



Joint Submission to the UN Universal Periodic Review

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Iran (Islamic Republic of)

**Joint Submission by CIVICUS: World Alliance for Citizen
Participation, NGO in General Consultative Status with ECOSOC**

And

The International Campaign for Human Rights in Iran

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1. (A) Introduction

- 1.1** CIVICUS: World Alliance for Citizen Participation is an international movement with members in more than 100 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action throughout the world, especially in areas where participatory democracy and citizen's freedom of association are threatened.
- 1.2** The International Campaign for Human Rights in Iran is a human rights organization that engages in extensive research, documentation, and advocacy worldwide regarding human rights developments in Iran. Founded in 2008, it is a leading source of information and analysis for policy makers and international organizations
- 1.3** During its initial examination under the Universal Periodic Review (UPR) on 15 February 2010, Iran fully accepted 123 recommendations including the removal of unwarranted restrictions on the rights to freedom of expression, and assembly. Iran also agreed to extend an invitation to the OHCHR and United Nations Special Procedure Mandate Holders who have requested access to Iran and adhere to the international human rights obligations to which it is bound.¹ However, despite these explicit commitments, more than four years after Iran's previous review under the UPR, the Iranian authorities have not implemented these recommendations as they continue to harass, attack, persecute, and arbitrarily arrest civil society activists, human rights defenders and journalists and severely curtail the freedoms of association, assembly and expression.
- 1.4** CIVICUS and the International Campaign for Human Rights in Iran are deeply concerned about the environment in which human rights defenders and civil society activists operate in Iran and discuss threats they face in the exercise of their fundamental rights. Scores of human rights defenders and civil society activists exposing human rights violations or discussing sensitive topics have been arrested and detained to prevent them from continuing their work under broad and vaguely defined legislation. It is a matter of deep concern that human rights defenders engaged in legitimate activity are being subjected to reprisals by state officials. We are also concerned about restrictions on freedom of association and assembly.
- 1.5** CIVICUS and the International Campaign for Human Rights in Iran are greatly concerned about legislative and extra-legal measures taken by the Iranian Government which drastically curb civil society activism and the freedom of association. The Iranian authorities have taken a number of unjustified measures to close notable civil society organisations which championed the rights of the marginalised, minorities and ordinary citizens.

¹ 'UPR Info, data base of UPR recommendations,' http://www.upr-info.org/database/index.php?limit=0&f_SUR=79&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=25&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly, accessed, 17 February 2013.

1.6 CIVICUS and the International Campaign for Human Rights in Iran are alarmed by undue and arbitrary restrictions on freedom of expression, independence of the media and access to information. Judicial harassment, including, arbitrary arrests and detentions of journalists, bloggers and online activists remains rampant in Iran. Moreover, critical websites and online platforms have been hacked by the government and the authors and editors of blogs targeted. Newspapers and media agencies have been shut down for providing critical content while family members of journalists working for foreign media houses outside of Iran are routinely interrogated and forced to divulge information about their relatives.

1.7 Attacks on critical voices, civil society activists, the media and online platforms increased prior to the Presidential elections in June 2013. During campaigns for the elections and shortly after his inauguration, President Haasan Rouhani made promises to respect the fundamental rights of all Iranians and assured citizens of their rights to access justice in line with the country's constitution. In late 2013 several civil society activists and human rights defenders who were close to completing their prison terms or who had just completed their prison terms were released from prison. Sadly the President has so far failed to keep to his promises as numerous activists and journalists remain in jail for daring to express their rights.

- In section B, CIVICUS and the International Campaign for Human Rights in Iran express concerns regarding judicial persecution, intimidation and harassment of human rights defenders and civil society activists.
- In section C, CIVICUS and the International Campaign for Human Rights in Iran highlight concerns related to undue legislative restrictions on the right to freedom of association.
- In section D, CIVICUS and the International Campaign for Human Rights in Iran express concern about unwarranted obstacles to the exercise of freedom of expression, including judicial persecution, arbitrary arrests of journalists, bloggers, online activists and undue restrictions on the media.
- In section E, CIVICUS and the International Campaign for Human Rights in Iran highlight concerns regarding restrictions on the right to freedom of assembly.

In section F, CIVICUS and the International Campaign for Human Rights in Iran highlight concerns regarding restrictions to the freedom of assembly and association.
- In section G, CIVICUS and the International Campaign for Human Rights in Iran make a number of recommendations in the areas of concern listed.

2. (B) Concerns regarding judicial persecution of members of Civil Society Organisations (CSOs).

2.1 Article 12 of the United Nations Declaration of Human Rights, mandates member states to take necessary measures to protect human rights defenders. However, it is a matter of deep concern that human rights defenders are subjected to judicial persecution and harassment and to jail terms resulting from the work they do to improve the state of human rights in Iran. It is estimated that approximately 500 human rights activists are currently in jail in Iran and a majority are charged with committing violations against national security and for propaganda against the state.²

2.2 In addition, due process violations and reports of torture have been reported in cases where activists are detained. Some civil society activists and prisoners of conscience report that they were denied access to legal representation for months while in pre-trial detention. In certain instances despite widespread condemnation from the international community, Iranian authorities went ahead with plans to execute activists. For example on 27 January 2014, civil society activists Hadi Rashidi and Hashem Shabani were executed by the Iranian authorities alongside three political activists. The five were founding members of *Ai-Hiwar*, a cultural and scientific organisation which promotes the empowerment of Ahwazi youth, a minority ethnic group in Iran. They were arrested in 2011 in their houses in Ahwaz shortly before the sixth anniversary of wide-scale demonstrations by Ahwazis. All five activists were tortured while in detention and compelled to sign false confessions. They were sentenced to death in July 2012 on charges of “propaganda against the system,” “enmity against God” and “corruption on earth.”

2.3 On 22 April 2012, Narges Mohammadi, a human rights defender and Deputy Director of the Defenders of Human Rights Centre (DHRC) began serving her prison sentence for her human rights activities. She was initially sentenced on 27 September 2011 by the Revolutionary Court and charged with propaganda against the state, being a member of the DHRC and for acting against national security. Ms Mohammadi’s lawyer was only informed about her sentence two months after it had been passed. On 5 March 2012, her conviction was upheld but her sentence was reduced from 11 to 6 years by an appeals court.

2.4 On 8 January 2012, Abdolfattah Soltani, human rights defender, lawyer and co-founder of the DHRC was sentenced to 18 years in prison by the Tehran Revolutionary Court and banned from his legal practice for two decades after he was found guilty of creating an “illegal opposition group” (the DHRC), spreading anti-government propaganda and gathering information to threaten national security. Abdolfattah was initially arrested on 16 June 2009, but was released after two months without any specific charges. In June 2012 an appeals court upheld his conviction and his sentence was reduced to thirteen years. Abdolfattah Soltani’s wife was arrested and held in custody for close to one week in July 2011 after travelling to Nuremburg to receive the Nuremburg Human Rights Award on her husband’s behalf.

² “Situation of Human Rights in the Islamic Republic of Iran ,” <http://shaheedoniran.org/wp-content/uploads/2013/10/N1350031.pdf>, accessed 20 February 2013.

She was sentenced to one year in prison which was later suspended for five years and handed a five year ban on foreign travel.

- 2.5** On 21 May 2011, Mohammad Ali Dadkhah, human rights lawyer and co-founder of the Centre for Human Rights Defenders (CHRD) was sentenced to nine years in prison and handed a 10 year ban on his legal practice. He was charged with “assembly and collusion to overthrow the Islamic system,” and for belonging to an illegal organisation. He was reportedly under severe pressure from the authorities to confess that he was guilty of the charges levelled against him and on 29 September 2012 he began serving his sentence at Evin prison.
- 2.6** On 15 May 2011 Mahboubeh Karami was jailed at Evin prison after responding to a summons from the authorities to start her three-year sentence. She was initially arrested on 2 March 2010 and jailed for 5 months before she was released on bail on 14 August 2010. She was subsequently sentenced to four years in prison on charges of propaganda against the system, belonging to a human rights organisation and conspiracy to commit crimes against national security. In February 2011, an appeals court reduced her sentenced to 3 years. During her imprisonment, she developed serious health problems. Karami was released on 18 September 2013 after completing nearly two years of her term.
- 2.7** In the same breadth, on 11 May 2011, Maryam Bahreman, human rights activist and founder of the Association of Women of Pars, a human rights group advocating for the rights of women, was arrested at her home in Shiraz by security agents. The security agents searched her home in the process and confiscated her laptop and cell phone. She was held in solitary confinement and transferred to Shiraz Prison where she was questioned and accused of “acting against national security,” “propaganda against the system” and for sharing false information. Her arrest came shortly after she made a presentation at the UN Commission on the Status of Women in New York on 22 February to 4 March 2011. Maryam is a member of the *One Million Signatures Campaign*, a group which works to secure one million signatures calling for an end to discrimination against women under Iranian law.
- 2.8** Furthermore, on 21 September 2010 Emad Baghi, human rights activist and founder of the Society for the Defence of Prisoner’s Rights was sentenced to six years in prison on charges of “propaganda against the system,” and “collusion against national security.” The six year sentence was handed in addition to an initial one year jail term and five years of “civil deprivation” which prevents Emad from taking part in civic activities. The sentences are related to his activities promoting human rights, advocating in favour of prisoners’ rights and his overt criticism of the death penalty in Iran. He was released in June 2012 after spending a year in jail.
- 2.9** On 4 September 2010, Nasrin Sotoudeh, human rights activist and lawyer was arrested and detained for four months without any specific charges. She was later charged with “acting against national security,” “propaganda against the regime,” and for being a member of the Centre for Human Rights Defenders by Tehran’s Revolutionary Court. She was sentenced to 11 years in prison, banned from practicing law and from travelling abroad for 20 years in January 2011. Her sentence was commuted to six years in prison and the ban imposed on her legal practice

reduced to 10 years in September 2011 by an appeals court. As a human rights lawyer Nasrin is known for defending women, children, juveniles facing the death penalty and high profile civil society activists. While she was in jail, family visits were initially restricted and her 12 year old daughter was handed an international travel ban by the Iranian authorities. She was released on furlough between January – June 2013 to visit her family and subsequently released from prison on 18 September 2013, with 10 other prisoners of conscience.

- 2.10** In May 2010 human rights lawyer Khalil Bahramian was arrested and sentenced to 18 months in prison in February of the same year. In addition, he was handed a 10 year ban on his legal practice by the Revolutionary Court in Tehran on charges of “insulting the head of the judiciary” and “propaganda against the regime.” He has actively defended prisoners of conscience for more than 4 decades and his sentencing is aimed at preventing him from carrying out his human rights activities. He launched an appeal against his sentence and is still waiting for the outcome.

3. (C) Concerns regarding restrictions on freedom of expression and attacks on journalists and the media

- 3.1** Article 24 of the Iranian Constitution states that “publications and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public. The details of this exception will be specified by law.”³ Article 19 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to freedom of expression and opinion. Yet Iran remains one of the most restrictive countries in the world for journalists to work in.
- 3.2** Legislation, including the 1989 Press Law and the Penal Code are used to criminalise critical reporting. The Computer Crimes Law was approved by the Parliament in January 2009 and has repeatedly been invoked to suppress the legitimate activities of online activists and bloggers. Media representatives are regularly harassed by the authorities on the basis of news articles, opinion pieces, and blogs for commentary which are deemed critical of the government or discuss a number of sensitive topics including the rights of women, minority ethnic groups, and actions critical of the government. Attacks on the media intensified in the months leading up to the 2013 presidential elections as the government arbitrarily arrested and detained journalists, closed down publications and severely restricted access to Iran for foreign journalists. The authorities also continue to summon journalists and online activists for interrogation, while the family members of journalists in exile are regularly intimidated and asked to divulge information about their relatives or to pressure them to stop their journalistic activities.
- 3.3** On 7 March 2013, Khosro Kordpour, editor of the *Mukrian News Agency*, was arrested in Mahabad and detained for several months. On 26 June 2013 he was charged with corruption, intent to commit crimes and propaganda against the state. His brother Massoud Kordpour who is a correspondent for the same newspaper was

³ “The Constitution of the Islamic Republic of Iran,” Iran Human Rights Documentation Centre, <http://www.iranhrdc.org/english/english/human-rights-documents/iranian-codes/3017-the-constitution-of-the-islamic-republic-of-iran.html?p=7#.UwHkuc5c5SM>, Accessed, 17 February 2014.

arrested on 9 March 2013 and charged with disseminating incorrect information with the objective of disturbing public minds and sentenced to three years in prison. Both journalists were tried by the Revolutionary Court in Mahabad. On 10 November 2013, the Revolutionary Court sentenced Khosro and Massoud to five and three years imprisonment respectively.⁴ Both journalists are from Iran's Kurdish minority and were denied access to legal representation for the first few months of their detention. We believe that they have been persecuted simply because of their work as journalists and specifically as a result of interviews they conducted with representatives of media agencies outside of Iran on the human rights situation in the Kordestan province.

- 3.4** On 7 March 2013, the country's Press Supervisory Board imposed a ban on the *Maghreb* newspaper after accusing the paper of violating press regulations when it published a cartoon of then president Mahmoud Ahmadinejad. In the lead up to the June 2013 Presidential elections and amidst heightened attacks on the press, the authorities also banned the *Aseman*, *Mehrnameh* and *Tajrobeh* publications.
- 3.5** On 6 March 2013, Badri Safiari, student blogger, writer and editor of the blog *Sufi* was arrested in Shiraz by security officers in civilian clothes. After she was detained, security officers went to her home and confiscated her computer and other written information. Her arrest was linked to the publication of blogs and articles on *Sufi* which highlighted judicial persecution of Gonabadi dervishes in the Fars province in Iran.
- 3.6** On 22 August 2012, blogger Hossein Ronaghi was summoned to Evin Prison to begin his 15 year sentence for his online activism. He was initially arrested in December 2009 and sentenced to 15 years in prison on charges of belonging to an illegal platform, and for disseminating propaganda against the regime. He was granted bail on 2 July 2012 after he had been detained for over one year following his arrest and has complained that he was tortured while in detention.
- 3.7** On 19 May 2012, Rahman Bozari a journalist and writer for the daily *Shargh* newspaper was arrested and sentenced to two years in prison by the Revolutionary Court in Tehran for "anti-government propaganda." Rahman was arrested on 29 May 2011 and released on bail after two months. Aside from contributing to the daily *Shargh* he also wrote for other newspapers including *Ham-Mihan* and *Kargozaran*.
- 3.8** On 13 November 2011, Hassan Fathi, editor of *Ettelaat*, a daily newspaper, was arrested by security agents in civilian clothes at his home and accused of "spreading lies and disturbing public opinion." His arrest was linked to an interview he did with the BBC Persian Service following an explosion at a base where ammunition was

⁴ See "PRESS FREEDOM VIOLATIONS RECOUNTED IN REAL TIME (JANUARY-DECEMBER 2013)FROM 1ST JANUARY 2013)," [HTTP://EN.RSF.ORG/IRAN-PRESS-FREEDOM-VIOLATIONS-RECOUNTED-20-12-2013,43862.HTML](http://en.rsfi.org/iran-press-freedom-violations-recounted-20-12-2013,43862.html), ACCESSED 4 MARCH 2014.

Tavaana, <http://tavaana.org/en/content/why-are-we-afraid-talk-about-human-rights-and-upholding-law>, accessed 14 February 2014.

stored in which 17 soldiers were killed. The government accused him of working for and collaborating with the BBC.

3.9 Furthermore, on 17 April 2011, journalist Nazanin Khosravani was sentenced to six years in prison by Tehran's Revolutionary Court after she was charged with "acting against national security" and "propaganda against the state." She has worked for several newspapers including *Norooz*, *Kargozaran*, and *Sarmayeh*, but at the time of her arrest she was not affiliated to any newspaper. She was arrested at her home by security forces on 2 November 2010 and spent more than four months at Evin Prison before she was released after posting \$600,000 bail on 14 March 2011. In March 2012, she began serving her six-year sentence but was granted clemency in August 2012 by the Iranian authorities.

3.10 On 12 September 2010, online activist Mohammed Reza Pourshajari was arrested at his home in Karaj and charged with "acting against national security" and "insulting religious authority" and was sentenced to three years in prison. In December 2011, he was sentenced to an additional one-year in prison for "blasphemy." His health has deteriorated rapidly while in prison and the authorities have ignored calls from medical officers that he is not medically fit to stay in prison.

4. (D) Concerns over attacks on freedom of assembly and association

4.1 Article 27 of the Iranian Constitution states that "Public gatherings and marches may be freely held, provided arms are not carried and that they are not detrimental to the fundamental principles of Islam."⁵ Article 21 of the ICCPR guarantees the right to peaceful assembly while Article 22 guarantees the rights "to freedom of association with others including the right to form and join trade unions for the protection of their interests." Nonetheless since Iran's human rights record was first examined during its UPR in February 2010, the authorities have continued to use excessive force and mass arrests to disperse peaceful protests.

4.2 On 14 February 2011, anti-riot police and officers in civilian clothing used excessive physical force, including batons and teargas in Tehran and other cities, against protesters who were demonstrating in support of similar movements in several countries in North Africa and the Middle East. More than 30 political activists and journalists were arrested while several others suffered injuries as result of physical abuse by police forces. During the protests, the government, in an attempt to prevent communication between protest groups, jammed television programmes, slowed internet speed, shut down opposition websites and independent media and interrupted radio broadcasting of several stations.

4.3 On 14 April 2012, Reza Shahabi, Treasurer and Board member of the Syndicate of Workers of Tehran and Suburbs Bus Company was informed through his lawyer that he had been sentenced to 6 years in prison by the Islamic Revolutionary Court. He was charged with "propaganda against the regime," and "conspiracy against national

⁵ "The Constitution of the Islamic Republic of Iran," Iran Human Rights Documentation Centre, <http://www.iranhrdc.org/english/english/human-rights-documents/iranian-codes/3017-the-constitution-of-the-islamic-republic-of-iran.html?p=7#.UwHkuc5c5SM>, Accessed, 17 February 2014.

security.” In addition, he was banned from participating in union processes for 5 years.

- 4.4 Mansoreh Behkish, founder of the group, Morning Mothers, was arrested on 12 June 2011 and granted bail on 9 July 2011. On 27 December 2011 she was sentenced to 4 years and six months in prison and charged with assembly and threatening national security by forming the group. On 11 July 2012, the sentence was reduced to six months in prison with 3 years and six months suspended.
- 4.5 In January 2011, Pedram Nasrollahi, a labour activist was arrested by the authorities. He was detained on 8 March 2012 and released on bail on 24 April 2012. He was persecuted for his membership in the Coordinating Committee to Help Form Workers Organisations (CCHFW) and for his union activities. He had previously been sentenced to 4 months in prison in August 2010 on charges of acting against national security and propaganda against the state.
- 4.6 On 9 January 2010 security agents arrested 30 women who belong to the group Morning Mothers at Laleh Park, Tehran. Morning Mothers is a group of mothers whose children have been killed, detained or simply disappeared in Iran and who are joined by women activists to demand for transparency into circumstances surrounding their children.

5. Recommendations to the Government of Iran

CIVICUS and the International Campaign for Human Rights in Iran urge the Iranian Government to create an enabling environment for civil society to operate in accordance with the rights enshrined in the ICCPR and the UN Declaration on Human Rights. At a minimum, the following conditions should be ensured: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state’s duty to protect. In light of this, the following specific recommendations are made.

5.1 Regarding the arbitrary detention and judicial harassment of civil society activists and human rights defenders

- Provide a safe and secure environment for human rights defenders and civil society to enable them to carry out their work without fear of intimidation or harassment. All instances of violations of their rights should be independently investigated.
- All human rights defenders and civil society activists currently in prison for their peaceful activities should be released immediately and unconditionally. Their cases should be assessed to prevent future harassment.
- All due process in accordance with Article 14 of the ICCPR should be followed for all detained persons including representatives of civil society.
- Remove restrictions that prevent human rights defenders from submitting information on violations of human rights by government representatives and state-owned organisations to human rights bodies.

5.2 Regarding restrictions on freedom of expression and access to information, and intimidation, harassment and attacks on journalists

- The government should create an enabling environment for independent media by reinstating all newspapers forced to close and release all journalists in detention.
- Complete access to online information resources should be allowed by removing all restrictions on access to news websites, social media outlets and websites of civil society organisations.
- Attacks on and threats to Journalists and dissenters should be publicly condemned by senior government officials to ensure protection by law enforcement agencies.
- All cases of arbitrary arrests and detentions should be fully investigated and the perpetrators should be brought to justice.
- Threats to journalists and representatives of the media should be adequately investigated and those found guilty of issuing such threats brought to justice.

5.3 Regarding restrictions on freedom of assembly

- Best practices on freedom of peaceful assembly should be adopted.
- Recourse for judicial review and effective remedy should be provided including compensation in cases of unlawful denial of the right to freedom of assembly by state authorities.
- All demonstrators, civil society and women's activists detained for exercising their rights to assemble freely should be released immediately and unconditionally. Their cases should be assessed to prevent further harassment.
- The right to create and take part in the activities of associations should be respected and all activists in jail for their union activities should be unconditionally released.

5.4 Regarding access to UN Special Procedures and Mandate Holders

- A standing invitation should be extended to the UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression, and Special Rapporteur on Freedom of Peaceful Assembly and Association.