



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2006/NGO/138
3 March 2006

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sixty-second session
Item 9 of the provisional agenda

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

**Written statement* submitted by the International Federation for Human Rights (FIDH),
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2006]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Islamic Republic of Iran

FIDH and LDDHI express their deep concern regarding the deterioration of the human rights situation in Iran.

Following the June 2005 election, the conservative Mr. Mahmoud Ahmadinejad has been elected as the President of the Islamic Republic of Iran. The election was carried out in clear violation of article 25 of the ICCPR, which enshrines the right to free and fair election. Before the election, the Council of Guardians, a non-elected conservative body, rejected a huge number of candidates to the election, including many reformists and all the women.

Freedom of expression

The Iranian government intensified its attacks on human rights defenders¹. **Mr. Abdolfattah Soltani**, lawyer and member of the *Council of the Bar of Tehran* and a founding member of the *Defenders of Human Rights Centre* (DRHC), was arrested on July 30, 2005. He has not been formally charged but a Judiciary spokesperson announced that he is accused of revealing Iran's nuclear secrets. His arrest might actually be linked to his role as a defense lawyer in the Kazemi case. On January 14, 2006 the Court granted Mr. Soltani's release on bail which was set at 800,000 euros. **Mr. Nasser Zarafchan**, a founding member of the DRHC, was arrested in August 2002 and he is still detained in spite of his precarious health conditions. He was sentenced to 5 years imprisonment because of his declarations about the regime's role in the murder of intellectuals in 1988.

Several journalists and web-loggers remain in prison. **Mr. Akbar Ganji**, journalist, is detained in the Evin prison in Tehran since 2000, on the charge of undermining national security and propaganda against institutions of the Islamic Republic. His health is very precarious, he weights 50 kg since his hunger strike in 2005 and he is currently detained in solitary confinement. **Mr. Mojtaba Saminejad**, a web-logger and student at the Tehran University, was sentenced to two-year imprisonment in June 2005 for insulting the Supreme Guide. One month later he was given an extra ten months in prison for incitement to immorality. **Mr. Arash Sigarchi**, journalist and blogger, was condemned to three years in prison for "insulting the Supreme Guide" and "propaganda against the regime" in January 2006 and imprisoned a few days later. Suspended sentences are also often used to silence journalists.

The Iranian government pursued the harassment against trade unionists. Five of them have been sentenced to prison sentences on November 9, 2005: **Mr. Mahmoud Salehi** (5 years), **Mr. Jalal Hosseini** (3 years), **Mr. Mohsen Hakimi** (2 years), **Mr. Borham Divangar** (2 years) and **Mr. Mohammed Abdipoor** (2 years). They were charged with association with the banned political association Komala.

Mr. Mansour Osanloo, Chairperson of the public transportation union Sherkat Vahed, was arrested on 22 December 2005 for creating an "illegal union". 12 other leaders of the union were arrested in January 2006 for having announced a strike.

¹ See 2005 annual report of the Observatory for the Protection of Human Rights Defenders, a joint programme of FIDH and OMCT.

Several students are still in prison in connection with the protests of 1999. Among them **Mehrdad Lohrasebi** and **Abbas Deldar** have been condemned to 15 years in prison; **Javid Tehrani**, condemned to seven years in prison and freed four years later, was re-arrested in June 2004 ; and **Peyman Piran** (condemned to ten years in prison). **Bina Darab-Zand**, another student, was condemned in October 2004 to three years and a half in prison and is currently detained. In addition, the students organisation Tahkim Vahdat announced on December 23, 2005 that several of its leaders were condemned in camera to prison sentences in December 2005: **Ali Afshari** (6 years in prison), **Akbar Atri** (5 years), **Abdollah Momeni** (5 years), **Ahmad Faraji** (3 years), **Amir Balali** (1 year) and **Farid Modaresi** (8 months). Those persons are not currently detained.

The rights of minorities

Discrimination based on religion and ethnic origin remains common. Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities (art.13 of the Iranian Constitution).

There are clear signs that the discrimination against the Baha'i community is on the rise. According to the Baha'i International Community (BIC), at least 59 Baha'is have been arrested, detained or imprisoned in 2005. **Mr. Dhabihu'llah Mahrami**, who spent 10 years in jail accused of spying for Israel, died in prison of unknown causes on December 15, 2005. Although Mr. Mahrami was formally accused of spying for Israel, court records indicate that he was tried and sentenced on the charge of being an apostate.

Iranian authorities reportedly continued to bar Baha'is from access to university despite a specific recommendation to put an end to that practice made by CERD in July 2003. The BIC reports that a large number of Baha'i students passed the national university entrance examination in July 2005. It was not necessary to declare a religious affiliation in order to take the exam. However, when they got their results, they saw that they had been falsely recorded as Muslims.

Kurds are barred from teaching the Kurdish language at schools and face restrictions in publishing Kurdish literature. Kurdish cities are among the least developed in the country with high levels of unemployment.

Following the killing of a Kurdish opposition activist by Iranian security forces in the city of Mahabad on July 9, 2005, demonstrations have erupted in the mainly Kurdish neighbouring towns. Five persons were killed by the security forces but other sources estimate that the number of civilians dead varies between 12 and 20 persons. The Iranian authorities did not carry out an independent enquiry in those events, in spite of the fact that the security forces clearly made an excessive use of force against unarmed civilian. Many demonstrators were arrested, including Kurdish human rights activists and journalists. Among them **Mr. Mahmoud Salemi**, arrested on August 4 for participating in demonstrations in Saqez, **Mr. Borhan Divangar**, a member of the Saqez Bakery Workers' Union; **Ms. Roya Tolouï**, a women's rights activist (released on bail on 5 October 2005); **Mr. Azad Zamani**, a member of the Association for the Defence of Children's Rights. **Mr. Madeh Ahmadi**, **Mr. Ejalal Ghavami** and **Mr. Saïd Saedi**, Kurdish journalists also arrested in July and August 2005, are reportedly still in prison. **Mr. Mohammad-Sadigh Kaboudvand**, Director of the weekly *Payamkurdistan*, was condemned to 18 months in prison in August 2005 for upsetting public opinion and spreading separatist ideas. On November 26, 2005, three Kurdish activists saw their

condemnations confirmed by the Supreme Court: **Reza Amini** (20 years in prison), **Hemat Azarpour** and **Abdollah Mohammadi** (15 years).

In the region of Khusistan, tens of persons belonging to the Arab minority were arrested and condemned in camera over the last months of 2005 after protests asking for increased autonomy (right to publish in Arabic, etc). Violent clashes opposed protesters to the police, resulting in a number of injured.

The death penalty

The Islamic Republic of Iran continues to apply the death penalty under conditions that blatantly violate international standards. No official statistics are available and independent sources of information are very fragmented. It is clear however that the number of condemnations to death and executions is on the rise over the past months. According to information collected from the Iranian press, LDDHI denounces 14 executions in December 2005, among which two women. According to Hands off Cain, 12 persons were executed in January 2006. In December 2005, two persons had their hand cut for robbery.

The Iranian law violates the ICCPR under which the death penalty must be restricted to the most serious crimes only. The Islamic penal law provides for the death penalty for crimes such as : adultery of a married woman with a man, heresy, homosexual acts, fornication of a non-Muslim with a Muslim woman, fornication with the wife of one's father.

Children under 18 years old at the time of the offence are executed in violation of the Convention on the Rights of the Child. In 2005, several executions of child offenders were recorded. **Mahmoud Asgari** (16 years) and **Ayaz Marhoni** (18 years) were hung in Mashhad in July 2005. They were allegedly condemned to death for raping a 13 years old child. A young Afghan (**Rostam Tajik**), who was minor at the time of the crime, was executed in December 2005.

FIDH and LDDHI urge the CHR to adopt a resolution on the Human Rights situation in Iran, appointing a Special Rapporteur on Iran and asking the authorities to:

- free immediately and unconditionally all prisoners of opinion;
- implement the recommendations of the UN human rights mechanisms and treaty bodies;
- put an end to discrimination against minorities;
- abolish corporal punishments;
- ensure that the death penalty is only carried out for the most serious crimes, never applied to juvenile offenders, nor carried out in public and adopt an immediate moratorium as a first step towards abolition;
- ratify CAT, CEDAW and the Statute of the ICC, without incompatible reservations;

- submit its periodic reports under the ICCPR and the ICESCR.

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