

# IRAN 2016/2017

The authorities heavily suppressed the rights to freedom of expression, association, peaceful assembly and religious belief, arresting and imprisoning peaceful critics and others after grossly unfair trials before Revolutionary Courts. Torture and other ill-treatment of detainees remained common and widespread, and were committed with impunity. Floggings, amputations and other cruel punishments continued to be applied. Members of religious and ethnic minorities faced discrimination and persecution. Women and girls faced pervasive violence and discrimination. The authorities made extensive use of the death penalty, carrying out hundreds of executions, some in public. At least two juvenile offenders were executed.

## **Background**

In March, the UN Human Rights Council renewed the mandate of the UN Special Rapporteur on the situation of human rights in Iran. The government continued to deny the Special Rapporteur entry to Iran and to prevent access by other UN human rights experts.

The government and the EU discussed initiating a renewed bilateral human rights dialogue.

## **International scrutiny**

The UN Committee on the Rights of the Child conducted its third and fourth periodic review of Iran and criticized continued executions of juvenile offenders, and the impact of public executions on the mental health of children who witnessed them. The Committee also criticized continued discrimination against girls; children of religious and ethnic minorities; lesbian, gay, bisexual, transgender and intersex (LGBTI) children; and the low age at which girls in particular become criminally liable.

## **Freedoms of expression, association and assembly**

The authorities cracked down further on the rights to freedom of expression, association and peaceful assembly, arbitrarily arresting and imprisoning peaceful critics on vague national security charges. Those targeted included human rights defenders, journalists, lawyers, bloggers, students, trade union activists, film makers, musicians, poets, women's rights activists, ethnic and religious minority rights activists, and environmental and anti-death penalty campaigners.

As the year closed, many prisoners of conscience undertook hunger strikes to protest against their unjust imprisonment, exposing the abusive nature of Iran's criminal justice system.

The authorities intensified their repression of human rights defenders, sentencing them to long prison terms for their peaceful activities. Courts increasingly cited criticism of Iran's human rights record on social media and communicating with international human rights mechanisms, particularly the UN Special Rapporteur on Iran and human rights organizations based abroad including Amnesty International as evidence of "criminal" activism deemed threatening to national security.

The authorities also cracked down on musical expression, disrupting and forcibly cancelling performances, including some licensed by the Ministry of Culture and Islamic Guidance; and repressed activities such as private mixed-gender parties that they deemed "socially perverse" or "un-Islamic", arresting hundreds and sentencing many to flogging.

Opposition leaders Mehdi Karroubi and Mir Hossein Mousavi and the latter's wife, Zahra Rahnavard, remained under house arrest without charge since 2011. They were subject to frequent extreme intrusions on their privacy and inadequate access to medical care.

The authorities continued to censor all media, jamming foreign satellite TV broadcasts, closing or suspending newspapers including *Bahar* and *Ghanoun* and forcing the women's rights magazine *Zanan-e Emrooz* to suspend publication.

In February, a judicial order added WhatsApp, Line and Tango to the list of blocked social media sites, which already included Facebook and Twitter. The Cyber Crime Unit of the Revolutionary Guards blocked or closed down hundreds of Telegram and Instagram accounts and arrested or summoned for interrogation the administrators of more than 450 groups and channels in Telegram, WhatsApp and Instagram, including several hundred fashion designers and employees of fashion boutiques, as part of a massive crackdown on social media activities deemed "threatening to moral security".

The suspended Association of Iranian Journalists addressed an open letter to President Rouhani urging him, unsuccessfully, to honour his 2013 election campaign pledge to lift its suspension, while 92 student groups urged the President to release universities from the grip of fear and repression. The authorities did not permit the Teachers' Trade Association of Iran to renew its licence, and sentenced several of its members to long prison terms on charges that included "membership of an illegal group".

The authorities continued to suppress peaceful protests and subject protesters to beatings and arbitrary detention. Numerous individuals remained convicted of "gathering and colluding against national security" for attending peaceful protests.

A new Law on Political Crimes, which was adopted in January and took effect in June, criminalized all expression deemed to be "against the management of the country and its political institutions and domestic and foreign policies" and made "with intent to reform the affairs of the country without intending to harm the basis of the establishment".

### **Torture and other ill-treatment**

Torture and other ill-treatment of detainees remained common, especially during interrogation, and was used primarily to force "confessions". Detainees held by the Ministry of Intelligence and the Revolutionary Guards were routinely subjected to prolonged solitary confinement amounting to torture.

The authorities systematically failed to investigate allegations of torture and other ill-treatment, sometimes threatening to subject complainants to further torture and harsh sentences. Judges continued to admit "confessions" obtained under torture as evidence against the defendant, although such confessions were inadmissible under the 2015 Code of Criminal Procedure. The Code failed to set out the procedure that judges and prosecutors must follow to investigate allegations of torture and ensure that confessions were made voluntarily. Other provisions of the Code, such as the provision guaranteeing the detainee's right to access a lawyer from the time of arrest and during the investigation stage, were frequently ignored in practice, facilitating torture.

Judicial authorities, particularly the Office of the Prosecutor, and prison authorities frequently denied access to adequate medical care for political prisoners, including prisoners of conscience. This was often done to punish prisoners or to coerce "confessions".

In June, detainee Nader Dastanpour died in custody as a result of injuries that his family said were inflicted during torture at a Tehran police station. No independent investigation was reported.

### **Cruel, inhuman or degrading punishment**

Judicial authorities continued to impose and carry out cruel, inhuman or degrading punishments that amounted to torture, including floggings, blindings and amputations. These were sometimes carried out in public.

In April, the Public Prosecutor of Golpayegan, Esfahan Province, announced that a man and woman convicted of “having an illegitimate relationship” had been sentenced to 100 lashes each.

In May, the Public Prosecutor of Qazvin Province announced that the authorities had arrested 35 young women and men “dancing and mingling at a graduation party... while half-naked and consuming alcohol” and convicted them within 24 hours of engaging in acts “incompatible with chastity which disturbed the public opinion”. The authorities carried out the 99-lash floggings to which they were sentenced at a special court hearing the same day.

In West Azerbaijan Province, authorities carried out flogging sentences of between 30 and 100 lashes against 17 miners who had engaged in a protest against employment conditions and dismissals at the Agh Darreh gold mine in 2014. In June, a criminal court in Yazd Province sentenced nine miners to floggings ranging from 30 to 50 lashes.

In July, an appeal court sentenced journalist and blogger Mohammad Reza Fathi to 459 lashes on charges of “publishing lies” and “creating unease in the public mind” through his writings.

In November, a man was forcibly blinded in both eyes in Tehran, in retribution for blinding a four-year-old girl in June 2009. Several other prisoners including Mojtaba Yasaveli and Hossein Zareyan remained at risk of being forcibly blinded. Doctors associated with the official Legal Medicine Organization of Iran provided the Supreme Court with “expert” advice on how the implementation of blinding sentences was medically feasible, an act that breached medical ethics.

In April, judicial authorities at Mashhad Central Prison amputated four fingers from the right hand and the toes from the left foot of a man convicted of armed robbery. The same authorities amputated the fingers of another man convicted of robbery in May. In August, a judicial official in Tehran announced that several men had appealed after they were sentenced to amputation of four fingers from one hand. In December, judicial authorities at Urumieh Central Prison amputated four fingers from the right hands of two brothers convicted of armed robbery.

### **Unfair trials**

Trials, including those resulting in death sentences, were generally unfair. The judiciary was not independent. The Special Court for the Clergy and the Revolutionary Courts remained particularly susceptible to pressure from security and intelligence forces to convict defendants and impose harsh sentences.

Officials exercising judicial powers, including from the Ministry of Intelligence and Revolutionary Guards, consistently flouted due process provisions of the 2015 Code of Criminal Procedure. These included provisions protecting the right to access a lawyer from the time of arrest and during investigations and the right to remain silent. Defence lawyers were frequently denied full access to case files and prevented from meeting defendants until shortly before trial. Pre-trial detainees were frequently held in prolonged solitary confinement, with little or no access to their families and lawyers. “Confessions” extracted under torture were used as evidence at trial. Judges often failed to deliver reasoned judgments and the judiciary did not make court judgments publicly available.

The Office of the Prosecutor used Article 48 of the Code of Criminal Procedure to prevent detainees accessing lawyers of their own choosing, telling them that they were not on the list of lawyers approved by the Head of the Judiciary, even though no official list had been issued.

Several foreign nationals and Iranians with dual nationality were detained in Tehran’s Evin Prison with little or no access to their families, lawyers and consular officials. These prisoners were sentenced to long prison terms on vague charges such as “collaborating with a hostile government” after grossly unfair trials before Revolutionary Courts. The authorities accused the prisoners of being involved in a foreign-orchestrated “infiltration project” pursuing the “soft overthrow” of Iran. In reality, the

convictions appeared to stem from their peaceful exercise of the rights to freedom of expression and association.

### **Freedom of religion and belief**

Members of religious minorities, including Baha'is, Sufis, Yaresan (Ahl-e Haq), Christian converts and Sunni Muslims, faced discrimination in law and practice, including in education, employment and inheritance, and were persecuted for practising their faith.

The authorities engaged in hate speech and allowed hate crimes to be committed with impunity against Baha'is, and imprisoned scores of Baha'is on trumped-up national security charges imposed for peacefully practising their religious beliefs. Allegations of torture of 24 Baha'is in Golestan Province were not investigated. The authorities forcibly closed down dozens of Baha'i-owned businesses and detained Baha'i students who publicly criticized the authorities for denying them access to higher education.

The authorities detained tens of Christian converts after raiding house churches where they peacefully gathered to worship. Sites considered sacred by Baha'is, Sunni Muslims and Yaresan, including cemeteries and places of worship, were destroyed by men believed to be affiliated with security forces.

Spiritual teacher Mohammad Ali Taheri remained in solitary confinement in Section 2A of Evin Prison despite completing, in February, a five-year sentence for "insulting Islamic sanctities" for establishing the Erfan-e Halgheh spiritual doctrine and group. His followers continued to be arbitrarily arrested and detained.

### **Discrimination – ethnic minorities**

Iran's disadvantaged ethnic minorities, including Ahwazi Arabs, Azerbaijani Turks, Baluchis, Kurds and Turkmen, remained subject to entrenched discrimination, curtailing their access to employment, adequate housing, political office, and their exercise of cultural, civil and political rights. Continued economic neglect of minority-populated regions by state authorities further entrenched poverty and the marginalization of ethnic minorities.

Members of minorities who spoke out against violations of their political, cultural and linguistic rights faced arbitrary arrest, torture and other ill-treatment, grossly unfair trials, imprisonment, and in some cases the death penalty.

Dozens of Kurds were reportedly arrested without warrant for their real or perceived affiliations with the Kurdish Democratic Party of Iran after it renewed armed opposition to the Iranian authorities in March. Scores of Kurds served prison sentences or remained under sentence of death for membership of or sympathy with banned Kurdish opposition groups.

Ahwazi Arabs were imprisoned and subjected to torture and other human rights violations. They complained that the authorities repressed expressions of Arabic culture, including dress and poetry.

Security forces continued to repress protests by ethnic minorities. In July and August, they detained several members of the Azerbaijani Turkish ethnic group after largely peaceful demonstrations in several cities sparked by a report in the newspaper *Tarheh No* which Azerbaijani Turks deemed offensive. Police also beat protesters.

The authorities continued to prohibit ethnic minority groups from using their own language in primary education. In June the government announced that optional Turkish and Kurdish language courses would be offered in schools in two provinces, Kurdistan and West Azerbaijan, although implementation remained unclear. Members of the Turkmen minority publicly appealed to President Rouhani for a similar dispensation.

## **Women's rights**

The authorities renewed their crackdown on women human rights defenders and increasingly likened any collective initiative relating to feminism and women's rights to criminal activity. Women's rights activists who had campaigned for greater representation of women in the February parliamentary elections were subjected by the Revolutionary Guards to lengthy, oppressive interrogations, and threats of imprisonment on national security charges.

Women remained subject to pervasive discrimination in law and practice, including in access to divorce, employment, equal inheritance and political office and in the area of criminal law.

Several draft laws that would further erode women's right to sexual and reproductive health remained pending. Women continued to have reduced access to affordable modern contraception as the authorities failed to restore the budget of the state family planning programme cut in 2012.

In September, Supreme Leader Ali Khamenei issued national family policies promoting early marriage, repeated childbearing, fewer divorces and greater compliance to "traditional" roles of women as housewives and men as breadwinners. The policies raised concern that women victims of domestic violence may face further marginalization and increased pressure to "reconcile" with abusers and remain in abusive marital relationships.

Women and girls remained inadequately protected against sexual and other gender-based violence, including early and forced marriage. The authorities failed to adopt laws criminalizing these and other abuses, including marital rape and domestic violence, although the Vice-President on Women and Family Affairs pushed a draft bill that had been pending since 2012.

Compulsory "veiling" (*hijab*) laws, which violated women's rights to equality, privacy, and freedoms of expression, belief and religion, continued to empower police and paramilitary forces to target women for harassment, violence, and imprisonment.

## **Death penalty**

The authorities continued to use the death penalty extensively, including against juvenile offenders. Hundreds of executions were carried out after unfair trials. Some executions were conducted in public.

Those executed were mostly sentenced for drugs offences that did not meet the threshold of "most serious crimes" under international human rights law. The Supreme Court ruled that those sentenced for drugs offences prior to the adoption of the 2015 Code of Criminal Procedure had the right to appeal, but many death row prisoners remained unaware of this development. Others were sentenced for murder, or on vague offences such as "enmity against God".

Following the mass execution of 25 Sunni men in August, the authorities broadcast forced "confession" videos, apparently to demonize the men and divert attention from the deeply flawed trials that led to their death sentences. At least two men convicted of "insulting the Prophet" received death sentences, in violation of their rights to life and freedoms of belief, religion and expression.

At least 78 juvenile offenders remained on death row. They included 15 juvenile offenders who were sentenced to death for the first time under the revised juvenile sentencing guidelines of the 2013 Islamic Penal Code as well as several who again received death sentences after they were retried.

Amnesty International was able to confirm the execution of two juvenile offenders during the year, among them Hassan Afshar, although the total number could be much higher.

The Islamic Penal Code continued to provide for stoning as a method of execution; at least one woman, Fariba Khaleghi, remained under a sentence of death by stoning.

Some consensual same-sex sexual conduct remained punishable by death.