

**AMNESTY
INTERNATIONAL**



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Senator Alex Gallacher
Chair
Senate Foreign Affairs, Defence and Trade
Legislation Committee
Parliament House
Canberra ACT 2600

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Dear Chair,

Re: The partial suspension of sanctions against Iran

On behalf of Amnesty International's 500,000 Australian supporters, I welcome the opportunity to share Amnesty International's latest research on the situation of human rights in Iran with the Committee. In making this submission, Amnesty International is not taking a position for or against the partial suspension of sanctions against Iran.

Amnesty International publishes an annual, country-by-country, analysis of the world human rights situation. In addition, Amnesty publishes an annual review of countries' use of the death penalty. The information shared below is largely extracted from the two most recent reviews, which provide a brief, up to date, overview of the human rights situation in Iran.

UN Human Rights Council

In March 2015, the UN Human Rights Council renewed the mandate of Ahmed Shaheed, UN Special Rapporteur on the situation of human rights in Iran. The Iranian authorities continued to deny him entry to Iran and to prevent access by other UN experts. The Human Rights Council also formally adopted the outcome of its second UPR of Iran. Iran accepted 130 recommendations, partially accepted 59 others, and rejected 102. Those rejected included recommendations that Iran ratify the UN Convention against Torture and the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and cease using the death penalty against those under the age of 18 at the time of the alleged crime.¹

The death penalty

The death penalty is cruel, inhuman and degrading. Amnesty International opposes the death penalty at all times -- regardless of who is accused, the crime, guilt or innocence or method of execution.

The death penalty is used extensively, and increasingly, by Iranian authorities. Amnesty's recently published review regarding the death penalty's use worldwide in 2015 found Iran was second only to China in its use of the death penalty. At least 977 people were executed in Iran in 2015, followed by Pakistan (326) and Saudi Arabia (158+). Executions in these three countries represented 89% of the total 1,634 executions recorded by Amnesty International in 2015.² Executions in Iran represented 82% of all executions within the Middle East and North Africa in this period.³ Amnesty

¹ *Amnesty International Report 2015/16: the state of the world's human rights*, pp 190.

² Amnesty International (2016), *Death Sentences and Executions 2015*, p 6.

³ Amnesty International (2016), *Death Sentences and Executions 2015*, pp 48.

International has recorded a 54% global increase in executions from 2014-2015 and a 31% increase in executions in Iran.⁴

At least 58 of the executions known to Amnesty were carried out publicly. At least 16 women were executed and at least four juvenile offenders were executed, violating Iran's obligations under the UN Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.

Many death sentences were imposed after unfair trials and many detainees accused of capital offences were denied access to legal counsel during pre-trial investigations. Courts generally dismissed allegations of torture and admitted "confessions" obtained under torture as evidence.

The majority of death sentences have been for offences that do not meet the threshold of "most serious crimes" under international law. The majority of people executed in 2015 were convicted of drugs charges, as Iran's Anti-Narcotics Law stipulates mandatory death sentences for a range of drug-related offences, including trafficking more than 5kg of narcotics derived from opium or more than 30g of heroin, morphine, cocaine or their chemical derivatives. Other people were executed for murder or after conviction of vague charges such as "enmity against God" (*moharebeh*).

Behrouz Alkhani, a 30-year-old man from Iran's Kurdish minority, was executed on 26th August 2015, despite the fact that he was awaiting the outcome of a Supreme Court appeal. He had been sentenced to death by a Revolutionary Court for "effective collaboration with PJAK" (Party of Free Life of Kurdistan) and "enmity against God". His "confessions", which he said were obtained through torture and other ill-treatment, were used against him.

On 4th March 2015, six men from Iran's Sunni minority, Hamed Ahmadi, Jahangir Dehghani, Jamshid Dehghani, Kamal Molaei, Hadi Hosseini and Sediq Mohammadi, were executed for "enmity against God". The executions were carried out despite serious concerns about the fairness of the legal proceedings that led to the men's convictions. The men had been held in solitary confinement during their pre-trial detention for several months without access to a lawyer or their families. They said they met their court-appointed lawyers for the first time, a few minutes before the start of their trials. The court proceedings were held behind closed doors and apparently lasted only 10 to 30 minutes.

At least 160 juvenile offenders were on death row at the end of 2015, some of whom had been in prison for more than a decade. At least 73 juvenile offenders were executed between 2005 and 2015 and four were executed in 2015: Javed Saberi, Vazir Amroddin, Samad Zahabi and Fatemeh Salbehi.⁵

The Islamic Penal Code continues to provide for stoning as a method of execution. At least two stoning sentences were issued but no executions by stoning were reported during 2015.⁶

Torture and other ill-treatment

Detainees and prisoners continue to report acts of torture and other ill-treatment, particularly during primary investigations mainly to force "confessions" or other incriminatory evidence. There is no specific crime of torture defined within Iranian law. Detainees and prisoners were denied adequate

⁴ Amnesty International (2016), *Death Sentences and Executions 2015*, pp 3-4.

⁵ Amnesty International (2016), *Death Sentences and Executions 2015*, pp 49-51.

⁶ Amnesty International Report 2015/16: *the state of the world's human rights*, pp 194.

medical care and in some cases authorities withheld medications to punish prisoners or failed to comply with doctors' recommendations that prisoners should be hospitalised for treatment.

Many detainees and prisoners have been subjected to prolonged solitary confinement, amounting to torture or other ill-treatment. Prisoners are kept in severely overcrowded and insanitary conditions with inadequate food and exposed to extreme temperatures. This included prisoners in Dizel Abad Prison in Kermanshah, Adel Abad Prison in Shiraz, Gharchak Prison in Varamin, and Vakilabad Prison in Mashhad. According to former detainees in Tabriz Central Prison, between 700 and 800 prisoners are held in three poorly ventilated, insanitary cells with access to only 10 toilets.

The authorities often disregard prison regulations which require that different categories of detainees and prisoners be held in separate prison sections, prompting hunger strikes by some political prisoners, including prisoners of conscience. The death of at least one prisoner of conscience, Shahrokh Zamani, was reported, possibly attributable to poor prison conditions and inconsistent medical care.⁷

Cruel, inhuman or degrading punishment

Courts continued to impose, and the authorities continued to carry out, punishments that violate the prohibition of torture and other cruel, inhuman or degrading punishment. These include flogging, blinding and amputations, some of which have been carried out in public. One man in Karaj was blinded in his left eye on 3rd March 2015 after a court sentenced him to "retribution-in-kind" for throwing acid in the face of another man. On 28th June 2015 authorities at the Central Prison in Mashhad amputated four fingers from the right hands of two men convicted of theft, apparently without anaesthetic. In June 2015, a Deputy Prosecutor General in Shiraz announced that 480 people had been arrested, tried and convicted within 24 hours for publicly breaking their fast during Ramadan. Most received flogging sentences, some of which were reportedly carried out in public.⁸

Unfair trials

Many trials, including some that resulted in death sentences, were grossly unfair. Prior to trial, the accused were frequently detained for weeks or months during which they had little or no access to lawyers or their families, and were coerced into writing or signing "confessions" that were then used as the main evidence against them in unfair proceedings. Judges routinely dismissed defendants' allegations of torture and other ill-treatment in pre-trial detention without ordering investigations. In national security cases the rights of detainees to be represented by lawyers of their own choosing during pre-trial investigation have been restricted, with detainees only being able to choose a lawyer approved by the Head of the Judiciary. In some cases, this restriction on defendants' right to a lawyer of their choosing has continued into the trial phase.

Special courts, including the Special Court for the Clergy and the Revolutionary Courts, continue to function without observing international fair trial standards. The judiciary is not independent and courts are susceptible to pressure from security authorities, such as the Ministry of Intelligence and Revolutionary Guards, to convict defendants and impose harsh penalties.⁹

⁷ Amnesty International Report 2015/16: *the state of the world's human rights*, pp 191.

⁸ Amnesty International Report 2015/16: *the state of the world's human rights*, pp 191.

⁹ Amnesty International Report 2015/16: *the state of the world's human rights*, pp 192.

Freedom of expression, association and assembly

Iranian authorities continue to severely restrict freedoms of expression, association and assembly. They have blocked Facebook, Twitter and other social media websites, have closed or suspended many media outlets, and are engaged in ongoing efforts to create a “national internet” that could be used to further impede access to information via the internet.

Opposition leaders Mir Hossein Mousavi, Zahra Rahnava and Mehdi Karubi have been held under house arrest without charge or trial. Many prisoners of conscience continue to be detained or are serving prison sentences for peacefully exercising their human rights. They include journalists, artists, writers, lawyers, trade unionists, students, women’s and minority rights activists, human rights defenders and others. Under the 2013 Islamic Penal Code, individuals convicted of multiple charges must serve only the lengthiest single sentence, but judges are required to impose sentences that exceed the statutory maximum for any single offence when they convict defendants of more than three crimes. This has resulted in the authorities bringing multiple spurious charges against some peaceful critics as a means to ensure a lengthy prison term.

Peaceful protests continue to be suppressed. On 22nd July 2015, police temporarily arrested scores and dispersed thousands of teachers who gathered outside Parliament in Tehran to protest against the authorities’ harassment of teachers engaged in trade union activities and related protests, and to demand the release of prominent trade unionists, including Ismail Abdi, who remains in detention.¹⁰

Discrimination towards women and ethnic and religious minorities

Women remain subject to discrimination under the law, particularly criminal and family law, and in practice. A number of pieces of proposed legislation, if enacted, would see women denied access to information about contraception, would outlaw voluntary sterilisation and would require all private and public entities to prioritise, in the following order, men with children, married men without children, and married women with children, when recruiting staff. The new law also risks entrenching domestic violence as a private “family matter”. Women and girls are inadequately protected against sexual and other violence, with authorities having failed to adopt new laws criminalising early and forced marriage, marital rape and domestic violence.

Compulsory “veiling” (hijab) laws also continue to empower police and paramilitary forces to target women for harassment, violence and imprisonment. Women protesters were arrested in 2014 for attempting to attend a men’s volleyball match in Tehran’s Azadi Stadium as spectators. Authorities did not respond to consequent local and international pressure to remove the ban on women entering stadiums.

Iran’s disadvantaged ethnic groups, including Ahwazi Arabs, Azerbaijani Turks, Baluchis, Kurds and Turkmen, continue to report that they are systematically discriminated against by state authorities, particularly in employment, housing, access to political office, and the exercise of cultural, civil and political rights. They remain unable to use their own language as a medium of instruction for primary education. Those who have called for greater cultural and linguistic rights have faced arrest, imprisonment, and in some cases the death penalty. Security forces disproportionately repressed protests by ethnic minorities including Ahwazi Arabs, Azerbaijani Turks and Kurds.

Members of religious minorities, including Baha’is, Sufis, Yaresan (Ahl-e Haq), Christian converts from Islam, Sunni Muslims, and Shi’a Muslims who became Sunni, have faced discrimination in

¹⁰ *Amnesty International Report 2015/16: the state of the world’s human rights*, pp 190.

employment and restrictions on their access to education and freedom to practise their faith. There have been reports of arrest and imprisonment of dozens of Baha'is, Christian converts and members of other religious minorities, including for providing education for Baha'i students who are denied access to higher education. The authorities continue to destroy sacred sites of Baha'is, Sunnis and Sufis including their cemeteries and places of worship.¹¹

Conclusion

As stated at the opening, this submission is gleaned from up-to-date reporting on the human rights situation in Iran undertaken by Amnesty International. In making this submission, Amnesty International is not arguing for or against the partial suspension of sanctions against Iran. Any decision to suspend or uphold sanctions against Iran in this case is one for government.

Yours sincerely,

Amnesty International Australia

¹¹ *Amnesty International Report 2015/16: the state of the world's human rights*, pp 192-3.