

ISLAMIC REPUBLIC OF IRAN

NGO REPORT IN RESPONSE TO THE LIST OF ISSUES
PRESENTED TO THE ISLAMIC REPUBLIC OF IRAN

*FOR CONSIDERATION
AT THE HRC'S 103rd SESSION*

Iran Human Rights Documentation Center



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**Response to the list of issues to be taken up in connection with the consideration of the
third periodic report of Iran (CCPR/C/IRN/3)**

Author:

Iran Human Rights Documentation Center

<http://www.iranhrdc.org>

Contact:

Renee C. Redman, Esq., Executive Director, Iran Human Rights Documentation Center

redman@iranhrdc.org

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**Report by the Iran Human Rights Documentation Center
in Response to the List of Issues to be taken up in connection with the consideration for
the third periodic report of Iran (CCPR/C/IRN/3)**

Introduction

The Iran Human Rights Documentation Center (IHRDC) is an independent, non-partisan, non-profit organization located in New Haven, Connecticut, U.S.A. Its mission is to (1) establish a comprehensive and objective historical record of the human rights situation in Iran since the 1979 revolution, and on the basis of that record, establish responsibility for patterns of human rights abuses; (2) make the record available in an archive that is accessible to the public for research and educational purposes; (3) promote accountability, respect for human rights and the rule of law in Iran; and (4) encourage an informed dialogue on the human rights situation in Iran among scholars and the general public in Iran and abroad.

IHRDC has two basic programs: (1) a human rights investigation, analysis and reporting program, and (2) a large document database (the *Adel* Collection) that is available to persons in Iran and worldwide on the Center's website at www.iranhrdc.org. The human rights reports, published in English and Persian, are the result of extensive primary research, including interviews of witnesses located worldwide. The *Adel* Collection includes documentary evidence, Iranian source materials, and Iranian and international laws and legal articles, United Nations materials, and lengthy written and video witness statements.

In this report filed in September 2011, IHRDC responds to some of the issues in the Committee's List of Issues. It is an update to the reports IHRDC filed with the Committee in December 2010 and February 2011, and provides new information from IHRDC's human rights reports, legal commentaries, witness statements, press releases and other research in English and Persian.

IHRDC Response to the list of issues to be taken up in connection with the consideration of the third periodic report of Iran (CCPR/C/IRN/3)

Non-discrimination and equal right of men and women (art. 2(1), 3 and 26)

3. Please indicate whether the State party has any plans to revise the Civil Code to (1) abolish the requirement of a father's or paternal grandfather's approval to legalize a marriage; (2) grant women the unconditional power to divorce; (3) grant full custody rights to the mother, including after a child reaches the age of seven or if she remarries; (4) accord guardianship over a child to the mother in the case of the father's death; (5) grant women the same inheritance rights as men; (6) remove the legal obligation for a woman to be obedient to her husband; (7) remove the requirement of a husband's approval when a woman intends to leave the country; (8) prohibit polygamy; and (9) remove the power of a man to prohibit his wife from entering employment. Please also provide information on plans, if any, to adopt legislation giving Iranian women the right to transmit nationality to their children.

IHRDC Response:

- No plans to revise the Civil Code have been announced.
- There was some legislative activity in the Majlis during the summer of 2011 on the pending "Family Protection Act" that was first proposed by the Ahmadinejad government in 2008. The Act would create family courts. Recent amendments follow:

Temporary Marriage

- On July 26, 2011, Mousa Ghorbani, a Member of Parliament, announced that the Legal and Judicial Commission of the Majlis performed a final review of the Family Protection Act and agreed to omit Article 23.¹ On August 13, 2011, he announced that minor changes were made to Article 22 of the Act. He said that two articles were added and the right for a woman to divorce would be considered if the husband marries additional wives.²
- Article 23 of the Act provided that "Taking a second temporary wife is subject to permission from court after approval of the man's financial ability and his guarantee for executing justice between his wives.

¹ *Hazf-i Janjalitarin Maddei-i Laiheie Hemaiaat az Khanevadeh dar Komisioun-i Hoghoughi va Ghazaie* [Removing the most controversial article from the Family Protection Bill in the Legal and Judicial Commission], ISLAMIC CONSULTATIVE ASSEMBLY NEWS AGENCY, July 26, 2011, available at <http://icana.ir/NewsPage.aspx?NewsID=173414>.

² *Ezafeh Shodan-i Haghe Talagh Baraye Zan dar Layehieh Hemayat az Khanavadeh* [Adding the Diverse Right for Women in the Family Protection Bill], ISLAMIC CONSULTATIVE ASSEMBLY NEWS AGENCY, Aug. 14, 2011, available at <http://icana.ir/NewsPage.aspx?NewsID=174800>.

Note – In case of multiple marriages, if the *mihriyyih* is current and the first wife requests it, permission to register the second marriage is dependent upon payment of *mihriyyih* to the first wife.”³

- While Article 23 has now been deleted, Article 22 was amended to read:

“The judicial system of the Islamic Republic of Iran supports permanent marriage in order to strengthen and make pivotal the familial relations. Temporary marriage, however, is subject to the *Sahri’ a* laws and regulations stated in the civil code and its registration is necessary in the cases below:

- 1- Pregnancy of the wife;
- 2- Agreement of the two sides;
- 3- Conditions of the marriage.

Note – Registering the matters subject to this article and article 21 of this law in official registration offices for marriage and divorce is itself subject to a procedural code that will be issued within a year by the minister of Justice and approved by the head of the Judiciary. Until the issuance of that law, the regulations subject of article 1 of the Law of Marriage, ratified on May 19, 1937 are still valid and enforced.”⁴

Citizenship of Children

- In the public meeting of the Majlis on August 2, 2011 an amendment to the Family Protection Act was made that provides that a female Iranian citizen can pass on Iranian citizenship to her children even if she is married to a non-Iranian man.⁵
- However, on August 28, 2011, Abdolreza Moradi, a member of the Legal and Judicial Commission of the Majlis said that the amendment was rejected.⁶ Naiyereh Akhavan, a female member of the Majlis said, “We were worried that by approving this bill, a non-Iranian person could receive an Iranian ID card and if this person receives a governmental or political position in the future, they might dominate us.”⁷

³ See Family Protection Act as amended in Aug. 2011, (English translation), available at <http://www.iranhrdc.org>.

⁴ *Id.*

⁵ *Emal-iTaghirat-i Jadid dar Layeh-e Hemayat az Khanevadeh* [Recent Changes in the Family Protection Bill], ISLAMIC CONSULTATIVE ASSEMBLY NEWS AGENCY, Aug. 8, 2011, available at <http://icana.ir>.

⁶ *Farzandane Hasel az Ezdevaj-i Zanan-i Irani ba Mardan-i Khareji, Irani Mahsoub Mishavand* [Children of Marriage of Iranian Women with the Foreign Men Will be Considered as Iranian], ISLAMIC REPUBLIC NEWS AGENCY (IRNA), (Aug. 28, 2011), available at <http://irna.ir>.

⁷ *Tarh-i Enteghal-i Tabeiat az Tarigh Madar Tasvib Nashod* [Transferring of Nationality Through Mother Was not Approved], RADIO ZAMANEH, Aug. 28, 2011, available at <http://www.radiozamaneh.com>.

Employment

- An article was added to the draft Act as follows:

“With the approval of the court, the husband can prevent his wife from taking any jobs that are against the interests of the family or the respect of the wife. The wife can also request a similar matter from the court. If doing so does not cause interruptions in the livelihood of the family, the court will prevent the husband from continuing at the job.”⁸

Right to life (art.6)

6. Please provide information, on an annual basis since 2005, on death sentences imposed, the number of executions carried out, the grounds for the conviction and sentence, the age of the offenders at the time of committing the crime, as well as their ethnic origin. Please indicate whether the State party intends to revise the Penal Code to restrict the imposition of the death penalty to only the “most serious crimes”, within the meaning of article 6(2) of the Covenant and the Committee’s General Comment No. 6 (1982) on the right to life. Please clarify whether the circular of January 2008 by the former head of the judiciary banning public executions is respected in practice. Please clarify why stoning as a method of execution continues to be handed down by courts, despite a moratorium issued by the judiciary in 2002, and explain how this method of execution is consistent with the provisions of the Covenant.

IHRDC Response:

- Reports indicate that the Islamic Republic of Iran is second only to the People’s Republic of China (PRC) in the number of reported executions.⁹ Iran's population is about 18 times smaller than the population of the PRC.
 - In 2002, the State Party executed at least 113 people.¹⁰
 - In 2003, the State party executed at least 108 people.¹¹
 - In 2004, the State party executed at least 159 people.¹²
 - In 2005, the State party executed at least 94 people.¹³
 - In 2006, the State party executed at least 177 people.¹⁴
 - In 2007, the State party executed at least 317 people.¹⁵

⁸ Family Protection Act as amended in Aug. 2011, *supra* note 3.

⁹ Amnesty International (AI), *Death Sentences and Executions in 2010* (2011), available at <http://www.amnesty.org>.

¹⁰ AI, *1,526 executed in 2002* (2003), <http://www.amnesty.org>.

¹¹ AI, *Death Sentences and Executions in 2003* (2004), available at <http://www.amnesty.org>.

¹² AI, *Death Sentences and Executions in 2004* (2005), available at <http://www.amnesty.org>.

¹³ AI, *Death Sentences and Executions in 2005* (2006), available at <http://www.amnesty.org>.

¹⁴ AI, *Death Sentences and Executions in 2006* (2007), available at <http://www.amnesty.org>.

- In 2008, the State party executed at least 346 people.¹⁶
- In 2009, the State party executed at least 388 people.¹⁷
- In 2010, the State party executed at least 252 people.¹⁸
- The Islamic Republic does not announce all executions. However, it has continued to sentence individuals to death for non-serious crimes, including drug-smuggling, apostasy and adultery, and often fails to disclose the names and other identifying information about the people it executes. Since December 2010, the official and semi-official press has reported at least 446 executions as shown in the following table:

¹⁵ AI, *Death Sentences and Executions in 2007* (2008), available at [amnesty.org](http://www.amnesty.org).

¹⁶ AI, *Death Sentences and Executions in 2008* (2009), available at [amnesty.org](http://www.amnesty.org).

¹⁷ AI, *Death Sentences and Executions in 2009* (2010), available at [amnesty.org](http://www.amnesty.org).

¹⁸ AI, *Death Sentences and Executions in 2010* (2011), available at [amnesty.org](http://www.amnesty.org).

Number of people executed	Prison	Name	Charge according to source	Date	Link	Source
4	Isfahan	<ul style="list-style-type: none"> • Abdollah N., • Zarif D., • Bakhtiar S., • Masoud Gh. 	Drug trafficking	12/5/2010	Isfahan Province Justice	official
1	Qazvin	<ul style="list-style-type: none"> • Mahin Ghadiri 	Serial murder of women	12/20/2010	IRNA	official
11	Zahedan	<ul style="list-style-type: none"> • Abdolbaset Shahbakhsh, • Abdolnaser Shahbakhsh, • Abdolshakour Rangi Zehi, • Mohammad Saleh Eslamzehi, • Naser Shahbakhsh, • Lalmohammad Shahbakhsh, • Ataollah Rigi, • Abdolrahman Narouee, • Abdolrauf Shahbakhsh, • Balanch Narouee, • Ahmad Narouee 	Membership in the Jondollah group (<i>Mohareb</i>)	12/20/2010	IRNA	official
2	Saveh	<ul style="list-style-type: none"> • Ahmad Amini Sangar, • Hassan Davtalab 	Drug trafficking	12/24/2010	Saveh Portal	official
1	Sari	<ul style="list-style-type: none"> • ? 	Drug trafficking	12/25/2010	IRNA	official

4	Ahvaz	<ul style="list-style-type: none"> • A., • H. M., • J. J., • Gh. F. 	Drug trafficking, Incompatibility with chastity	12/25/2010	Khouzestan Province Justice	official
2	Evin	<ul style="list-style-type: none"> • Ali Saremi (MEK), • Aliakbar Siadat (Israeli spy) 	Membership in MEK (<i>Mohareb</i>), Spying for Israel	12/28/2010	IRNA	official
4	Zahedan	<ul style="list-style-type: none"> • Mahmoud Barahouee, • Shahram Narouee, • Zohourahmad Zaherdoust, • Jahanbakhsh Barahouee 	Armed kidnapping	1/1/2011	IRNA	official
8	Qom	<ul style="list-style-type: none"> • ? 	Drug trafficking	1/1/2011	IRNA	official
7	Kermanshah	<ul style="list-style-type: none"> • ? 	Drug trafficking	1/3/2011	Fars News	Semi official
1	Zahedan	<ul style="list-style-type: none"> • Bahman Rigi 	<i>Mohareb</i> , Drug trafficking	1/3/2011	IRNA	official
1	Tehran	<ul style="list-style-type: none"> • Yaghoubali Jafari 	Murder	1/5/2011	IRNA	official
1	Esfaraien	<ul style="list-style-type: none"> • A. A. 	Drug trafficking	1/5/2011	North Khorasan Prisons	official
2	Boroujerd	<ul style="list-style-type: none"> • Abdollah Derafshi, • Ardeshir Niazi 	Drug trafficking	1/7/2011	IRNA	official
4	Isfahan	<ul style="list-style-type: none"> • Mohammad N., • Ali K., • Ramezan Gh., • Manouchehr A. 	Drug trafficking	1/8/2011	Isfahan Province Justice	official
1	Evin	<ul style="list-style-type: none"> • Farzad Alizadeh 	Rape	1/11/2011	Tehran public court and revolution	official

7	Tehran	<ul style="list-style-type: none"> • Mohsen Bahrami, • Parviz Asghari, • Manouchehr Najafi, • Abdolvahed Baranzehi, • Latif Sahraee, • Khalil Tajik, • Reza Ghorbani 	Drug trafficking	1/12/2011	IRNA	official
5	Khorram abad	<ul style="list-style-type: none"> • ? 	Drug trafficking	1/13/2011	IRNA	official
1	Uromieh	<ul style="list-style-type: none"> • Hosein Khezri, <p>(The official link doesn't include his name)</p>	Membership in the PJAK party	1/15/2011	IRIB New More information: RAHANA	official
1	Zarand	<ul style="list-style-type: none"> • Ali K. 	Drug trafficking	1/18/2011	ISNA	Semi official
10	Karaj	<ul style="list-style-type: none"> • Younes Aghanejad, • Sadegh Geravand, • Teymourshah Karimi, • Abdollah Henareh Khaliani, • Hossein Feizizadeh, • Amirali Mohammadi, • Safar Karami, • Alireza Ramezani, • Mohammad Mehdi Ahmadi, • Ghasem Asgharzadeh 	Drug trafficking	1/19/2011	IRNA Mehr News	official
1	Bojnourd	<ul style="list-style-type: none"> • M. GH. 	Drug trafficking	1/20/2011	ISNA	Semi official

3	Uromieh	<ul style="list-style-type: none"> • Rostam Mirzaee, • Esmail Rostami, • Mohammad Chenari 	Drug trafficking	1/20/2011	HRANA	
1	Karaj	<ul style="list-style-type: none"> • Omid Barak 	Murder of ten women	1/23/2011	Tehran public court and revolution	official
2	Bojnourd	<ul style="list-style-type: none"> • Kamran Khaki, • Mehran Khaki • (Two brothers) 	Murder	1/24/2011	ISNA	Semi official
3	Evin	<ul style="list-style-type: none"> • Ghavam Atakeshzadeh, • Mostafa Karimi Khanghah, • Reza Dehghan 	Rape	1/24/2011	IRNA	official
2	Tehran	<ul style="list-style-type: none"> • Jafar Kazemi, • Mohammadali Hajaghaee 	Membership in the MEK	1/24/2011	IRNA	official
1	Yasouj	<ul style="list-style-type: none"> • ? 	Rape	1/25/2011	ISNA	Semi official
1	Uromieh	<ul style="list-style-type: none"> • Farhad Tarom 	Membership in the Kurdistan Democratic Party	1/26/2011	Jaras Akhbar-rooz	
1	Khuzestan	<ul style="list-style-type: none"> • Seyyed Ali Gharabat, 	Corruption on earth (claimed to be God) (apostasy)	1/26/2011	Khuzestan Province Justice	official

7	Ghezel hesar (Karaj)	<ul style="list-style-type: none"> • J. A., • M. D., • Gh. B., • K. N., • D. S., • K. B., • M. T. 	Drug trafficking	1/27/2011	Karaj public court and revolution	official
3	Uromieh	<ul style="list-style-type: none"> • ? 	Drug trafficking	1/27/2011	IRNA	official
3	Tehran	<ul style="list-style-type: none"> • Zahra Bahrami, 	Drug trafficking	1/29/2011	Tehran public court and revolution	official
2	Khoramabad	<ul style="list-style-type: none"> • Nourbakhsh A., • Aliheidar Z. 	Drug trafficking	2/14/2011	Kayhan	Semi official
2	Sari	<ul style="list-style-type: none"> • ? 	Drug trafficking	2/14/2011	Mazandaran Province Justice	official
2	Sanandaj	<ul style="list-style-type: none"> • M. H. • Kh. R. 	Drug trafficking	2/15/2011	Kurdistan Province Justice	official
4	Kerman	<ul style="list-style-type: none"> • Akbar M • Zaher G. • Saeed J. • Khodabakhsh A. 	Drug trafficking	2/17/2011	Kerman Province Justice	official
2	Isfahan	<ul style="list-style-type: none"> • Ramezan J. • Nesar M. 	Drug trafficking	2/20/2011	Isfahan Province Justice	official

10	Uromieh	<ul style="list-style-type: none"> • Hamid Bahadori • Sayyad ansari • Behzad Honareh • Ebrahim Sharifi • Bohloul Kazemzadeh • Hassan Nasiri • Saeed Osmanbabi • Mostafa Malekzadeh • Iraj Hassannajadian • Behrouz 	?	2/27/2011	Campaign for the Defense of Iranian Nations' Political Prisoners HRANA Democratic Party of Iranian Kurdistan	
7	Jiroft & Bam (Kerman Province)	<ul style="list-style-type: none"> • Mohammad-Nabi N. • Mehdi S. • Ali-Bakhsh S. • Hamidreza D. • Sohrab N. • Malek N. • Saeed M. 	Drug trafficking	3/1/2011	Kerman Province Justice	official
3	Shiraz	<ul style="list-style-type: none"> • A. • H. R. • S. K. G. 	Drug trafficking	3/1/2011	Fars Province Justice	official
1	Khomeini shahr (Isfahan)	<ul style="list-style-type: none"> • Mahmoud Aalae 	Drug trafficking	3/2/2011	IRNA	official
10	Mashhad	<ul style="list-style-type: none"> • ? 	Drug trafficking	3/2/2011	International Campaign for Human Rights in Iran	
4	Karaj	<ul style="list-style-type: none"> • ? 	3 Drug trafficking, 1 Armed robbery	3/2/2011	Karaj public court and revolution	official

3	Evin	<ul style="list-style-type: none"> • Afghan Citizens 	Harassing a pregnant woman	3/5/2011	Iran Newspaper	Semi official
5	Evin	<ul style="list-style-type: none"> • Adiva Mirza Soleyman & Varjan Petrosian (an Armenian-Jewish couple), • Zahra Esmaili (female), • Hojjat Nahavandi, • Veria Ahmadi 	?	3/14/2011	HRANA Pars Daily News	
1	Behbahan (Khuzestan)	<ul style="list-style-type: none"> • Seyyed Abolhassan R. 	<i>Mohareb</i> , Armed robbery	3/16/2011	Khuzestan Province Justice	official
10	Mashhad	<ul style="list-style-type: none"> • ? 	?	4/6/2011	International Campaign for Human Rights in Iran	
3	Uromieh	<ul style="list-style-type: none"> • Towhid Masoumi Dejin, • Khaled Esmaili, • Masoud Ghavipankeh 	Drug trafficking	4/7/2011	RAHANA	
1	Ahvaz	<ul style="list-style-type: none"> • Karim Kh. 	Drug trafficking	4/9/2011	Khuzestan Province Justice	official
2	Arak	<ul style="list-style-type: none"> • Ali A., • Ahmad A. 	Drug trafficking	4/13/2011	Central Province Justice	official
12	Mashhad	<ul style="list-style-type: none"> • ? 	?	4/13/2011	International Campaign for Human Rights in Iran	

4	Shiraz & Kazeroun	<ul style="list-style-type: none"> Abolfazl Faraie, Reza Roshanfekar, Seyyed Roknoddin Karimi, Morteza Jokar 	Armed robbery, Kidnapping, Murder	4/17/2011	Fars Province Justice	official
1	Mashhad	<ul style="list-style-type: none"> Farshid Y. 	Drug trafficking	4/??/2011	RAHANA	
4	Hormozgan	<ul style="list-style-type: none"> N., H. B., P. V., <p>(Abbreviations from unofficial source)</p>	Rape & Murder	4/21/2011	Hormozgan Province Justice More information: Iran Human Right	official
1	Kermanshah	<ul style="list-style-type: none"> A. Golmohammadi 	Drug trafficking	4/22/2011	ISNA	Semi official
1	Mahshahr (Khouzestan)	<ul style="list-style-type: none"> A. M. 	Drug trafficking	4/28/2011	Khuzestan Province Justice	official
1	Mousa abad village (Central Province)	<ul style="list-style-type: none"> ? 	<i>Mohareb</i> , Armed robbery	4/30/2011	Central Province Justice	official
2	Sari	<ul style="list-style-type: none"> ? 	Drug trafficking	5/3/2011	Mazandaran Province Justice	official

9	Ahvaz	<ul style="list-style-type: none"> • Ali Heidari, • Jasem Heidari, • Naser Heidari, • Amir Moavi, • Ali Naami, • Amir Badavi, • Ahmad Naseri, • Hashem Hamidi, • ? 	Killing of policemen & incompatibility with public chastity	5/5/2011	Jaras Ahvaz News	
3	Miandoab (West Azerbaijan Province)	<ul style="list-style-type: none"> • Fathollah Darvishi, • Fekri Teimouri, <p>(names from unofficial source)</p>	Drug trafficking	5/10/2011	IRNA Mukrian News	official
5	Uromieh	<ul style="list-style-type: none"> • Aref Rashidpour, • Esfandiar Mandahaki, • Teimour (timan) Ayyoubian, 	Drug trafficking	5/10/2011	Mukrian News	
4	Kerman	<ul style="list-style-type: none"> • A., • N. B., • N. D., • A. B. 	Drug trafficking	5/12/2011	Kerman Province Justice	official
4	Yazd	<ul style="list-style-type: none"> • ? 	Rape	5/12/2011	Yazd Province Justice	official
2	Ghazvin	<ul style="list-style-type: none"> • Hamid Mohammadi, • Reza Hosseinkhah 	Drug trafficking	5/14/2011	Qazvin public court and revolution	official

1	Bandar Abbas	<ul style="list-style-type: none"> A. S. 	Theft & Rape	5/15/2011	Hormozgan Province Justice ISNA	official
10	Mashhad	<ul style="list-style-type: none"> ? 	?	5/16/2011	International Campaign for Human Rights in Iran	
5	Isfahan	<ul style="list-style-type: none"> Abdollah Fathi Shourbariki, Mohammad Fathi Shourbariki, (Names from Unofficial source) 	<i>Mohareb</i> , Armed robbery	5/17/2011	Mehr News BBC Persian	Semi official
1	Ahvaz	<ul style="list-style-type: none"> Amer H. 	Drug trafficking	5/17/2011	Khuzestan Province Justice	official
3	Uromieh	<ul style="list-style-type: none"> Changiz N., Mansour M., 	Drug trafficking	5/22/2011	Mukrian News Mukrian News	
1	Salmas (West Azerbaijan Province)	<ul style="list-style-type: none"> Abdollah Jaber 	Drug trafficking	5/22/2011	Mukrian News HRANA	
1	Salmas	<ul style="list-style-type: none"> Mohammad Kousha 	Drug trafficking	5/22/2011	HRANA	
1	Behbahan (Khuzestan Province)	<ul style="list-style-type: none"> Saeed S. 	Drug trafficking	5/23/2011	IRNA	official

12	Mashhad	<ul style="list-style-type: none"> • ? 	Drug trafficking	5/23/2011	International Campaign for Human Rights in Iran	
4	Mashhad	<ul style="list-style-type: none"> • ? (three sisters) • ? (one man) 	Drug trafficking (females), Rape (male)	5/24/2011	International Campaign for Human Rights in Iran	
1	Rajae-shahr (Karaj)	<ul style="list-style-type: none"> • Sadegh Heshmatian 	?	5/24/2011	HRANA	
10	Evin	<ul style="list-style-type: none"> • Amir Masaeli, • Issa Mousazadeh, • Akbar Khanjari, • Ali, • ? 	?	5/25/2011	Pars Daily News	
1	Ghazvin	<ul style="list-style-type: none"> • Mehdi Faraji 	Serial murder of women	5/26/2011	Qazvin public court and revolution	official
2	Sari (Mazandaran Province)	<ul style="list-style-type: none"> • ? 	Drug trafficking	5/26/2011	Mazandaran Province Justice	official
4	Shiraz	<ul style="list-style-type: none"> • Hamid Ranjbar Eslamloo, • Hamidreza Bagheri Dehkareh, • Masoud Dehqan, • Mehdi Alipour 	Armed robbery, Kidnapping, Drinking alcohol, Rape	5/26/2011	IRNA	official

4	Yasouj (Kohkelouieh & Bouyer ahmad Province)	<ul style="list-style-type: none"> • ? 	Drug trafficking	5/26/2011	IRNA	official
2	Kermanshah	<ul style="list-style-type: none"> • Namakchi, • P. Mohammadi 	Rape	5/29/2011	Kermanshah Province Justice	official
4	Kerman	<ul style="list-style-type: none"> • Esmaeil J., • Hossein N., • Hassan Gh., • Hassan K. 	Drug trafficking	6/1/2011	Kerman Province Justice	official
1	Evin	<ul style="list-style-type: none"> • Abdolmajid Rigi 	<i>Mohareb</i>	6/1/2011	Jamejam Online	Semi official
1	Evin	<ul style="list-style-type: none"> • Hossein Barikzahi (Afghan citizen) 	Murder of wife & rape of daughter	6/1/2011	Jamejam Online	Semi official
1	Kerman	<ul style="list-style-type: none"> • Yadollah Movahhed 	Rape	6/8/2011	Kerman Province Justice	official
2	Neishabour (Razavi Khorasan Province)	<ul style="list-style-type: none"> • Mohammad M., • Mokhtar A. 	Rape	6/9/2011	IRNA	official
2	Dezfoul (Khuzestan Province)	<ul style="list-style-type: none"> • Karim Pourmahmoud Shalaghian, • Rahim Pourmahmour Shalaghian 	Murder	6/12/2011	Mehr News	Semi official
1	Neiriz (Fars Province)	<ul style="list-style-type: none"> • ? 	Rape	6/15/2011	Fars Province Justice	official

26	Mashhad	<ul style="list-style-type: none"> • ? 	Drug trafficking	6/15/2011	International Campaign for Human Rights in Iran	
1	Shahr-Kord (Charmahal & Bakhtiari Province)	<ul style="list-style-type: none"> • Ayyoub Taghizadeh Boroujeni 	Rape	6/18/2011	Charmahal & Bakhtiari Province Justice	official
2	Isfahan	<ul style="list-style-type: none"> • Siah-Khan Sh. (Iranian citizen), • Mohammad N. (Afghan citizen) 	Drug trafficking	6/19/2011	Ettelaat Isfahan Metropolis News Agency	Semi official
3	Zabol (Sistan & Balouchestan Province)	<ul style="list-style-type: none"> • Babeddin Barkezaei, • Mohammad Poudineh, • Valiollah Mir 	Rape & Armed robbery	6/20/2011	Fars News	Semi official
13	Mashhad	<ul style="list-style-type: none"> • ? 	Drug trafficking	From 3/21/2011 To 6/22/2011	IRNA	official
12	Mashhad	<ul style="list-style-type: none"> • ? 	Drug trafficking	6/29/2011	International Campaign for Human Rights in Iran	
25	Ghezel hesar (Karaj)	<ul style="list-style-type: none"> • ? 	Drug trafficking	7/3/2011	International Campaign for Human Rights in Iran	

7	Evin	<ul style="list-style-type: none"> • Hamid Nader, • Seyyed Abolfazl Azimi, • Mehdi Bashiri, • Javad Abdollahvand, • Masoud Alimoradi, • Asghar, • (An Afghan citizen) 	Drug trafficking	7/3/2011	Pars Daily News	
1	Mashhad	<ul style="list-style-type: none"> • Hassan 	Murder	7/3/2011	Khorasan News	
18	Mashhad	<ul style="list-style-type: none"> • ? 	Drug trafficking	7/3/2011	International Campaign for Human Rights in Iran	
2	Uromieh	<ul style="list-style-type: none"> • Sedigh Naamani, • Mehdi Kohan 	Drug trafficking	7/7/2011	Mukrian News	
4	Qom	<ul style="list-style-type: none"> • ? 	Drug trafficking	7/?/2011	RAHANA Mehr News	Semi official
1	Bandarabbas	<ul style="list-style-type: none"> • Gh. K. 	Murder, Rape	7/13/2011	IRNA	official
3	Kermanshah	<ul style="list-style-type: none"> • Milad Gh. • Javad A. • Javad A. 	Rape	7/19/2011	Kermanshah Province Justice	official
3	Ghouchan	<ul style="list-style-type: none"> • ? 	Rape	7/19/2011	Razavi Khorasan Province Justice	official
4	Rafsanjan & Jiroft	<ul style="list-style-type: none"> • Abbas A. • Ali B. • Khodadad M. • Begom N. 	Drug trafficking	7/20/2011	Kerman Province Justice	official

1	Kerman	<ul style="list-style-type: none"> • Mohammad Mandazehi 	Drug trafficking	7/26/2011	HRANA	
1	Minab	<ul style="list-style-type: none"> • H. B. 	Drug trafficking	7/30/2011	Fars News	Semi official
1	Qom	<ul style="list-style-type: none"> • S. H. 	Murder	7/30/2011	Mehr News	Semi official
1	Mashhad	<ul style="list-style-type: none"> • ? 	Rape	7/31/2011	Khorasan News	
1	Ghazvin	<ul style="list-style-type: none"> • Ehsan Shabani 	Drug trafficking	9/3/2011	HRANA	
6	Ahvaz	<ul style="list-style-type: none"> • M. T. • T. T. • M. Ch. • A. H. • J. N. • A. Sh. 	Homosexuals (3 people), drug trafficking (1 person), rape & robbery (2 people)	9/4/2011	ISNA	Semi official
4	Kerman	<ul style="list-style-type: none"> • Hamid K. • Ghasem B. • Hossein J. • Syamak M. 	Drug trafficking	9/5/2011	Kerman Province Justice	Official

7. Please clarify as to whether further amendments are foreseen to the draft Juvenile Crimes Investigation Act and the Bill of Islamic Criminal Code with the aim of abolishing the death penalty for persons having committed a crime below the age of 18. Please also provide statistics, as of April 2011, on the number of offenders on death row, who had committed a crime below the age of 18, and the number of executions of such offenders upheld by the Supreme Court, which is awaiting final authorisation by the head of the judiciary.

IHRDC Response:

- Seven years after being convicted of murdering a classmate when he was 16 years old, Ali Mahin Torabi recently fled the Islamic Republic of Iran fearing for his life. On February 3, 2003, Torabi was charged with stabbing and killing a classmate. He was convicted and initially sentenced on October 27, 2003 to ten years' imprisonment and *Qisas* ("retaliation" which provides that the families of murder victims have the right to demand the execution of the murderer). On June 8, 2010, while still serving his sentence, he was acquitted by Branch 112 of the Criminal Court in Karaj and released on bail. However, on February 9, 2011 Judge Fazel and court advisor Mr. Razaghi of Branch 27 of the Supreme Court found him guilty and reinstated the sentence of *Qisas*. Torabi left the State Party soon after.¹⁹

9. Please clarify whether an impartial and independent investigation has been carried out into allegations of killings, torture and other ill-treatment during and following the 12 June 2009 presidential elections, and provide comprehensive information on findings and action taken against responsible high level officials.

IHRDC Response:

- IHRDC Report "Violent Aftermath: The 2009 Election and Suppression of Dissent in Iran" describes killings, torture and other ill-treatment by State party authorities during and following the June 12, 2009 presidential elections.²⁰
- IHRDC Report "Silencing the Women's Rights Movement in Iran" describes the targeting of women's rights activists during and following the June 12, 2009 presidential elections.²¹

Prohibition of torture and cruel, inhuman or degrading treatment or punishment, right to liberty and security of person & treatment of persons deprived of their liberty (art. 7, 9, 10, 12 and 13)

11. Please provide information on: (1) the total number of cases of alleged torture and cruel, inhuman or degrading treatment on the part of police officers or prison officials that have been investigated since 2005; (2) the outcome of these investigations and the action

¹⁹ IHRDC Interview with Ali Mahin Torabi (Aug. 12, 2011) (on file with IHRDC).

²⁰ IHRDC, VIOLENT AFTERMATH: THE 2009 ELECTION AND THE SUPPRESSION OF DISSENT IN IRAN (Feb. 2010), available at <http://www.iranhrdc.org/>.

²¹ IHRDC, SILENCING THE WOMEN'S RIGHTS MOVEMENT IN IRAN (Oct. 2010), available at <http://www.iranhrdc.org/>.

taken against those found guilty; and (3) the measures taken for the rehabilitation and compensation offered to victims.

IHRDC Response:

- Article 38 of the State party's Constitution states: "[a]ll forms of torture for the purpose of extracting confession or acquiring information are forbidden. Compulsion of individuals to testify, confess, or take an oath is not permissible; and any testimony, confession, or oath obtained under duress is devoid of value and credence. Violation of this article is liable to punishment in accordance with the law."²²
- As discussed in IHRDC's recent report "Surviving Rape in Iran's Prisons," there is ample evidence that the State party continues to acquiesce to rapes of prisoners by guards and interrogators who use rape to crush detainees' spirits, inflict humiliation, discourage dissent, and force them to confess to crimes. The following are examples:
 - In 2006, Mojtaba Saminejad witnessed the frequent rape of young prisoners by older prisoners in Qezel Hesar Prison. Though he reported the violations to the prison authorities, they did nothing to stop the rapes.²³
 - "Sorrour," a young man detained in Tabriz after a family dispute, was raped with a bottle by police in 2008.²⁴
 - Post-2009 election protestors at Kahrizak detention facility in Tehran were beaten, had their hands and feet burned with tar, had their teeth broken, were subjected to mock executions, were raped, and had bones broken and toenails removed. For example, agents broke bones and extracted the toenails of Amir Javadifar.²⁵
 - In 2009, multiple State party agencies launched investigations into the deplorable condition at the Kahrizak detention center. While some guards and judicial officials were arrested and disciplined, the investigators denied finding any evidence of rape. In December 2009, the *Majlis* Special Committee to Investigate the Situation of the Detainees of the Post-Election Events issued a report that concluded:

"The Committee members had other investigations and the committee of the Secretariat of the Supreme National Security Council also investigated the matter in detail, and the results of all three committees of the *Majlis*, the judiciary, and the Supreme National Security Council conformed to one another completely, and it is announced that after the comprehensive investigations, we have not gotten to any case of sexual assault and strongly deny that."²⁶

²² Qanun-i Assasiyih Jumhuriyih Islamiyih Iran [Constitution of the Islamic Republic of Iran] 1358 [adopted 1979, amended 1989] art. 38 [hereinafter Iranian Const.], available in English at <http://iranhrdc.org/httpdocs/English/iraniancodes.htm>.

²³ IHRDC, SURVIVING RAPE IN IRAN'S PRISONS 23 (June 2011), available at www.iranhrdc.org/.

²⁴ *Id.* at 39.

²⁵ VIOLENT AFTERMATH, *supra* note 20, at 49.

²⁶ See SURVIVING RAPE IN IRAN'S PRISONS, *supra* note 23, at 6.

12. Please indicate whether the State party intends to amend the Penal Code with the aim of abolishing the imposition of corporal punishment by judicial and administrative authorities, in particular amputations and flogging for a range of crimes, including theft, enmity against God (*mohareb*) and certain sexual acts. Please provide statistics on amputation and flogging.

IHRDC Response:

- In December 2010, Kaveh Eshtehari, editor of the newspaper *Iran*, was sentenced to six months in prison and ten lashes for publishing a student organization's statement regarding alleged government corruption.²⁷

16. Has a system been established for regular and independent monitoring of places of detention? Please provide information on cases of mistreatment of detainees that have been referred to the judicial authorities by the Office for Performance Evaluation, Inspection and Response to Complaints. Please provide information on steps taken to improve conditions of detention in Evin Prison, in particular those of sections 350, 2A, 209, and 240. Please also report on allegations of the use of solitary confinement in detention centres. Is human rights training, covering the topics of prohibition of torture, effective interrogation techniques, conditions of detention and the treatment of detainees, a standard component of curricula in the training of law enforcement, prison and judicial officials? Please comment on the reported denial of medical treatment to many prisoners in Ward 350/Correctional Facility 3 of Evin Prison, including due to the very low daily quota for Infirmary visits and refusals for such visits.

IHRDC Response

- In 2002, journalist Siamak Pourzand was so demoralized after years of interrogations at various secret detention facilities that he attempted suicide, only to be again beaten up by prison staff after he was revived.²⁸ Pourzand committed suicide in April 2011.²⁹
- In 2009, interrogators insulted and abused Hengameh Shahidi, a journalist and member of the One Million Signatures Campaign, during lengthy interrogation sessions while detained in Evin Prison for fifty days. Her interrogators' purpose was to force her to confess to participating in illegal gatherings and spreading of propaganda.³⁰

²⁷ *Dadgah ba Shekayat-e Mehdi Hashemi, Modir Masour-e Rouznameh Iran ra be Habs va Shalagh Mahkoum Kard* [Iran Newspaper Manager Was Condemned to Imprisonment and Lashes by the Court Following of Mehdi Hashemi's Complaint], RAJA NEWS, Jan. 1, 2011, available at <http://www.rajanews.com/detail.asp?id=74570>.

²⁸ IHRDC, *MOCKERY OF JUSTICE* (Aug. 2008), available at <http://www.iranhrdc.org/>.

²⁹ IHRDC, *Press Release: IHRDC Mourns the Death of Siamak Pourzand* (Apr. 29, 2011), available at <http://www.iranhrdc.org>.

³⁰ *SILENCING THE WOMEN'S RIGHTS MOVEMENT IN IRAN*, *supra* note 21, at 38.

- On September 10, 2010 authorities raided the home of Pastor Vahik Abrahamian, and detained him and Christian convert Arash Kermanjany in solitary confinement for forty days.³¹
- On October 1, 2010, authorities arrested Ebrahim Yazdi, secretary general of the Freedom Movement of Iran. Yazdi, age 80, was held in solitary confinement from October through at least December 8, 2010. He was eventually transferred to a "secure facility," and released in March 2011.³²

Right to a fair trial (art. 14)

19. Please clarify how fair trial guarantees contained in article 14 of the Covenant are respected in practice, especially in the Revolutionary Courts and Evin's Prison Court, including (1) the right to legal assistance of one's own choosing; (2) the right to be informed promptly of the nature and cause of the criminal charges; (3) the intervention of lawyers during the investigation stage; (4) the presumption of innocence; (5) the right to a public hearing; and (6) the right to appeal a ruling.

IHRDC Response:

- Article 34 of the State party Constitution provides that "it is the indisputable right of every citizen to seek justice by recourse to competent courts. All citizens have right of access to such courts, and no one can be barred from courts to which he has a legal right of recourse."
- Article 35 of the Constitution provides that "both parties to a lawsuit have the right in all courts of law to select an attorney, and if they are unable to do so, arrangements must be made to provide them with legal counsel."
- Article 36 of the Constitution provides that the "passing and execution of a sentence must be only by a competent court and in accordance with law."
- Article 37 of the Constitution provides that "innocence is to be presumed, and no one is to be held guilty of a charge unless his or her guilt has been established by a competent court."³³
- The State party arbitrarily arrests and detains individuals that officials consider threatening to the State:
 - Sabah Nasri was arrested on June 13, 2007 and detained for 18 months. Authorities never showed him an arrest warrant or explained his charges.³⁴

³¹ *Concerns about unknown status of Christian detainees in the prison of Hamadan*, MOHABAT NEWS, Dec. 8, 2010, available at <http://www.mohabatnews.com>.

³² AI, *Urgent Action: Several Arrested Before Iran Protest* (Feb. 18, 2011), available at <http://www.amnesty.org>; Human Rights House of Iran, *Ebrahim Yazdi Transferred to Intelligence Ministry Safe House* (Jan. 1, 2011), available at <http://www.rahana.org/en/?p=8992>.

³³ Iranian Const., *supra* note 22.

³⁴ IHRDC Witness Statement of Sabah Nasri (May 6, 2011), available at <http://www.iranhrdc.org>.

- Shiva Kamalipour Azad, one of two members of the Confederation of Iranian Students arrested on April 26, 2011, was released on bail on May 25. The other CIS member, Mohammad Reza (known as Arash) Fakhravar, remained in Evin Prison.³⁵
- Farzad Haghshenas, an environmental activist and member of the NGO, *Sabzchia* (The Green Mountain Society), was reportedly arrested May 18, 2011 in front of his shop in Marivan, Kordestan Province.³⁶
- Human rights activist, Mansoureh Behkish, was reportedly arrested on June 12, 2011. She is a member of the Mourning Mothers group, which campaigns against human rights violations including unlawful killings, arbitrary arrests, torture, and enforced disappearances.³⁷
- Three women, Hourieh Sabahi, Leila Hayati and Roghieh Khalaji, and two unnamed men are reportedly facing execution for drug trafficking in Iran after unfair trials. They have not been allowed to appeal their convictions and sentences. Their requests for pardon have been rejected on two occasions.³⁸

20. Please indicate how the independence of the judiciary is guaranteed in practice, and in this light comment on the impact of the role of the Office for Supervision and Evaluation (para.141 of the periodic report), as well as repeated calls by senior clerics and high-ranking Government officials ahead of trials for protesters who were arrested after the 2009 elections to be dealt with harshly on charges of enmity against God (*mohareb*).

IHRDC Response:

- Hardline clerics, military figures, and members of the State Party's Parliament repeatedly label Mir Hussain Mousavi and Mehdi Karoubi *Mohareb* and call for their executions. Mousavi and Karoubi were reportedly detained in *Heshmatieh*, a military prison in Tehran, after February 14, 2011 demonstrations in support of the uprisings in Tunisia and Egypt. The semi-official Fars news agency denied their arrests claiming they were under house arrest. They both continue to be held under house arrest.³⁹
- Mohammed-Najjar, Minister of the Interior, threatened to charge all who participated in the protests after *Ashura* 2009 with *muharibih* ("waging war against God"), making them eligible for execution should they be found guilty.⁴⁰
- Article 180 of the Islamic Republic's Criminal Code of Procedure stipulates that if the accused cannot be summoned, an announcement must be placed in local newspapers

³⁵ AI, *Iran: Further information: One student activist released, one still held* (June 7, 2011), available at <http://www.amnesty.org>.

³⁶ AI, *Iran: Environmentalist arrested in Iran* (June 22, 2011), available at <http://www.amnesty.org>.

³⁷ AI, *Iran: Woman detained for human rights activism* (June 23, 2011), available at <http://www.amnesty.org>.

³⁸ AI, *Iran: Three mothers sentenced to death in Iran* (June 16, 2011), available at <http://www.amnesty.org>.

³⁹ IHRDC, *Press Release: IHRDC Urges Iran to Release Opposition Leaders* (March 1, 2011), available at <http://www.iranhrdc.org>.

⁴⁰ See VIOLENT AFTERMATH, *supra* note 20, at 39.

declaring a trial date. The date of the announcement should not be less than one month before the trial date. If the accused, or the lawyer of the accused, does not attend the trial, the court may issue a decision *in absentia*. The accused then has ten days to protest the court's decision. If the accused protests within ten days, the verdict must be temporarily vacated until further investigation by the court.

- Article 180 also states that in the cases of crimes that are against "the rights of God," the court may not render a verdict *in absentia*, but the judge can hold the case open until the court has access to the accused.⁴¹
- In May 2010, Shadi Sadr, a criminal defense lawyer and journalist, was sentenced *in absentia* to six years imprisonment and 74 lashes for charges stemming from a March 2007 arrest.⁴² She fled the State party after her release and is living in exile.
- In May 2010, the State party tried women's rights activist Mahboubeh Abbasgholizadeh *in absentia* and sentenced her to lashes and a prison term.⁴³ She fled the State party and is living in exile.

Freedom of religion and belief (art. 18)

22. Over the past two years, how many Evangelical Christians have been arrested and charged with proselytizing? Please clarify how many Muslims, who converted from Islam, have been arrested since 2005, and provide information on the crimes for which they were accused and the penalties imposed upon them. What is the status of the proposed article 225 of the draft Penal Code, aimed at making the death penalty mandatory for convicted male apostates? Does the State party intend to lift the ban on conducting Christian services in the Farsi language and allow all citizens to attend a religious service of their own choice?

IHRDC Response:

- Christianity is one of the three minority religions recognized in the State party's Constitution.⁴⁴
- The current Islamic Penal Code, set to expire in March 2012, does not explicitly provide for the crime of apostasy. However, State party courts rely on Islamic law to broadly define "apostate" to include Muslims who renounce Islam ("natural apostasy"), and those born into non-Muslim households who accept Islam after the age of maturity but later leave the religion ("national apostasy"). Historically, the State party has targeted Iranians who have converted to other religions as well as Iranians who are deemed to have left Islam due to their criticism of the Islamic Republic.
- Though not yet in effect, the New Islamic Penal Code would codify the existing understanding of the crime of apostasy as well as provide for mandatory execution upon

⁴¹ Majmu'ah Qavanini Jazai [Code of Criminal Laws] Tehran 1379 [1999] (Iran), available at <http://hoghoogh.online.fr>; see also <http://www.unhcr.org>.

⁴² SILENCING THE WOMEN'S RIGHTS MOVEMENT IN IRAN, *supra* note 21, at 44.

⁴³ *Id.* at 37.

⁴⁴ See Iranian Const., *supra* note 22.

conviction. Article 225 would provide that "[a]ny Muslim who clearly announces that he/she has left Islam and declares blasphemy is an Apostate." It defines two types of apostates:

- an "Innate Apostate" is a person "whose parent (at least one) was a Muslim at the time of conception, and who declares him/herself a Muslim after the age of maturity, and leaves Islam afterwards;"
- a "Parental Apostate" is a person "whose parents (both) had been non-Muslims at the time of conception, and who has become a Muslim after the age of maturity, and later leaves Islam and returns to blasphemy."
- Article 225-7 of the New Penal Code states that the punishment for a male Innate Apostate is death.
- Article 225-8 states that the "[p]unishment for [a male] Parental Apostate is death, but after the final sentencing for three days he would be guided to the right path and encouraged to recant his belief and if he refused, the death penalty would be carried out."
- Article 225-10 states that "[p]unishment for women, whether Innate or Parental, is life imprisonment and during the sentence, under the guidance of the court, hardship will be exercised on her, and she will be guided to the right path and encouraged to recant, and if she recants she will be freed immediately."⁴⁵
- Ali Golchin was reportedly held in solitary confinement at Evin prison from April to June 2010 for his recent conversion to Christianity. He was not charged and was released on July 25 upon posting US\$200,000 in bail and a promise to appear in court.⁴⁶
- On September 4, 2010, authorities in Hamadan arrested nine Christians, including Pastor Vahik Abrahamian, his wife, Sonia Keshish-Avanessian, Arash Kermanjany, and his wife Arezo Teimouri.⁴⁷ Pastor Vahik Abrahamian, an Armenian Christian, was first arrested in February 2010 in Tehran and released on April 24, 2010 on US \$10,000 bail. On April 30, 2011, after eight months in detention, his wife and the other two people were released but Abrahamian continued to be detained. He was finally released on August 29, 2011.⁴⁸

⁴⁵ See Bill of the Islamic Penal Code, available at <http://www.dadkhahi.net>; *Iran's New Apostasy Law: New Penal Code Mandates Death for Converts* (July 2011), <http://www.madeye18.com>.

⁴⁶ IHRDC, *Press Release: IHRDC Condemns The Imprisonment of Ali Golchin* (June 14, 2010), available at <http://www.iranhrdc.org>. See also *Summary Report on the Repression and the Persecution of Christian Iranians in 2010*, Farsi Christian News Network (FCNN), Apr. 21, 2011 available at <http://www.fcnn.com>.

⁴⁷ IRAN: Christians Imprisoned Without Charge, FCNN, Jan. 10, 2011, available at <http://www.fcnn.com>; Concerns about Unknown Status of Christian Detainees in the Prison of Hamadan, MOHABAT NEWS, Dec. 4, 2010, available at <http://www.mohabatnews.com>.

⁴⁸ Legal Uncertainty and fear of deteriorating health conditions of Iranian Christian prisoner, Vahik Abrahamian in Hamadan's prison, FCNN, July 26, 2011, available at <http://www.fcnn.com>; Christian Prisoner returns home after 359 days, IRANIAN CHRISTIAN NEWS AGENCY (ICNA), Aug. 31, 2011, available at <http://www.mohabatnews.com>.

- The authorities arrested many Christians in December 2010 and January 2011, including the following:
 - On December 25, State party agents reportedly arrested 70 Christians.⁴⁹
 - On December 26, security agents broke into the homes of Christian converts, harassed them, searched their homes, and confiscated their computers and other personal belongs. At least twenty-five Christian converts were handcuffed and transferred to unknown locations. Agents sought to arrest another sixteen Christians, but they were not home.⁵⁰
 - On December 27, Hasan Razavi Derakhshi (65), and his wife Parya (61) were arrested and detained in Vakilabad prison, on the outskirts of Mashhad. They were charged with the crimes of celebrating Christmas and holding regular church services at their home. They were released on bail in January 2011.⁵¹
 - On December 30, Mr. Rafi and his wife Yasi, Basiredin Amini, and Mr. Hooman, recent converts to Christianity, were reportedly arrested in Isfahan and transferred to Evin Prison in Tehran where they were detained in section 202.⁵²
 - In January 2011, it was reported that three Christians were arrested in Ahvaz; three Christians were arrested in Mashad (released on bail);⁵³ three Christians were arrested in Karaj (released on bail); Ebrahim Firouzi, a Christian, was arrested in Robat Karim (conditional release in August 2011);⁵⁴ two Christians were arrested in Rasht; two Christians were arrested in Shiraz (released on bail); one Christian was arrested in Isfahan (released on bail); and around twenty Christians were arrested in Khorasan Razavi (released on bail).⁵⁵
- Between June 2010 and February 2011, the State party arrested at least 250 people in 24 cities for believing in Christianity.⁵⁶
- Farshid Fathi, a Christian convert from Islam who was arrested in September 26, 2010 in Tehran is still in ward 209 in Evin.⁵⁷

⁴⁹ ELAM, *70 Christians Arrested* (Dec. 2010), available at <http://www.elam.com>.

⁵⁰ IHRDC, *Press Release: IHRDC Condemns Mass Arrests of Several Iranian Christians* (Jan. 10, 2011), available at <http://www.iranhrdc.org>.

⁵¹ *Azadi-i Movaghati Zoje Masihi Dar Mashhad ba Gharar-i Vasigheh* [Temporary Release of Christian Couple in Mashhad on Bail], ICNA, Feb. 10, 2011, available at <http://mohabatnews.com>.

⁵² Summary Report on the Repression and the Persecution of Christian Iranians in 2010, FCNN, Apr. 21, 2011, available at <http://www.fcnn.com>.

⁵³ *Goftegoo ba yek Nokish-i Masiha Pas az Azadi az Zendan* [Interview with a Christian Convert after his Release], ICNA, (July 19, 2011), available at <http://mohabatnews.com>.

⁵⁴ *Azadi-i Mashroti Ebrahim Firouzi az Shahrvandan-i Masihi pas az Gozarandan-i 154 rooz Habs*. [Conditional Release of Ebrahim Firouzi, the Christian Citizen after 154 Days imprisonment], JARAS, Aug. 4, 2011, available at <http://www.rahesabz.net>.

⁵⁵ Severe intensification of arrests and imprisonment of Christians in Iran, Jan. 25, 2011, available at <http://www.elam.com>.

⁵⁶ Indiscriminate Persecution Greatly Intensifies With More Arrests and Imprisonment of Christians in Iran, FCNN, Feb. 20, 2011, available at <http://www.fcnn.com>.

- In September 2010, an appellate court confirmed the death sentence of Pastor Yousef Nadarkhani, a Christian pastor in Rasht. He was coerced into confessing that he converted from Islam to Christianity, but at trial he denied ever practicing Islam. On June 12, 2011, Branch 27 of the Qom Supreme Court annulled the death sentence and remanded the case back to the trial court and urged Nadarkhani to repent.⁵⁸
- On July 15, 2011, authorities in the town of Kalibar outside of Tabriz beat and detained Vahid Rofegar and Reza Kahnamoeei, two 25-year-old Christian converts after the authorities discovered Christian bibles in their possession. They remain in prison.⁵⁹
- In August 2011, it was reported that a restored church in Kerman that had been registered as a protected national monument in 2008 was completely destroyed overnight.⁶⁰
- On July 30, 2011 at about 10:30 p.m., State party security agents arrested Leyla Mohammadi, a 30-year-old Christian convert, at her home East of Tehran. They searched her home and confiscated her computer and other personal belongings. Accused of evangelizing, she still has not called her family since her arrest.⁶¹

Freedom of opinion and expression (art. 19)

23. Please provide information on the number of human rights defenders and defence lawyers currently in prison, as well as details of the grounds for their detention and the sentences passed in each case. Please provide information also about the number of persons who have been prosecuted for vaguely formulated crimes such as “*Mohareb*” (enemy of God) and spreading propaganda against the establishment.

IHRDC Response:

- Since the 2009 presidential election, Iranian defense attorneys have increasingly been threatened, arrested and imprisoned. Some remain in prison while others have been forced to flee the country:
 - Authorities have detained human rights lawyer Nasrin Sotoudeh in Evin prison since September 2010. They accuse her of spreading propaganda against the State and harming national security. She was also accused of failing to wear a *hejab* during a

⁵⁷ The Unresolved Condition of "Farshid Fathi" a Christian prisoner in section 209 of Evin Prison, ICNA, June 8, 2011, available at <http://mohabatnews.com>.

⁵⁸ IHRDC, *The IHRDC Is Concerned About Pastor Yousef Nadarkhani* (July 27, 2011), available at <http://www.iranhrdc.org>.

⁵⁹ *Severe beating and imprisonment of two young Christian Converts in Eastern Azerbaijan province, Islamic Republic*, FCNN, Aug. 6, 2011, available at <http://www.fcnn.com>; *Gostaresh-i Feshar bar Nokishan-i Masihi-i Azar Zaban-i Iran*. [Extended Pressure on the Azeri Christians in Iran], ICNA, Aug. 13, 2011, available at <http://mohabatnews.com>.

⁶⁰ *Banay-i Tarikhi Ba Khak Yeksan Shod* [Historic Building was Demolished], MEHR NEWS, Aug. 16, 2011, available at <http://www.mehrnews.com>.

⁶¹ A Christian convert was arrested in the eastern suburbs of Tehran, ICNA, Aug. 18, 2011, available at <http://mohabatnews.com>.

video she created to accept an Italian human rights award.⁶² For at least the first month of detention, she was not allowed to visit with her family or lawyer. Her husband, Reza Khandan, was interrogated at the Revolutionary Court following her arrest and was ordered to not speak publicly about her detention.⁶³ The authorities arrested Khandan on January 16, 2011 and released him the following day after he posted bail.⁶⁴ In January 2011, Judge Pir Abassi of Revolutionary Court Branch 26 sentenced Sotoudeh to 11 years in prison and barred her from practicing law or leaving Iran for 20 years.⁶⁵ Sotoudeh asserts that authorities have unjustifiably investigated her's and thirty other lawyers' financial affairs, and begun cases alleging "tax irregularities."⁶⁶ She remains in prison.

- On January 2, 2010, Forough Mirzaei, a lawyer who represents many women's rights activists, was arrested with her husband Roozbeh Karimi, a journalist.
- On February 8, 2010, intelligence agents arrested Maryam Ghanbari, a lawyer known for representing women's rights activists, at her home in Tehran. They did not show a warrant or explain why they searched her home, but confiscated her computer.
- In October 2010, State party authorities arrested Houtan Kian for his work as a human rights attorney. Kian represented Sakineh Mohammadi Ashtiani, an Iranian widow whose sentence to death by stoning on charges of adultery provoked widespread international condemnation.⁶⁷
- In October 2010, State party authorities threatened criminal defense attorney Mohammad Mostafaei with arrest in retaliation for comments he made to the international media in support of his client. He was forced to flee the country.⁶⁸
- It was reported that Pastor Yousef Naderkhani's lawyer Mohammad Ali Dadkhah was sentenced to nine years in prison and a ten year ban on practicing law for "actions and propaganda against the Islamic Regime." Mr. Dadkhah appealed the sentence.⁶⁹

⁶² Iranian lawyer tried for not covering hair in video message, PAYVAND NEWS, Dec. 29, 2010, available at <http://www.payvand.com/news/10/dec/1277.html>.

⁶³ Lawyers' defence work repaid with loss of freedom, FIDEH, Oct. 4, 2010, available at <http://www.fidh.org>.

⁶⁴ *Keyvan Mehregan va Reza Khandan Asr-e Emrouz Azad Shodand* [Keyvan Mehrgan and Reza Khandan Were Released Today Afternoon], KALEME (Mousavi's website), Jan. 17, 2011, available at <http://www.kaleme.com>.

⁶⁵ *Mahkumiat-e Nasrin Sotoodeh be 11 Sal Habs va 20 Sal Mahroumiat az Herfeh Vekalat* [Nasrin Sotoodeh Was Sentenced to 10 Years Prison and Banned from Practicing Law for 20 Years], KALEME, Jan. 9, 2011, available at <http://www.kaleme.com>.

⁶⁶ Lawyers' defence work repaid with loss of freedom, Oct. 4, 2010, available at <http://www.fidh.org>.

⁶⁷ AI, *Rights organizations condemn continued persecution campaign against lawyers in Iran* (May 23, 2011), available at <http://www.amnesty.org>.

⁶⁸ IHRDC, *Press Release: Iran Human Rights Documentation Center Calls for the Unconditional Release of Sakineh Mohammadi Ashtiani* (Nov. 4, 2010), available at <http://www.iranhrdc.org>.

⁶⁹ Yousef Naderkhani, nothing is certain, July 7, 2011, available at <http://www.iran30.org>.

- Mohammad Seyfzadeh, Maedeh Ghaderi, and Ghasem Sholeh Saadi, Iranian defense lawyers, were arrested and detained.⁷⁰

24. Please comment on reports that many newspapers and magazines have been closed by the authorities since 2008, and indicate the number and the grounds upon which they were closed. Please provide information on the number of journalists, newspaper editors, film makers and media workers that have been arrested and detained following the 2009 elections, the grounds for their arrest, and the sentences passed. Please also clarify why journalists have allegedly been subjected to interrogations after returning from abroad.

IHRDC Response:

- Article 24 of the State party's Constitution provides that "[p]ublications 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."
- Article 175 of the Constitution provides that the "freedom of expression and dissemination of thoughts in the Radio and Television of the Islamic Republic of Iran must be guaranteed in keeping with the Islamic criteria and the best interests of the country."⁷¹
- In December 2010, authorities shut down the Tehran branch of a television station that broadcasts Farsi1, a channel featuring soap operas and comedies, on the grounds that the station "help[ed] the anti-revolutionary movement."⁷²

25. Please provide information on the work of the web-crime unit, established on 17 November 2009, to monitor "internet crimes" and "insults and lies", its findings and subsequent action taken against those found responsible. How does the State Party ensure that the monitoring of internet use does not violate the rights to freedom of expression and privacy as defined in the Covenant? Please comment on the use, especially since the 2009 elections, of blocking websites that carry political news and analysis, of slowing down internet speeds, and of jamming foreign satellite broadcasts.

IHRDC Response:

- Article 609 of the Islamic Penal Code provides that "anyone who insults any of the leaders of the three branches of the government, or presidential deputies, or ministers, or any of the members of the parliament, or any of the staff of the ministries, or any

⁷⁰ AI, *Rights organizations condemn continued persecution campaign against lawyers in Iran* (May 23, 2011), available at <http://www.amnesty.org>.

⁷¹ Iranian Const., *supra* note 22 arts. 24 and 25.

⁷² *Dadsetan-e Tehran: Mehdi Hashemi Zoudtar Khod ra be Dadgah Moarefi Nakonad, Gereftartar Mishavad* [Tehran Prosecutor: If Mehdi Hashemi don't Introduce Himself to the Court Soon, He Will Face with More Trouble], IRNA, Dec. 7, 2010, available at <http://www2.irna.ir>; *Dastgiri-e Tim-e Maznoun terorhay-e akhir / Plomp-e Markaz-e doubleh Farsi One* [Arrest of Suspected Team of Recent Assassinations / The Farsi-One Dubbed Center was sealed off], MEHR NEWS, Dec. 7, 2010, available at <http://www.mehrnews.com>.

other state employees, while they are on duty, should be punished by imprisonment from three to six months or flogging (74 lashes) or a fine of 50,000 to 1,000,0000 Ryal.”⁷³

Freedom of assembly and association (art. 21, 22)

28. Please provide information on the number of women’s rights activists that have been arrested and detained since 2005, in particular volunteers and members of the One Million Signatures Campaign.

IHRDC Response:

- IHRDC’s Report, “Silencing the Women’s Rights Movement in Iran,” documents the State party’s arrests of leaders and members of the One Million Signatures Campaign and the Mourning Mothers.⁷⁴
- In 2009, interrogators insulted and abused Hengameh Shahidi, a journalist and member of the One Million Signatures Campaign, during lengthy interrogation sessions while detained in Evin Prison for fifty days.⁷⁵
- Haleh Sahabi, a women’s rights defender and member of Mothers for Peace, died on June 1, 2011 while attending her father’s funeral after being struck over the head by security forces.⁷⁶

29. Please clarify why in about two and a half years prior to the 2009 presidential elections, some 200 students have been detained and at least 160 students have been suspended or were expelled from universities. Please report on the number of students that have been arrested and detained during and after the 2009 presidential elections.

IHRDC Response:

- During annual Student Day demonstrations on December 7, 2010, authorities reportedly detained at least four students at Amir Kabir University and held them in Evin prison,⁷⁷ and summoned nine students from Shiraz University of Technology, including Afshin

⁷³ Ghanoun-e Mojazat-e Eslami-e Iran [Islamic Penal Code of Iran] Tehran 1375 [1996] (Iran), available at <http://www.iranhrdc.org>.

⁷⁴ SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 21 at 30-33.

⁷⁵ *Id.* at 38.

⁷⁶ AI, *Iran: Investigate death of women’s rights and peace activist at father’s funeral* (June 3, 2011), available at <http://www.amnesty.org>.

⁷⁷ *Damaneh Dargiri Bein-e Daneshjouian-e Polytechnic va Nirouhay-e Basij, Bazdasht-e 4 tan iz Daneshjooian* [Continue Confliction Among Polytechnic Students and Basiji Forces; Arresting of 4 Students] DANESHJOO NEWS, Dec. 7, 2010, available at <http://www.daneshjoonews.com>.

Keshtkari,⁷⁸ Witnesses at Tehran University reported that security forces surrounded the campus with scaffolding and tents during the student protests.⁷⁹

- Authorities detained several individuals who were mourning at Behesht-e-Zahra cemetery on December 6, 2010. All were released on bail as of March 2, 2011.⁸⁰

Rights of persons belonging to minorities (art. 27)

33. Please provide information on particular restrictions or conditions placed on the enjoyment of cultural, linguistic and religious freedoms of minorities in the State party, such as the Kurds, Arabs, Azeris, and Baluch, including the use of minority languages in schools, publication of journals and newspapers in minority languages. Please also indicate the number of ethnic minority activists that have been accused of terrorism, acting against national security, or treason, since 2005, and the sentences pronounced in those cases.

IHRDC Response:

- In September 2011, IHRDC will publish a report on the State party's executions of Iranian Kurds in 1979. For several weeks in August and September 1979, as State party troops took control of towns in the Kurdish region, the Revolutionary Court briefly questioned men women and boys before convicting them of crimes such as "corruption on earth and at war with God and his prophet," and expressing support for the Kurdish Democratic Party of Iran (KDPI), as well as vague offenses such as "direct participation in Mariwan's events" and "gathering armed individuals," and sending them to the firing squad.
- Article 15 of the State party's Constitution provides that Persian is the official language of the Islamic Republic and that "[o]fficial documents, correspondence, and texts, as well as text-books, must be in [Persian]. "However, the use of regional and tribal languages in the press and mass media, as well as for teaching of their literature in schools, is allowed in addition to Persian."
- Beginning in the summer of 2006, Shima Asaadi, a young Kurdish Iranian woman from Sanandaj, Iran, was arrested multiple times and expelled from university on account of her activities with the KDPI.⁸¹
- In July 2007, Sabah Nasri, publisher of "Rujameh," was arbitrarily arrested, detained and tortured by State party officials in Sanandaj and Tehran for his activities in support of Kurdish rights in Iran.⁸²

⁷⁸ *Do Hafta Bekhabari az Vazeiat-e Afshin Keshtkari Danneshjooy-e Bazdashti [Afshin Keshtgari, Arrested Student is Held Incommunicado for Two Weeks ,]* RAHESABZ, Dec. 25, 2010, available at <http://www.rahesabz.net>.

⁷⁹ *Tajamohay-e Eterazi-e Daneshjouian ba Vojoud-e Tadabir-e Amniati [Student Protest Gatherings Despite the Security Measures]*, MARDOMAK, Dec. 7, 2010, available at <http://www.mardomak.org>.

⁸⁰ *Raftan be Behesht-e Zahra; Eghdam Alaihe Amniate Melli [Attending to Behesht-e Zahra; Acting Against National Security]*, ROOZONLINE, Dec. 27, 2010, available at <http://www.roozonline.com>.

⁸¹ IHRDC Witness Statement of Shima Asaadi (Apr. 16, 2011), available at <http://www.iranhrdc.org>.

⁸² IHRDC Witness Statement of Sabah Nasari (May 6, 2011), available at <http://www.iranhrdc.org>

- In early 2006, Amir Ahmadi was arrested at his home and imprisoned for his activities with *Komala*, a Kurdish Communist Party. He was held for 62 days in the Sanandaj intelligence office and tortured. He was then transferred to Sanandaj central prison where he was sentenced to eight years in prison, a fine of seven million toman (US\$7,000), and 100 lashes. In 2007, he fled the country during a five day furlough from prison.⁸³
- In 2010, the State party tried to arrest Amir Jafari for his involvement with KDPI. He fled the country.⁸⁴
- "Mehrdad Piran," a member of the KDPI, was arrested in 2002, most likely for his Kurdish heritage. In 2010, he left Iran because his involvement with the KDPI was exposed.⁸⁵
- "Loghman" cooperated with the KDPI from 2004 to 2007. In 2005, he attended a demonstration in protest of the death of Showan Ghaderi, a Kurdish man, who was killed by State party authorities. Following the demonstration, Loghman was arrested and held in the intelligence office in Mahabad for 20 days. He then spent eight days in prison and was charged with "disturbing the public order." He was released on the guarantee that he would not protest against the State party again. He left Iran in 2008.⁸⁶
- In 2007, Saman Sattari's family announced its support of the Part-e Azadi-e Kurdistan movement, stating that it was ready to fight against the State party. After the announcement, Sattari's home was raided. He and his family fled the Islamic Republic in 2010.⁸⁷
- "Siako," a supporter of the KDPI, was arrested in 2008 and spent six months in Mahabad prison. He was accused of disturbing national security. He was arrested a second time while distributing KDPI pamphlets. After spending 50 days in the Mahabad intelligence office, Siako was transferred to Mahabad prison and then released on bail. He was sentenced to 10 years prison, 95 lashes, and banishment. He left the State party in 2010.⁸⁸
- "Mami" was arrested in 2009 for distributing KDPI leaflets. He was imprisoned for 29 days in the intelligence office detention and tortured. He was released on bail, and fled the country in September 2010.⁸⁹
- In December 2010, brothers Zanyar and Loqman Moradi, members of the Kurdish Communist party *Komeleh*, were convicted of *Mohareb* and sentenced to death.⁹⁰

⁸³ IHRDC interview with Amir Ahmadi (Feb. 17, 2011) (on file with IHRDC).

⁸⁴ IHRDC interview with Amir Jafari (Feb. 2011) (on file with IHRDC).

⁸⁵ IHRDC interview with "Mehrdad Piran"[pseudonym] (Feb. 2011) (on file with IHRDC).

⁸⁶ IHRDC interview with "Loghman" [pseudonym] (Jan. 2011) (on file with IHRDC).

⁸⁷ IHRDC interview with Saman Sattari (Feb. 2011) (on file with IHRDC).

⁸⁸ IHRDC interview with "Siako" [pseudonym] (Feb. 2011) (on file with IHRDC).

⁸⁹ IHRDC interview with "Mami" [pseudonym] (Feb. 2011) (on file with IHRDC).

34. Please provide information on steps taken to protect members of the Baha'i community against arbitrary detention, false imprisonment, confiscation and destruction of property, denial of employment and Government benefits and denial of access to higher education.

IHRDC Response:

- In June 2011, continuing the wave of arrests of Baha'i citizens that began in March 2011, two Baha'is from Isfahan (Farhud Eshtiagh and Aye Anvari) and one Baha'i from Mashad (Sanaz Tafaz) were arrested and detained.⁹¹

⁹⁰ *Pedare Loqman Moradi, Zendale Mahkoum be Edam: Pesaram bad az 17 Mah Shekanjeh, Majbour be Paziroftane Terror Shodeh ast* [Father of Loqman Moradi, Death sentenced prisoner: My son, after 17 months of torture, had to accept the assassination] (Feb. 2, 2011), RAHESABZ, available at <http://www.rahesabz.net>.

⁹¹ Three More Baha'i Citizens Arrested (June 29, 2011), available at <http://www.irandailybrief.com>.