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Human rights situations that require the Council's attention

Written statement* submitted by Amnesty International, 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 2012]

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

The human rights situation in Iran: Worsening repression demands the Human Rights Council's continuing attention

Thousands of Iranians were arrested during and following the mass demonstrations that erupted following the disputed June 2009 presidential elections. Many of those detained were tortured, including by beatings and rape, and held in solitary confinement in small spaces for long periods. Hundreds were sentenced after grossly unfair trials to lengthy prison sentences or to death.¹

Nearly three years later, the widespread repression in Iran continues with fresh waves of arrests and new laws and regulations to further tighten restrictions on freedom of expression, association and assembly.

Additionally, with over 600 executions in 2011 reported from both official and unofficial sources, including at least three executed for alleged crimes committed when they were under 18, Iran remains second only to China in the number carried out annually. Many executions are carried out after conviction of offences which do not meet the criterion of "most serious crimes" – meaning those with lethal consequences – for which the death penalty may be applied under international law.²

The Iranian government is more determined than ever to stifle public criticism and dissent in the country by any means possible. An increasing number of people, drawn from ever-wider sectors of the population, are harassed, detained, tortured or otherwise ill-treated, and tried unfairly, often on the basis of vaguely worded laws that do not meet the requirements for clarity and precision in criminal law outlined in international law.

This is evident in articles in Iran's Penal Code³ and other laws that affect freedoms of expression, assembly and association. Under Iran's Penal Code activities such as peaceful demonstrations, public discourse and formation of groups and associations deemed to "harm national security", "disturb public order" or constitute "insult to officials" are punishable by long prison sentences or even death.

Under a seriously flawed and politically motivated justice system which lacks independence, hundreds of political prisoners, including prisoners of conscience, are arbitrarily arrested, tortured and sentenced to prison, flogging and even death following unfair trials.

Prisoners and detainees are held in overcrowded cells in dire conditions and many suffer health problems as a result. Prison authorities routinely delay or deny them adequate medical treatment. Those who protest against injustice, torture or prison conditions are in some cases transferred to far-away prisons as punishment, or charged with new offences. Other individuals have been banned from travel, preventing international networking, or have had no option but to flee the country in fear of persecution. Detainees' associates and relatives continue to be arrested or harassed to dissuade them from speaking out about the detainee's case or as means of putting pressure on detainees.

¹ See From protest to prison: Iran one year after the election, Index: MDE 13/062/2010, June 2010.

² See: Iran: Addicted to death: Executions for drugs offences in Iran, Index: MDE 13/090/2011, 15 December 2011

³ A revised Penal Code has been approved by the Guardian Council and is expected to be enacted soon. An earlier draft seen by Amnesty International had many provisions which continue to violate Iran's obligations under international human rights law.

New waves of arrests have targeted journalists and bloggers; human rights defenders; lawyers; students; journalists; political activists; filmmakers; people with international connections and members of Iran's religious and ethnic minorities.

These moves can only be construed as attempts to isolate Iranians by obstructing the free flow of information and news, including on human rights violations in and out of the country. Bills on the formation and supervision of political parties and NGOs may also result in further limitations on freedom of expression and association.

Amnesty International's reports on Iran since 2009, as well as recent reports issued by UN bodies,⁴ provide compelling evidence of the gravity of the human rights situation in Iran and contradict the authorities' frequent denials – including in their dialogue in October 2011 with the UN Human Rights Committee – that any human rights are being violated, and their frequent assertions that such allegations are politically motivated.

Iran is party to key international human rights treaties. However, implementation of such treaties remains selective and in some cases subject to exclusions which undermine the purpose of the treaty itself. Discrimination and other violations against women, ethnic and religious minorities and members of the LGBT community are permitted in law.

Iran has a patchy record of cooperation with international human rights bodies: the authorities are doing their utmost to prevent scrutiny, including by refusing to co-operate with UN human rights procedures, despite proclaiming that they are respecting their international obligations.

No UN thematic human rights mechanism has been allowed to visit the country since 2005 despite Iran's 'standing invitation' for all Special Procedures to visit. The government is obstructing the visits of eight thematic procedures. The government expressly refused to accept recommendations calling for visits made during the Universal Periodic Review (UPR) process in February 2010.

The government has also refused the request of the Special Rapporteur on the situation of human rights in Iran, who was appointed by the Human Rights Council last year, to visit the country. One official has called him a "liar".

Urgent action is needed to end the vicious cycle of human rights violations in Iran, a cycle fuelled by the almost guaranteed impunity for perpetrators. The government must take immediate steps to establish the rule of law, guarantee the true independence of the justice system, and ensure that those who commit human rights violations are held accountable and brought to justice for crimes they have committed. It must also ensure that the Constitution enshrines full protection of human rights, and ensures an effective remedy to those whose rights are violated.

Among other things, Amnesty International has called upon the Iranian authorities to:

- release immediately and unconditionally all prisoners of conscience. Others detained should be released unless they are charged with a recognizably criminal offence and given a prompt trial in full accordance with international fair trial standards;
- amend legislation which places restrictions on the rights to freedom of expression, association and assembly which exceed those permitted under international law, and permit open public debate in the run-up to the March 2012 parliamentary elections;

⁴ These include: The situation of human rights in the Islamic Republic of Iran: Report of the Secretary-General, UN Document A/66/361, 15 September 2011, and Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, UN Document A/66/374, 23 September 2011

- establish an immediate moratorium on executions and work towards the complete abolition of the death penalty.

In the absence of independent and impartial bodies to investigate allegations of human rights violations promptly, thoroughly and effectively, and to provide reparations to victims and affected families in accordance with international human rights standards, the organization has also called on the Iranian authorities to:

- allow international scrutiny of the human rights situation in Iran, including by allowing the UN Special Rapporteur on Iran to visit, in addition to the thematic UN human rights mechanisms that have requested visits, as well as independent international human rights organizations such as Amnesty International.

Amnesty International urges the Human Rights Council to:

- renew the mandate of the Special Rapporteur on Iran;
- urge the Iranian authorities to grant him access to the country and to fulfil the commitment in its standing invitation to receive visits by Special Procedures that ask to visit Iran; and
- respond to the communications and recommendations of the Special Rapporteur on Iran and other United Nations human rights mechanisms.

Amnesty International also appeals to the international community not to allow tensions over Iran's nuclear programme to deflect attention from the human rights situation in Iran or be distracted by significant political change in the wider region. Without international scrutiny, the organization believes that repression will worsen in Iran, further isolating those in Iran from the outside world.
