

Declaration of the International Campaign for Human Rights in Iran

UPR Pre-Session on Iran, Geneva, October 8, 2014

1. **Presentation of the organization.** This statement is delivered on behalf of the International Campaign for Human Rights in Iran (ICHRI), an independent, nonprofit NGO that defends basic rights and freedoms in Iran. ICHRI submitted reports for the first (2010) and second (2014) UPR on Iran.
2. **National consultations.** The Government of Iran refuses to allow any human rights organization to visit the country or engage in human rights advocacy. Nevertheless, ICHRI is in constant consultation with the human rights community, activists, and a broad range of leading members of civil society inside Iran, and our report is based on these consultations.
3. **Plan of the statement.** This statement addresses the following issues: (1) the denial of due process in the Iranian judicial system; (2) the lack of freedom of speech, association and assembly; (3) ill-treatment in the Iranian prison system; and (4) the continuation of gender-based discrimination.
4. **Statement.**
 1. **Denial of due process**

A. Follow-up to the first review

There is consistent documentation of the pervasive denial of due process in Iran. Arrests are routinely made without presenting warrants, and are frequently accompanied by beatings and the illegal search and confiscation of personal belongings. Detainees are frequently taken to unknown locations, held in solitary confinement and incommunicado, and not informed of the charges. Detainees are routinely denied access to lawyers, and their lawyers are often not informed of the charges or other case information until trial. There are many cases of detainees being held for years without charge or trial. Trials are often brief, with little or no evidence presented other than “confessions” that have been elicited under torture or threat. Evidence for the defense is routinely not presented. Convictions are generally swift and sentences are carried out on the basis of such trials, even in capital cases.

At the first UPR of Iran in 2010, multiple countries raised their concerns over various aspects of the denial of due process in Iran.

The Government of Iran explicitly accepted Recommendation 46, presented by Mexico, which calls on Iran to ensure all guarantees of due process established in the ICCPR, and the government reported on its implementation in its National report by noting new laws that ostensibly guarantee due process.

B. New developments since the first review

Yet despite the commitments made during the first UPR, and a legal and policy framework that supposedly guarantees due process, the denial of due process in Iran continues in practice to be systematic and severe.

Prisoners continue to be held without charge, including a number of student activists who have been held for lengthy periods. The opposition leaders Mehdi Karroubi, Mir Hossein Mousavi, and Zahra Rahnvard are still under house arrest, without charge or trial, after almost four years as of this writing. Frequently, detainees are held for many months (and often in solitary confinement) under repeatedly extended “temporary detention” orders, during which no access to counsel or notification of charges is required. For example, *Washington Post* reporter Jason Rezaian and journalist Yeganeh Salehi, who were arrested and detained in July 2014, have remained in detention without charge or access to counsel for over two months as of this writing. Ghoncheh Ghavami, who was arrested in June 2014, has remained in detention (in solitary confinement for much of the time), without charge for over three months as of this writing, as a result of her attempt to attend a sports match forbidden to female spectators.

Convictions continue to be made on the basis of personal items illegally confiscated during arrests. These convictions continue to be upheld, and, in the case of capital cases, prisoners continue to be executed, especially those active in ethnic or religious minority communities, without investigation into credible allegations of torture and forced confessions, and without addressing egregious denials of due process including lack of access to counsel, counsel’s lack of access to full case material, lack of evidence presented to substantiate charges, inability to present defense evidence, and other trial irregularities.

C. Recommendations

We urge that the continued denial of due process be raised in the UPR and the following recommendations made:

- All arrests must be accompanied by a warrant.
- All detainees must be guaranteed immediate access to counsel.
- All detainees and their lawyers must be immediately notified of the charges.
- Defense must have full access to all case materials; all evidence for the defense must be presented at trial.
- All allegations of torture or forced confession, or any other trial irregularity, must be independently and thoroughly investigated.

2. Denial of freedom of speech, association, and assembly

A. Follow-up to the first review

Basic freedoms of speech, association and assembly are denied in Iran, especially in so far as they relate to the right to dissent, as is freedom of the media and access to information. Journalists, bloggers, political activists, students, teachers, lawyers, labor leaders, women's activists, artists, musicians, filmmakers, and many other citizens are harassed, banned from work or study, arrested, and imprisoned for the expression of views or activities with which the government disagrees. The media and the Internet are strictly censored, publications are shut down, millions of websites blocked, digital communications hacked, and satellite broadcasts jammed. Human rights defenders who attempt to defend these basic rights are themselves often arrested, banned from work, and imprisoned.

At the first UPR of Iran in 2010, multiple countries raised their concerns over the widespread denial of these basic rights.

The Government of Iran accepted Recommendation 46 (presented by Mexico), 52 (Denmark), 53 (Brazil), 54 (Germany), 55 (Italy), 57 (Slovenia), 58 (Netherlands), and 59 (Ireland), which all pertain to freedom of expression (including the right to dissent), association, assembly, and freedom of the media (including unrestricted access to the Internet), and the government reported on its implementation in its National report by noting numerous laws and articles that ostensibly ensure such basic rights and freedoms.

B. New developments since the first review

Despite Iran's commitments made during the first UPR, and a legal and policy framework that allegedly guarantees these basic rights and freedoms, they continue to be severely curtailed in Iran.

Freedom of the press is systematically denied. Publications such as Aseman, Bahar, Neshat, Tous, and Tajrobeh have been shuttered and journalists, such as Saba Azarpeik, Serajeddin Mirdamadi, Maryam Shafipour, and Marzieh Rasouli jailed.

Freedom of access to information is denied. Development of Internet filtering and blocking technologies has intensified, as does work on the National Internet, which will enable the government to control, access, and monitor all content over the National Network. Hacked online communications are used to prosecute and convict activists. Over the past year Internet repression has increased: numerous IT and social media professionals have been sentenced to long prison terms. Direct jamming of international satellite broadcast signals has been replaced by the intensified local jamming of rooftop satellite dishes, keeping citizens limited to state-approved broadcasts.

Despite the fact that the Iranian constitution provides for peaceful protests by workers, strikers are routinely arrested and detained, and labor leaders are systematically prosecuted. For example, labor leaders and workers at the Bafgh Iron Ore Mines have been imprisoned since strikes in May 2014, and over 20 workers at the Chadormalu Mine were arrested for striking in January 2014.

Freedom of association is routinely denied. For example, the Association of Iranian Journalists remains banned, and independent student associations are banned as well.

Freedom of speech is also curtailed. The youths arrested for making the "Happy in Tehran" dance video were handed (suspended) flogging and prison sentences. Death sentences were recently handed down for "insulting the Prophet" and for questioning biblical accounts. The scholar Sadegh Zibakalam was given a prison sentence by a lower court for criticizing Iran's nuclear program, the Quranic scholar Seyed Ali Asghar Gharavi remains in prison for questioning Eid al-Ghadeer, and the dissident cleric Arash Honarvar Shojaee was given an additional year in prison for referring to Ayatollah Khamenei as a "populist."

Independent artists and filmmakers continue to face harassment and banning, and musicians performing without a license face arrest.

Human rights defenders such as Abdolfattah Soltani and Mohammad Seifzadeh, who have tried to defend the rights of these individuals, remain in prison for their efforts, serving 13 and 8-year sentences respectively.

In sum, the right to independent thought or dissent is still not tolerated in word or in deed in Iran.

C. Recommendations

- Free speech, association and assembly should be guaranteed not only in law but also in practice.
- Open, safe Internet access should be guaranteed.
- Freedom of the press should be protected, in law and practice.
- All satellite signal jamming, local and direct, should cease.
- The right to organize and strike must be protected.
- Human rights defenders must be allowed to defend their clients, without repercussion, under the law.

3. Ill Treatment

A. Follow-up to the first review

Ill treatment throughout the Iranian judicial system is endemic. In particular, the denial of critically needed medical care for prisoners is a consistent and well-documented practice. Prisoners are routinely denied full and proper treatment, either for pre-existing medical conditions or for conditions that have arisen while in prison due to torture or to substandard prison conditions. This denial has resulted in threats to life as well as the death of a number of prisoners.

At the first UPR of Iran in 2010, multiple countries raised their concerns over the widespread ill treatment of prisoners.

The Government of Iran accepted Recommendation 42, 43, and 44, presented, respectively, by Denmark, Ireland, and Estonia, regarding prohibitions against ill treatment, although Iran has not specifically addressed implementation measures in its National report.

B. New developments since the first review

Despite Iran's commitments made during the first UPR, ill treatment routinely continues, especially regarding the denial of medical care for prisoners of conscience and political prisoners.

Most recently, eighteen Nobel laureates have called for the immediate release of the imprisoned Iranian physicist and prisoner of conscience Omid Kokabee, who has multiple, potentially life-threatening heart, kidney, and gastrointestinal illnesses that have been left untreated.

ICHRI has documented numerous cases of illnesses such as heart condition, kidney stones, gall bladder disease, high blood pressure, and severe gastrointestinal and reproductive conditions, as well as injuries that include broken bones and teeth, which have been left either untreated or under-treated. Typically, under-treatment will involve superficial pain treatment or symptom alleviation by prison medical staff of potentially fatal conditions that need intensive treatment outside prison by specialists.

Prisoners of conscience and political prisoners are especially subjected to this denial of care. For example, 86-year old cancer-sufferer Hasan Tafah; student activist Bahareh Hedayat; journalist Saeed Matinpour; human rights lawyer Abdolfattah Soltani; political activist Mostafa Tajzadeh; dissident cleric Arash Honarvar Shojae; blogger Hossein Ronaghi Maleki; political activist Saeed Madani; student activist Ashkan Zahabian; and blogger Mohammad Reza Pourshajari have all been denied critically needed medical care while in prison. In addition, the two former presidential candidates and opposition leaders, Mir Hossein Mousavi and Mehdi Karroubi, have both been denied needed medical care while under house arrest since February 2011.

In July 2014, Mostafa Nosrati, age 30, died of injuries sustained during a fall at Bandar Abbas Central Prison, after being denied medical treatment.

C. Recommendations

- All prisoners must receive full and proper medical treatment.
- If prison medical staff determines that outside medical care is needed, the prisoner must be immediately transferred to an appropriate medical facility.
- Any and all allegations of untreated illnesses or injuries must be immediately and independently reviewed.

4. Discrimination on the basis of gender

A. Follow-up to the first review

There is widespread discrimination against women in Iran, in both law and practice. Iran's new Penal Code discriminates against women in matters of family and personal status, such as in marriage, divorce, custody, guardianship, and inheritance, and the courts regard the weight of a woman's testimony as less than that of a man's.

Women are also discriminated against in employment and education through gender segregation initiatives, as well as in their ability to participate fully in cultural and recreational events.

At the first UPR of Iran in 2010, multiple countries raised their concerns over various laws and practices that discriminate against women in Iran.

The Government of Iran explicitly accepted Recommendations 7 (presented by Viet Nam), 32 (Brazil), 33 (Chile), 34 (Austria) and 60 (Bangladesh), which all pertain to ensuring the full rights of women, and the government reported on its implementation in its National report by noting the establishment of new offices and mechanisms to advance women's rights and the new Penal Law which ostensibly improves the status of women.

B. New developments since the first review

Despite the commitments made by the Government of Iran after the first UPR, widespread and significant discrimination against women continues in Iran, in both law and practice.

Recent gender segregation initiatives in 2014 are highly discriminatory, effectively banning women from many areas of employment. For example, females have been excluded from employment in administrative positions in the Municipality of Tehran, and similar initiatives are under consideration in other municipalities. Women were also recently banned from employment in coffee shops and traditional restaurants, and banned from appearing on stage at musical performances in 13 provinces across the country.

Women have also been denied admission to sports events, and those who have protested against such policies, such as Ghoncheh Ghavami, are now in prison.

Recent family planning initiatives are also highly discriminatory: the Iranian Parliament is currently working on a national plan that would limit women's access to contraception, ending free contraception and reproductive health

care, severely affecting the reproductive freedom of women in lower income brackets.

The government has also recently launched a campaign to confront women who do not observe “proper hijab.” The lack of such attire has resulted in professional and educational deprivations for women, and official Iranian statistics show that in 2013 alone, close to 3 million women were “warned” by the morality police for their hijab, over 200,000 were forced to sign statements, and over 18,000 were referred to the Judiciary to be tried in courts. These numbers do not include harassment of women by organizations such as the Basij.

Women also continue to be explicitly discriminated against in Iranian law in areas such as personal status and family law, which relates to marriage, divorce, custody, guardianship, and inheritance, and a woman’s testimony continues to be worth less than that of a man’s in Iranian courts.

C. Recommendations

- All gender segregation initiatives should be ended; women should have equal access to all employment opportunities, as well as educational opportunities and the ability to attend all cultural and recreational events.
- The Government of Iran should ensure that contraception, family planning services, and reproductive health services remain legal and accessible to all Iranian women.
- All discriminatory laws regarding personal status and family law, including those pertaining to marriage, divorce, custody, guardianship, and inheritance, should be reformed to ensure gender equality.
- The Government of Iran should end policies that allow the police and other security forces to harass women for alleged violations of Islamic dress codes.