary disappearances, but so far the Iranian authorities have failed to propose or agree dates for their visits. The Special Rapporteurs on torture and the independence of judges and lawyers, as well as the Independent Expert on minority issues have all submitted formal requests to visit to the Iranian authorities, so far without response.

The 2006 visit by the Independent Expert on violence against children referred to in the state report appears to have been in regard to the launching in Iran of the UN Study on Violence against Children in May 2006, and was not a fact-finding mission.

VIII. Identification of Achievements, Best Practices, Challenges and Constraints

B. Challenges and Constraints

1. Political pressures and abuse of International Human Rights Mechanisms by some Western countries (128)

In the state report, the Iranian authorities assert that since the Islamic Revolution, criticism of Iran's human rights record by other states has been politically-motivated and has effectively created a bad image for human rights in the country.

This appears to be an attempt to deflect criticism of violations of human rights in Iran and, in essence, to challenge the very foundation of the UN Human Rights Council's process of Universal Periodic Review, whereby each state's human rights record is opened up to international review and comment.

In Amnesty International's view, whatever may be the motivation of Iran's critics, this should not obscure the fact that very serious violations of human rights have occurred and are continuing in Iran, and that the authorities have so far taken insufficient action to prevent and punish such violations in accordance with their obligations under international human rights law. The UN Human Rights Council should make clear to the Iranian authorities that whatever they perceive to be the motivations of other states, their responsibility is to uphold international law and observe in practice, and without discrimination, their obligations to protect and promote the human rights of all people within their jurisdiction.

2. Implementing some international human rights standards in practice (129 to 130)

The state report refers also to the challenge of resolving perceived differences between local cultural and religious values, including Islamic Sharia Law, and the requirements of

international human rights law. This is described as a challenge unique to Islamic countries though such challenges, albeit in a variety of forms, exist in many countries and diverse regions.

Again, it appears that the Iranian authorities' purpose in including this reference in the state report is to suggest that Iran is a "special case" in which, for reasons of religious interpretation or cultural factors, universal human rights do not apply - or do not fully apply. This is not a position that the UN Human Rights Council could or should accept. Adherence to the principle of the universality and indivisibility of human rights is fundamental to the HRC, its existence and role: it must assess human rights in Iran according to the same standards and precepts as exist for all other states, and it should leave the Iranian authorities in no doubt as to its commitment to doing so.

3. Terrorism (131)

Amnesty International recognizes that violent, armed attacks have been carried out by opposition groups on Iranian territory, leading to the deaths of civilians.

Amnesty International condemns all attacks on civilians, calls for their immediate cessation and for those responsible to be brought to justice, and expresses the utmost sympathy for the victims of such attacks. It recognizes that the authorities of all states have a duty and responsibility to safeguard the public and to bring to justice those who commit criminal acts, though when doing so they must comply fully with the requirements of international law and their obligations under international human rights treaties.

Amnesty International is aware of a number of cases where the response of the authorities to human rights abuses by armed groups have failed to comply with these obligations.

For example, in May 2009, at least 25 people were killed when a member of the People's Resistance Movement of Iran (PRMI – a Baluch armed group) carried out a suicide bombing against worshippers at the Ali Ibn Abi Taleb mosque in the provincial capital, Zahedan. The PRMI said the bombing was in reprisal for the execution of several Sunni clerics and religious students in recent years, including Mowlavi Abdolqodous Mollazehi, Mowlavi Mohammad Yousef Sohrabi, executed in April 2008, and Mowlavi Khalilollah Zare'i and Salaheddin Sayed, executed in March 2009. All had been convicted of "enmity against God" and "corruption on earth", in connection with their alleged cooperation with the PRMI, and sentenced to death.

Amnesty International unreservedly condemns the suicide attack on the mosque as a violation of fundamental principles of humanity as reflected in international humanitarian law. These principles prohibit absolutely attacks on civilians as well as indiscriminate and disproportionate attacks. Such attacks cannot be justified under any circumstances. Amnesty International condemns such attacks wherever they occur in the world. To attack people while they are engaged in peacefully expressing their religious faith is particularly abhorrent.

The Iranian authorities responded by hanging three men - Haji Noutizehi, Gholamrasoul Shahuzehi and Zabihollah Naroui. They were hanged in public less than 48 hours after the bombing. A local judiciary official said that the three men had confessed to "illegally bringing explosives into the country" which were used in the bombing, and that they had been involved in other bomb attacks and kidnappings. The official also said that prior to the executions, the cases against the three men had been continuously investigated by special judiciary officials for over 30 hours. Later, it emerged that the three men had already been in detention at the

time of the bombing; the authorities said that they had “confessed” after the attack to providing the explosives that were used.

Amnesty International is concerned that in this case, the Iranian authorities failed to comply fully with the requirements of international law and their obligations under international human rights treaties, and that the three men were executed, in public after an unfair trial. The contradictory accounts of the judicial process followed in the case, the undue speed of the official investigation of the suspects’ alleged involvement in providing explosives, and their very speedy trial and executions indicate that their right to a fair trial was flagrantly violated; they were denied the right to have adequate time to prepare their defence and to appeal against their convictions and sentences to a fair higher tribunal empowered to review both the facts of the case and the procedures of the trial court. Their executions appear to have been no less than a form of reprisal for the PRMI attack.

4. Drug Trafficking (133)

Amnesty International recognizes that Iran faces serious social, security and economic problems relating to drug-trafficking, but believes that the authorities heavy reliance on the use of the death penalty to combat drug-trafficking is misguided, ineffectual and an affront to human rights. In this regard, the organization reminds the Iranian authorities that UN human rights mechanisms - including the UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, and the UN Human Rights Committee - have concluded that the death penalty for drug offenses fails to meet the condition of "most serious crime", under which the death penalty may be imposed only as an "exceptional measure" where "there was an intention to kill which resulted in the loss of life".^{xxi} The UN High Commissioner for Human Rights and the director of the UN Office on Drugs and Crime have likewise expressed grave concerns about the application of the death penalty for drug offenses. Amnesty International urges the Iranian authorities to review all counter-narcotics legislation with a view to abolishing the imposition of the death penalty for drug-related offences.

IX. Key National Priorities, Initiatives and Commitments

A. Education (136)

Amnesty International welcomes the state report’s focus on “human rights as an important, substantive, long-term and genuine matter” and that human rights education in universities is part of the capacity-building measures that have been implemented. In this regard, the organization is concerned at reports that lecturers teaching human rights course in universities have been among a number of academics that have been “purged” for political reasons, both before and since the presidential election, and the severely adverse impact this can be expected to have for human rights teaching in universities.^{xxii}

X. Expectations in terms of Capacity-Building and Technical Assistance (138)

Amnesty International welcomes the Iranian authorities’ commitment, as set out in the state report, to bilateral and multilateral cooperation on human rights and to receive advisory services and technical assistance for capacity-building and promotion of human rights, as well as the stated commitment to have cooperative relationships between Iran and all relevant international organizations. For its part, Amnesty International will be pleased to see tangible evidence of this, with a view to contributing its own organizational experience and expertise towards achieving improved protection and promotion of human rights in Iran.

Amnesty International urges the Islamic Republic of Iran to commit during the UPR to taking prompt and comprehensive measures to improve the justice system in order to establish the independence of the judiciary, guarantee in law and practice the right to fair trial, end torture and other ill-treatment of detainees and prisoners, and break the cycle of impunity which has for so long shielded from justice those who perpetrate human rights violations. As well, the government should take steps to ensure that women have equality before the law and in practice, and to end discrimination, including discrimination against members of ethnic and religious minorities.

Amnesty International hopes that the Islamic Republic of Iran will use the opportunity of the UPR to demonstrate its true commitment to respect human rights standards by setting out a clear timetable for visits by UN special mechanisms, especially the Special Rapporteurs on extrajudicial, summary and arbitrary executions and on torture, and if appropriate, a special envoy of the Secretary General.

The organization believes that the UPR is a key opportunity for the international community to robustly address the failure by the Iranian authorities to improve the human rights situation in Iran and their obstructions of international scrutiny by such Special Rapporteurs whose assessments and recommendations would contribute to ensuring that those responsible for committing, ordering or authorizing violations are held to account.

ENDNOTES

- i Headings refer to the paragraphs as they are laid out in the state report, for ease of reference.
- ii <http://www.roozonline.com/english/news/newsitem/article/2009/october/04//a-new-wave-of-purges-of-social-science-academicians.html>
- iii For more information, see Iran: The last executioner of children, June 2007, AI Index MDE 13/059/2007, pp9-10
- iv <http://www.farsnews.com/newstext.php?nn=8811041236>
- v Article 207 of the Penal Code
- vi Article 210 of the Penal Code
- vii E/CN.4/2004/3/Add.2, para 57
- viii Three of the death sentences have been commuted to imprisonment on appeal.
- ix <http://deathpenaltynews.blogspot.com/>Iran: lawyer haunted by young man's execution, Los Angeles Times, 8 February 2010
- x The interpretative note states that in "confidential matters or when the judge decides that the presence of another person (including the lawyer) might cause 'corruption' or interrupt the procedure or in crimes against the national security, the presence of the lawyer is dependent on permission of the court."
- xi E/CN.4/2004/3/Add.2, para 51
- xii Article 38 of the Constitution, and Article 578 of the Penal Code, which states: "Any governmental official or employee, whether judicial or non-judicial, who physically tortures or torments an accused person to force him to confess will, in addition to retribution-in-kind or payment of blood money, be sentenced to imprisonment from six months to three years, depending on the case, and if someone has ordered the same, only the person giving the order will be given the said punishment of imprisonment and if the torture and torment results in death, the perpetrator shall be sentenced to the punishment for murder, and someone who ordered the [torture] will have the punishment prescribed for ordering a killing."
- xiii Paragraph 11 of the state report
- xiv Article 32 of the Constitution,
- xv Except where specified under the Penal Code, where certain kinds of offenders who have confessed and repented may be pardoned by the Supreme Leader on the recommendation of the judge in the case
- xvi See UA: 271/09 Index: MDE 13/119/2009
- xvii Concluding Observations of the Committee on the Rights of the Child: Iran (Islamic Republic of), UN Doc. CRC/C/15/Add.123, 28 June 2000, para. 7.
- xviii For a fuller explanation of gozinesh, see International Labour Organization - Amnesty International's concerns relevant to the 91st session of the International Labour Conference, 3 to 19 June 2003 (AI Index: IOR 42/003/2003); and International Labour Organization - Amnesty International's concerns relevant to the 92nd International Labour Conference, 1 to 17 June 2004 (AI Index: IOR 42/008/2004).
- xix E/CN.4/2006/41/Add.2
- xx For a fuller explanation of gozinesh, see International Labour Organization - Amnesty International's concerns relevant to the 91st session of the International Labour Conference, 3 to 19 June 2003 (AI Index: IOR 42/003/2003); and International Labour Organization - Amnesty International's concerns relevant to the 92nd International Labour Conference, 1 to 17 June 2004 (AI Index: IOR 42/008/2004).
- xxi A/HRC/4/20, 29 January 2007, para 53
- xxii For more information on the purge of social sciences in Iran, please see Iran: Election contested, Repression Compounded, December 2009, AI Index MDE 13/13/2009, pp 21-22