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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 of Human Rights Leagues
(FIDH), 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.

[1 February 2004]

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

Iran

The International Federation for Human Rights (FIDH) and its affiliate organisation the League for the Defence of Human Rights in Iran (LDDHI) want to express their concern about the human rights situation in Iran.

a) Death Penalty and Other Inhuman and Degrading Treatments

The death penalty is still widely used in Iran. In violation of article 6.2 of the ICCPR and the UN Convention on the Rights of the Child, it is implemented for a wide range of offences including crimes of opinion and applies to crimes committed by minors. The death penalty can be inflicted through hanging, beheading in public or death by stoning. Under international law, however, the death penalty must be carried out in such a way as to cause the least possible physical and mental suffering. With regard to the death by stoning, a decree establishing a moratorium was adopted in 2002, and to our knowledge, no condemnation to the death by stoning have been executed in 2003. However, the decree can be reversed at any moment and the abolition should be enshrined in a law.

Corporal punishment (amputation, flogging) are also common and torture is widespread.

The law ratifying the UN Convention Against Torture has been censored by the Council of Guardians in August 2003 because it considered the text of the Convention to be incompatible with the principles of the Sharia. Such an argument is in clear contradiction with the jurisprudence of CEDAW and CAT with regard to other Muslim countries.

b) Right to a Fair Trial

The re-establishment of the function of Prosecutor in February 2003 in the judicial system was a positive step. However, the choice of Mr Mortazavi as the Attorney-General of Tehran clearly undermines this progress. Mr Mortazavi has been involved in the repression of intellectuals, journalists and peaceful demonstrators in June 2003. In addition, his responsibility in **Mrs Khazemi's** death has been clearly established by the Article 90 Commission.

According to the Working Group on Arbitrary Detention, who visited Iran in February 2003, due process is undermined by the absence of a culture of counsel. Criminal proceedings are concentrated in the hands of the judge. Repression against lawyers who draw the attention of the court to the ill-treatment suffered by their clients or the malfunctions of the justice system also contribute to that situation. **Mr Nasser Zarafchan** is in prison since August 2002 and his appeal was dismissed by the Supreme Court on 25 November 2003. He was the lawyer of Mrs. Sima Pouhandeh, the widow of Mohammed Djafar Pouhandeh, a writer and human rights defender who was assassinated in 1998.

c) Freedom of opinion and expression

The right to freedom of opinion and expression is widely violated in Iran. People who express views which diverge from the official one are arrested and sent to prison. Many journalists and intellectuals are in prison for having exercised their right to freedom of expression; this is notably the case of **Iraj Jamshidi, Behzad Zarinpour, Abbas Abdi, Ali-Reza Jabbari, Syamak**

Pourzand, Reza Alidjani, Taghi Rahmani, Hoda Rezazadeh-Saber, Alireza Ahmadi, Akbar Ganji, Hassan Yussefi Eshkevari, Hossein Ghazian. Certain persons are still in prison in connection with the protests of 1999. This is notably the case of : **Ahmad Batebi, Manoutchehr Mohammadi and Akbar Mohammadi.**

In June 2003, pacific protests in favour of democratic reforms in Iran were violently repressed by armed groups linked to the Hezbollah. Several tens of persons have been injured, at least one student was killed, and hundreds of others were arrested. Some of them are still detained while their identities have not been announced.

In violation of the Constitution and of article 25 of the ICCPR regarding free and fair election, the Council of Guardians pre-selects the candidates for the February 20, 2004, parliamentary elections. The government submitted a draft law regarding the election which has been adopted by the Parliament, but not yet by the Council of Guardians. If that draft legislation is not adopted, it is likely that the vast majority of the current members of the Parliament who expressed moderate and reformist positions will be banned from the re-election process.

The FIDH welcomes the visit to Iran by the Special Rapporteur on freedom of expression in November 2003. However, this visit is only a first step which should necessarily be followed by the full implementation of its forthcoming recommendations.

d) Ethnic and Religious Minorities

Discrimination against Christian, Baha'i and sometimes Sunni minorities is widespread in Iran. A number of legal provisions in the Constitution, the Penal Code and the Civil Code explicitly discriminate against all non-Muslim.

Although the Baha'is constitute the largest minority in Iran, they are not officially recognised. They face systematic discrimination on the base of their religious belief, notably in the fields of higher education, confiscation of properties or religious buildings, imprisonment and restrictions on freedom of movement.

Despite their recognition as religious minorities in the Constitution, Zoroastrians, Jews and Christians also face severe discrimination, notably in the field of employment and upward mobility. Their right to exercise their religion is seriously limited in practice by the authorities.

e) Women Rights

Women face systematic discrimination, in the law and in practice. The Civil Code and the Criminal Code include provisions violating the equality between men and women.

The only positive step has been the reform of the right of custody of the mothers. After the divorce, women have now the custody of their children up to seven years (for boys and girls). After that age, the judge makes the decision about the custody. Previously, the woman could keep her boy only until he was two years old.

In spite of the hopes raised by the submission of a draft law ratifying the CEDAW by the Parliament to the Council of Guardians, the latter censored that law in August 2003.

Recommendations:

The FIDH and the LLDHI call the CHR to adopt a Resolution on the human rights situation in Iran. That resolution should appoint a Special Rapporteur on the Human Rights situation in Iran and call the Iranian Government to:

- Fully implement the recommendations made by the UN thematic mechanisms and treaty bodies, and notably the WGAD, the CERD and the CRC;
- Immediately release all prisoners of opinion;
- Ensure that the death penalty is only carried out for the most serious crimes, and adopt a moratorium on the executions as a first step towards its complete abolition;
- Ratify the second optional protocol to the ICCPR, aiming at the abolition of the death penalty;
- Abolish corporal punishments that amount to torture and cruel, inhuman and degrading treatments,
- Abolish all the domestic provisions which are discriminatory against women;
- Put an end to the discrimination against ethnic and religious minorities;
- Reform its judiciary so as to fully ensure the right to a fair trial and suspend Mr Mortazavi from his functions;
- Ratify without reservations the CEDAW, including the Optional protocol recognising the competence of CEDAW to receive and consider individual communications; the CAT and the Statute of the International Criminal Court;
- Submit its periodic reports under the ICCPR and the ICESCR;
- Guarantee that the general elections respect the right of every citizen to take part in the conduct of public affairs, and the right to vote and be voted at free, fair and democratic elections;
- Agree on the terms of reference of the Working Group on Enforced Disappearances and the Special Rapporteur on Migrants.
