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**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 with 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.

[10 February 2005]

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

IRAN

The FIDH and the LDDHI express their deepest concern regarding the deterioration of the human rights situation in Iran during the past year. The parliamentary elections of February 2004, which were not free and fair, resulted in a strengthening of the Conservatives in the Parliament. Under those circumstances, perspectives for reforms are dim.

Freedom of expression

In 2004, the judiciary increasingly curtailed freedom of expression of human rights defenders, journalists, writers and students expressing critical view regarding the government's policy¹.

The authorities arrested nearly 20 on-line journalists and bloggers in the Fall of 2004, working with pro-Reformist Internet websites. They were subsequently released on bail, with the exception of one journalist: **Arash Sigarchi**. Arash Sigarchi is the editor of *Gilan* newspaper. A number of the on-line journalists and bloggers arrested were tortured while in detention and filed a suit for torture and mistreatments. On-line publications are the only way to circulate independent information. That crackdown is consequently a further restriction in an already very repressive landscape.

Mrs. **Mahboubeh Abbasgholizadeh**, the editor of the women's rights journal *Farzaneh*, was arrested at her home on November 2, 2004 and released on bail on November 30, 2004. *Syamak Pourzand* was released in June 2004. In August 2004, Iraj Jamshidi was freed on bail after more than 13 months in prison. In October 2004, Ali-Reza Jabbari, was released after more than 18 months in detention. Hassan Yussefi Eshkevari, a cleric who was detained since August 2000 because he had participated in the Berlin conference, was conditionally released on February 6, 2005.

However, as of February 2005, several other journalists are still in prison for the mere exercise of their right to freedom of expression: **Akbar Ganji** (since April 2000), **Hossein Ghazian** (since October 2002), **Abbas Abdi** (since November 2002), **Reza Alidjani** (since June 2003), **Taghi Rahmani** (since June 2003), **Hoda Rezazadeh-Saber** (since June 2003) and Mr. **Ensafali Hedayat** (since January 2004). Mr. **Nasser Zarafshan**, a lawyer and human rights defenders, is equally in jail since August 2002.

Several tens of students are still in prison in connection with the protests of 1999; this is notably the case of **Ahmad Batebi**, **Manoutchehr Mohammadi**, **Mehrdad Lohrasbi**, **Akbar Mohammadi**, **Farzad Hamidi**, and **Peyman Piran**. **Heshmattollah Tabarzadi**, responsible of a students' association, in jail since more than one year, was condemned to 14 years in prison in January 2005. **Bina Darab-Zand**, another student, was condemned in October 2004 to three years and a half in prison. After they protested against their conditions of detention, a number of them were transferred to the Karaj prison, 40 km from Tehran.

¹ *On human rights defenders, see the information from the Observatory for the protection of human rights defenders, a joint programme FIDH/OMCT.*

It should also be noted that **Shirin Ebadi**, lawyer and human rights defenders, Nobel Peace Prize winner 2003, was summoned in January 2005 by the Revolutionary Public Prosecutor's office of Tehran. After she refused to appear before the investigating judge, considering the summons as illegal because it didn't specify why she was summoned, representatives of the judiciary declared that it was a mistake.

The FIDH, the LDDHI and the DHRC consider that the numerous arrests and legal proceedings against persons expressing dissenting views, including on the Internet, blatantly violate freedom of opinion and expression, but also contribute to create a climate in which self-censorship and fear prevail.

Torture

In April 2004, the Head of the Judiciary, Ayatollah Mahmoud Hashemi Shahroudi, issued instructions for the judiciary, the police and the security forces asking them to respect the law and specifying that "All forms of torture aiming to obtain confessions is banned, and confessions obtained in this way have no legal or religious value". In May 2004, the Council of Guardians approved a bill banning torture. The legislation gives the force of law to the above mentioned directives. However, the bill does not cover corporal punishments.

In addition, in practice, no improvements were noted in that field and the UN convention against torture has still not been ratified.

Impunity for the perpetrators of acts of torture was blatantly exemplified by the Zahra Kazemi case : the judgement made public in July 2004 acquitted intelligence agent Mohammad Reza Aghdam Ahmadi. The trial did not meet the fair trial guarantees and three UN Special Rapporteurs (on the right to freedom of opinion and expression, on the independence of judges and lawyers and on torture) expressed their concerns in a joint statement: "The independent experts fear that by failing to ensure an open trial and the independent functioning of the judiciary - which should take into account all findings that could shed light on this case - the authorities are favouring a climate of impunity for law enforcement officials and setting the ground for the recurrence of similar human rights violations in the future".

Women rights

Women do not enjoy the same rights as men within the judicial process.

The responsibility under criminal law for the girls is 9 years old, while it is 15 years for the boys. They could even be condemned to the death penalty. On the contrary, they are responsible under civil law when they reach 18 years old, except if a court states that the child is mentally mature.

According to article 300 of the Islamic Penal Code, the blood money for a woman is half as much as that of a man. If a woman kills someone (a man or a woman), she may be condemned to the death penalty. However, according to Art. 209 of the Islamic Penal Code, if a woman is murdered by a man, the family of the victim must pay (half of the blood price of the murderer) to the family of the murderer in order to allow that the murderer be judged by a court and condemned to the death penalty. The legal value of a woman's sworn testimony has half the value of a man's testimony

The state takes half a couple estate if a husband dies in the absence of other heirs than his wife. The wife inherits only half of the estate. When wives die in the same circumstances, husbands are entitled to the entire estate. The outgoing parliament adopted a bill to address that discrimination in May 2004. However, the Council of Guardians didn't approve the reform yet.

It should also be noted that women need to get an authorisation from their husband in order to travel or work.

Discrimination against minorities

Discrimination between Muslim and non-Muslim remains common, in particular in the fields of inheritance and criminal law.

In addition, the pression on Baha'is intensified in 2004. According to the Baha'i International Community, some of the Baha'is who transmitted on 15 November an appeal in writing to governmental and non-governmental authorities throughout the country on behalf of the community, were subsequently arrested. All were released, but two of them only after several weeks.

In addition, access to universities continued to be blocked: Baha'is were allowed to take the entrance examination for the first time in 20 years, but no measures were taken to allow them to apply for placement in a university without having to declare their adherence to one of the four religions recognised in the Iranian Constitution.

The death penalty

The statistics regarding executions are confidential, which makes any assessment difficult. Part of them are carried out in public. Emadeddin Baghi, based on news published in the press, assesses that 116 persons were executed between March 2003 and March 2004, among which two minors. In 2004, the local media reported a total of more than 100 executions. 25 minors have been condemned to death in 2004, and at least two of them were executed, a girl of 16 years old, and a boy who was executed when he reached 18 years old.

At the end of October, a Justice department spokesperson said that a bill would be presented in Parliament abolishing the death penalty and lashing for offenders who were below 18 years old when they committed the crime. However, the Bill has not been adopted yet.

In contradiction with those stated intentions, in November 2004 the permit to hold a meeting in Tehran against the capital punishment for juveniles was denied by the Ministry for Foreign Affairs.

The FIDH and the LDDHI urge the Commission on Human Rights 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 from the WGAD, the SR on migrants and the SR on freedom of expression as well as treaty bodies;
- abolish domestic provisions which are discriminatory against women;
- put an end to the discrimination against minorities;
- abolish corporal punishments;
- ensure that the death penalty is only carried out for the most serious crimes and is never applied to juvenile offenders, and adopt a moratorium on executions as a first step towards abolition;
- ratify CAT, CEDAW and the Statute of the ICC, without reservations contrary to their object and purpose;
- submit its periodic reports under the ICCPR and the ICESCR.

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