

ISLAMIC REPUBLIC OF IRAN

Joint stakeholder submission to the Working Group for The Universal Periodic Review

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Reporting Organizations:



Abdorrahman Boroumand Center (ABC) is a non-governmental non-profit organization dedicated to the promotion of human rights and democracy in Iran. The Center is an independent organization with no political affiliation.

Taking as a starting point the fundamental equality of all human beings, the Center seeks to ensure that human rights in Iran are promoted and protected without discrimination, whether it be on the basis of one's gender, race, religion, ethnicity, or national origin. Guided by the belief that unremedied human rights violations are a major obstacle to the establishment of a stable democracy, the Center is committed to the right of all victims of human rights abuses to justice and public recognition



Harm Reduction International (HRI) is a leading NGO dedicated to reducing the negative health, social and legal impacts of drug use and drug policy. We promote the rights of people who use drugs and their communities through research and advocacy to help achieve a world where drug policies and laws contribute to healthier, safer societies.

The organisation is an NGO in Special Consultative Status with the Economic and Social Council of the United Nations.

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JOINT STAKEHOLDER SUBMISSION TO THE UN UNIVERSAL PERIODIC REVIEW 34th SESSION OF THE UPR WORKING GROUP, NOVEMBER 2019

The Abdorrahman Boroumand Center for Human Rights in Iran (ABC) and Harm Reduction International (HRI) welcome the opportunity of reporting to the Working Group for the Universal Periodic Review on the implementation of some key recommendations accepted by Iran in 2014, during its second Cycle of Universal Periodic Review (UPR). This submission will focus specifically on the use of the death penalty for drug-related offences, respect for fair trial guarantees in this context, and the country's drug policy and its impact on the enjoyment of the human rights of people who use drugs.

1. Follow Up to the Previous Review

During its second Universal Periodic Review (UPR) in 2014, Iran received 291 recommendations, of which it accepted 130, partially accepted 59, and rejected 102.¹ Most recommendations accepted by Iran were general, for example calling on the country to “intensify its efforts” with regards to promotion of human rights or to “consider” and “continue” taking measures, while those proposing specific measures for much-needed reform were mostly rejected. Moreover, the number of recommendations partially accepted and rejected by the country significantly increased relative to Iran's first review in 2010.² Iran did not specify which part of the recommendations that it partially accepted had received its support, thus undermining the effectiveness of the recommendations and rendering monitoring and assessment of their implementation extremely difficult for stakeholders.³

ABC and HRI regret Iran's decision to reject recommendations to ratify core international human rights conventions, including the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) aimed at the abolition of the death penalty,⁴ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and its Optional Protocol,⁵ and the International Convention for the Protection of All Persons from Enforced Disappearance.⁶ The organizations further regret Iran's rejection of most recommendations pertaining to the use of the death penalty. Iran received 41 recommendations about its use of the death penalty, almost all of which, including a recommendation to “amend the penal code to exclude drug trafficking-related offences from those punishable by death,”⁷ were rejected. Iran accepted one recommendation involving guaranteeing due process safeguards in capital cases⁸ and partially accepted two recommendations regarding the application of the death penalty for individuals under the age of 18.⁹

Iran rejected calls to grant immediate and unhindered access to UN Special Rapporteurs on the situation of human rights in Iran¹⁰ while accepting a number recommendations to cooperate with UN human rights mechanisms including its Special Rapporteurs.¹¹ No UN Special Procedures have been able to visit Iran since 2005, despite the standing invitation Iran issued in 2002.

2. Normative and institutional framework of the state: Failure to bring laws into line with international human rights law

Iran has ratified the ICCPR, the ICESCR, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of the Child (CRC), albeit with a general reservation. Under Article 9 of Iran’s Civil Code, international treaties to which the country is a party are accorded the force of law. However, the authorities have failed to incorporate key human rights guarantees they have accepted under the ICCPR, ICESCR, the CRC and other treaties into domestic law.

2.1 Legal framework regarding the application of the death penalty in Iran

Death penalty in Iranian laws

Iran continues to foresee in law the death penalty for a considerable number of acts which do not meet the threshold of the “most serious crimes” such as drug offences, as well as for acts that should not be considered crimes at all. ABC has identified more than 200 acts for which the death penalty is prescribed under Iranian criminal law, including extramarital consensual sexual relations,¹² sexual conduct between consenting adults of the same sex,¹³ insulting the prophet of Islam,¹⁴ and a fourth conviction of theft.¹⁵ Broadly defined and vaguely worded offences of *moharebeh* (waging war on God) and *efsad fel-arz* (corruption on earth) which carry the death penalty are also routinely resorted to by the authorities.¹⁶ Despite the absolute prohibition on the use of the death penalty for individuals under the age of 18 at the time of the crime under international law, Iranian laws continue to allow the imposition and implementation of death sentences for child offenders.¹⁷

Death penalty for drug offences

Since its 2014 Review, Iran has continued to apply capital punishments for drug-related offenses which do not meet the “most serious crimes” standard.

A November 2017 Amendment (Article 45) to the Law for Combating Drugs restricted the use of the death penalty chiefly by increasing the volume threshold attracting a capital sentence for drug crimes.¹⁸ The bar for importing, exporting, sending, producing, manufacturing, distributing, selling, making available for sale Article 4 substances (“natural” drugs like bhang, hashish, marijuana, opium, opium juice, or opium residue) has been raised from five to above 50 kilograms. The threshold for importing, exporting, sending, producing, manufacturing, distributing, selling, and making available for sale of Article 8 substances (“processed” drugs such as heroin, morphine, cocaine, other chemical derivatives of morphine or cocaine, LSD, MDMA, GHB, Flunitrazepam, amphetamine, and methamphetamine) has been raised from 30 grams to above two kilograms. For the acts of storing, hiding, and carrying “processed substances,” the bar is above three kilograms.

Under the new Amendment, death penalty remains mandatory when the new thresholds are met, and even when they are not met, if the accused is a ringleader or financier, in cases where a principal or accomplice has drawn a weapon or carried a weapon with intent to oppose law enforcement, or where individuals who are under the age of 18 or mentally ill are exploited in the commission of the crime. These provisions are worryingly broad: the law does not define criteria such as “ringleader” nor does it provide for how “intent

to oppose law enforcement” is to be established, potentially leaving capital sentencing open to wide interpretation on the part of judges.

2.2 Legal framework regarding fair trial rights

In 2015 a new Code of Criminal Procedure entered into force. While the law provides for the better protection of individuals’ fair trial rights, it remains deeply flawed and fails to bring Iran in line with its international obligations. The law’s shortcomings were further exacerbated as a result of retrogressive amendments which reversed a number of its reforms just a few days prior to its entry into force in June 2015.¹⁹ While the Code is an improvement on the previous version, its provisions are routinely flouted in practice.

Access to lawyer

Article 48 of the 2015 Code of Criminal Procedure provides for the right of any accused person to “demand the presence of a lawyer from the start of detention.” However, under the Note to the Article, individuals accused of certain offences, including those relating to national security as well as those accused of “organized crimes” whose offence is punishable by penalties such as death and life imprisonment, are denied the right to access an independent lawyer of their own choosing during the investigation phase, which may last for months. Such individuals are only allowed to select their legal counsel during the investigation phase from a list of lawyers approved by the Head of the Judiciary. Moreover, as a result of the abovementioned late retrogressive amendments, a provision in the original draft which had rendered investigations void if the accused person’s right to access legal counsel was denied or if the person was not informed of this right, was removed. As a result, courts continue to be permitted to rely on confessions extracted without the presence of a lawyer during the investigation phase.²⁰

Prevention of torture and other ill-treatment

Iran has not ratified CAT. It is however bound by other human rights treaties such as the ICCPR as well as customary international law which place and absolute prohibition on torture and other ill-treatment.

Iran’s laws fail to provide adequate safeguards against torture and other ill-treatment despite a general prohibition of torture in the country’s laws including the Constitution (Article 38) and the 2004 Law on Respect for Legitimate Freedoms and Safeguarding Citizens’ Rights (Article 1 Point 9). No definition of torture as a crime is provided in the country’s domestic laws. Moreover, the law limits the prohibition to torture to when torture is aimed at “extracting confession or acquiring information,” thus neglecting torture and other-ill treatment for other purposes such as punishment or intimidation.²¹ The 2015 Code of Criminal Procedure has, in a positive development, provided for the right of detainees to access a doctor. However, access is granted only upon the request of the detainee or a close relative and the doctor must be appointed by the prosecutor, sparking serious concerns about them meeting the condition of independence.²²

Iran’s laws regarding investigation of allegations of torture are deeply flawed and no procedures for the automatic investigation of allegations of torture and other ill-treatment when such allegations are brought to the authorities’ attention are foreseen.

The 2013 Islamic Penal Code (IPC) retains punishments such as flogging, amputation, blinding, stoning, and crucifixion which under international law constitute torture. Moreover, the Law for Combating Drugs foresees punishments for some drug-related offenses which amount to torture, such as 84 flogging lashes for importing five kilograms of opium (Article 4, Point 3) and thirty flogging lashes for a second conviction for planting opium poppies (Article 2, Point 2).

Rights of foreign nationals

The Vienna Convention on Consular Relations, ratified by Iran, sets out specific guarantees in favor of individuals arrested or detained in third countries, including by requiring the competent authorities of a state in which a foreign national is arrested or detained to inform the consular post of that person's state without delay (Article 36).

Despite the inclusion of an Article (236) in the Code of Criminal Procedure regarding the access of foreign nationals in custody to consular assistance, the Code makes such access dependent on the approval of the Prosecutor General without clarifying the criteria based on which access is granted or denied. The Prison Regulations similarly subject the right of foreign nationals to access consular assistance to the approval of judicial authorities (Article 193). Furthermore, the Regulations hold that all meetings and communications between imprisoned foreign nationals and their consular officials must be subject to supervision by the authorities meaning that such access, when granted, is not confidential. (Article 194).²³

Right to appeal

The 2015 Code of Criminal Procedure significantly improved the right to appeal for those sentenced to death for drug-related offences. The Code revoked Article 32 of the Anti-Narcotics Law which in contravention of international law denied individuals sentenced to death for drug-related offences the right to appeal as their sentences could be carried out upon the approval of the Head of the Supreme Court or the Prosecutor General. Nonetheless, the appeal process for those sentenced to death in Iran remains an area of concern. Following the issuance of the sentence by a lower court, the convicted individual can appeal to the Supreme Court, the sole level of appeal. Moreover, appeals to the Supreme Court are done in writing, meaning that the convicted individual or their lawyers do not enjoy the right to be present during the Supreme Court session.²⁴

2.3 Legal framework with regards to drug policy

Iran's laws continue to criminalise substance use. The General Policies for Combating Drugs, signed and communicated to government branches by Supreme Leader Ali Khamenei in October 2006, calls for the criminalisation of substance use unless when in medical and harm reduction contexts.²⁵ Article 1 of the Anti-Narcotics Law criminalises substance use while Article 19 prescribes the cruel and inhuman punishment of flogging as well as a monetary fine for those who use drugs but are not "addicts". Article 15 states that "addicts who do not seek treatment and rehabilitation are criminals."

3. Promotion and protection of human rights on the ground

3.1 Death penalty

ABC has collected reports on a total of 3,399 death sentences implemented in Iran from the beginning of 2014 through March 26, 2019 (comprising 952 in 2014, 1054 in 2015, 592 in 2016, 509 in 2017, 254 in 2018, and 38 so far in 2019), qualifying Iran as one of the world's highest-application death penalty states. According to ABC's research, 1,733 individuals were executed on drug-related charges, who were not also convicted of another capital charge (e.g. murder) since the beginning of 2014 through March 26, 2019, representing a majority of the country's total executions. Ninety of these executions pertained to cases where defendants were convicted for crimes involving less than one kilogram of drugs. Eight drug offense executions were carried out in public (of 195 total public executions for the period).²⁶

3.2 Implementation of the amended Anti-Narcotics Law

A review process started in early 2018 for thousands of individuals sentenced to death for drug offenses under the terms of the reformed drug law. Assessing the impact of the reform is challenging due to the judiciary's lack of transparency and the absence of official data regarding the number of executions and death row prisoners and their charges. Figures given by officials for death row prisoners who may be affected by the Amendment range from 3,000 to 15,000. The Tehran Prosecutor announced in November 2018 that 3,300 requests for review under the new law had been received in Tehran only.²⁷

Based on reports collected by ABC, the judiciary observed a moratorium on executions for drug-related offenses from the beginning of 2018 through the final days of April. Since that time, 23 individuals have been executed on drug-related offenses not accompanied by murder.²⁸

The Amendment, if implemented consistently, will save a significant number of convicted persons from the death penalty. However, the alternative punishments now being implemented, including lengthy prison sentences and heavy fines,²⁹ constitute heavy burdens on those convicted and their family members, many of whom are from economically deprived backgrounds.³⁰

Individuals affected by the drug law reform whose cases have been tracked by ABC include:

- A man imprisoned on charge of selling drugs whose initial life sentence has been reduced to 25 years.
- A man whose case involved 90 "sort" units of methamphetamine and five kilograms of opium, who was initially given a death sentence. It was reduced initially to a life term, and eventually to 18 years' prison and 700 million rials (c. 21,000 USD) in fines.
- A group of three men (one imprisoned for approximately eight years, the other two for approximately four years). All three were originally sentenced to death for drug offenses. Their capital sentences were struck down, and they now have been granted an "open" prison arrangement where they are able to leave prison by day to work.

- A man arrested in an airport before boarding an international flight with 45 grams of methamphetamine and sentenced to life in prison. His sentence was reduced to fines and 20 years in prison. A further eight years were ultimately taken off this sentence, reducing it to 12 years.
- A.G. and M.G., an uncle-nephew pair initially sentenced to death for 2.75 kilograms of heroin discovered in a vehicle A.G. was driving. Their sentences have been reduced upon appeal to 30 years' imprisonment, a fine of two billion rials (c. 60,000 USD), and government expropriation of their vehicle.

The mother of one drug defendant reports to ABC that her son's death sentence for a crime involving 450 grams of methamphetamine has been converted to 30 years' imprisonment and two billion rials (c. 60,000 USD) - a punishment she calls tantamount to the death penalty. Another woman reports to ABC that her husband's death sentence for carrying 220 grams of heroin and 20 grams of methamphetamine was converted to 30 years in prison and two billion rials. Other family members of drug convicts have reported to ABC that their incomes are too low to be able to pay the financial penalties added in the new sentences and that they have little hope for seeing their loved ones released from prison.³¹

3.4 Transparency regarding the use of death penalty

The Iranian authorities do not publish any figures on the country's use of the death penalty despite repeated calls by international human rights groups and bodies, and do not grant access to independent monitors. No legislative attempts to increase judicial transparency has been made since Iran's last UPR.

Since the last UPR, ABC has recorded cases where the relatives and lawyers of individuals on death row have not been informed of the planned execution. In some cases, the authorities refused to return the bodies of those executed and have buried them in unidentified locations.³²

3.3 Respect for due process guarantees in practice

Cases of persons accused of capital drug offenses, like those of other defendants, have continued to be marked by serious deficits of due process, including lack of access to legal counsel, torture and other ill treatment in detention, and denials of the right to appeal and retrial.

For example, Alireza Madadpur (executed in August 2016) was subject to incommunicado detention and interrogation without the presence of a lawyer for weeks following his arrest in November 2011. The court appointed a lawyer (at most) two weeks prior to his trial at a Revolutionary Court, during which he and three other defendants were sentenced to death in proceedings lasting just 20 minutes. The lawyer was permitted only to read from a prepared statement. Despite his co-defendants' insistence he had played no part in drug manufacturing activities for which he was sentenced, judicial authorities denied him a retrial request in 2015.³³

The family of Mika'il Shahbazi (executed in May 2016) was not informed of his arrest in February 2013 until days later. His death sentence was issued on the basis of confessions he made while being interrogated without access to a lawyer. A lawyer introduced by the family met with Shahbazi only days before trial, and he was sentenced along with another defendant in a 30-minute session.³⁴

Mohsen Nasiri (executed in January 2016) was subject to reportedly warrantless arrest during which officers threatened and insulted his family members. He was taken to an undisclosed location and denied telephone contact with his family for two weeks. During interrogation without a lawyer and under coercion, he made a confession on the basis of which his sentence was issued.³⁵

Reza Hosseini (executed in May 2016) was arrested after being beat by law enforcement officials with whom he became engaged in a verbal altercation in the summer of 2013. His wife reports he was held incommunicado for eleven months, during the first 70 days of which he was interrogated under torture. He reported that his February 2014 trial lasted just a few minutes.³⁶

Mahmud Barati (executed September 2015) reported being tortured for ten days after his summer of 2006 arrest for purposes of extracting a confession. Barati recanted the confession in subsequent phases of trial, insisting it had been coerced and that his interrogators had promised to release his family members who had also been arrested should he accept the charges. The individual who possessed the narcotics at issue in the case also retracted his confession - the only other evidence against Barati - in a written letter.³⁷

Sa'id Baluchi (executed March 2015) was subjected to a warrantless arrest in September of 2012, reportedly after law enforcement failed to find a suspect in a smuggling case for whom a warrant had been issued. He was transferred to solitary confinement and denied contact with his family, then transferred to Chahbahar Prison after five days. There he was subjected to torture, including electrical shocks and drilling of the feet, marks of which were later evident on his body, in order to extract a confession. He was sentenced to death in a 20-minute trial. His court-appointed attorney reports that exculpatory testimony from community leaders were removed from his case file and not presented in court. Though the Supreme Court struck down the verdict and ordered a retrial over a lack of reports of a discovered weapon, its objection was nullified when authorities introduced the sworn testimony of members of the anti-narcotics forces.³⁸

Imposition of the death penalty against foreign nationals

According to ABC's research, between 2014 and 2019 citizens of Afghanistan, Pakistan, and Turkey have been executed in Iran for drug-related offences. No information is available regarding these individuals' access to their consular authorities. In November 2018, a member of Parliament's Social Commission stated that 92% of foreign nationals imprisoned in Iran were from Afghanistan, many of whom have been arrested from drug-related offences.³⁹

3.4 Human rights violations in the context of Iran's drug policy

Arrest of people who use drugs

People who use, or are suspected to be using, drugs are routinely rounded up and arrested on the streets by law enforcement authorities and forcibly admitted to rehabilitation camps without any judicial processes.⁴⁰ The authorities often use dehumanising language with regards to people who use drugs whereby they make promises to the public about "gathering" or "collecting" drug users from the streets in order to cleanse the

face of cities, or describe the presence of drug users on the streets as degrading and humiliating to the regime.⁴¹

Drug ‘treatment’ camps

Under Articles 15 and 16 of the Anti-Narcotics Law, people identified as “addicts” are obligated to seek treatment in government or private rehabilitation centers. Despite the existence of regulations for such centers (referred to as “camps”) and the existence of a licencing scheme, lack of adequate oversight by the authorities has resulted in the emergence of a large number of illegal camps across the country. Furthermore, reports have emerged of the creation of centers for detention of “flagrant addicts” (*mo’tadan-e motejaher*) across the city of Tehran by the Revolutionary Guards.⁴²

Individuals who use drugs are most commonly admitted by force to rehabilitation camps by the authorities, including law enforcement or judicial officials, and their families. There are no procedures for individuals detained in these camps to challenge the lawfulness of their detention and its continuity before a regular, independent and impartial court. In practice, people who use drugs can be arbitrarily detained for indefinite periods of time.

There are serious concerns with regards to the compatibility of rehabilitation methods used in the camps with international human rights standards and evidence-based health approaches. Reports of torture, ill-treatment and punishments of people who use drugs in camps are rife and regularly reported by official and semi-official media. In September 2018, a member of Parliament’s Social Commission criticised the treatment methods used in rehabilitation camps. Referring to the lack of success of rehabilitation programmes, she stated that despite requirement for the involvement of medical professionals including psychiatrists and social workers, these requirements are often ignored and “any person without expertise or familiarity in this field has established camps”.⁴³

ABC and HRI have received information indicating the widespread and systematic use of non-evidence-based treatment methods both in licensed and illegal camps. For example, upon admission to camps individuals are generally held in “withdrawal rooms” (in small or big groups). According to information received by ABC and HRI, this process of detoxification reportedly takes place without the presence of medical professionals. Moreover, it appears that (except in exceptional cases), drug users’ medications, including those prescribed for mental health conditions, are discontinued following their admission to camps. While regulations prescribe the need for supervision by medical professionals, it is not clear whether there is regular or any medical supervision. Information received by ABC indicate that some camps are rarely or never supervised by doctors or psychiatrists. In 2014, an official from the State Welfare Organization reported that 39 individuals had died in rehabilitation camps during the previous year (between January 2013 and January 2014) referring to the first few days of detoxification as the main reason behind the deaths.⁴⁴

In some cases, it appears that punishment and conduct amounting to torture or maltreatment are effectively used as “rehabilitation methods”.⁴⁵ For example, in some camps detainees are thrown in cold water pools during winter. Reports of beatings and denial of sufficient and adequate food resulting in reports of hunger in camps are also rampant. A number of officials have themselves expressed concern about the number of



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illegal camps and the incidents that take place in the absence of official supervision.⁴⁶ For example, In October 2017, Ruhollah Babai, a member of Parliament's Social Commission expressed concern about the number of illegal camps in the country. According to the article published by the Parliament's official news Agency, "the member of the Board of Chairs of the Social Commission of Parliament with regards to the torture of addicts in some illegal rehabilitation camps said: 'rehabilitation has its special treatment principles and these behaviors are far from humane. As such, responsible bodies must intervene and close down the illegal camps as their continued functioning would result in people losing trust in rehabilitation centers.'" He added that there were no reliable statistics about the number of illegal camp saying 'Unfortunately, because these camps do not have names or an address and most of the times [individuals] run them on the corner of a garden or a complex, they cannot be traced. [Only] when [incidents] happen their violations surface.'⁴⁷

According to some officials statement, between 3500 and 4000 people who use drugs with medical conditions such as HIV/AIDS, hepatitis, tuberculosis, and infectious diseases, individuals with physical or mental disabilities, transgender or transsexual persons, and the elderly are rejected from rehabilitation camps.⁴⁸

Other drug camps

An informed source with knowledge of Farahabad Camp facility, used to house individuals convicted of drug offences serving non-capital sentences in the province of Mazandaran reports direly substandard conditions there. Farahabad houses some 3,000 inmates, nearly triple its intended capacity, with three showers per 700 people, and hot water available once an hour two times a week. Located on a beach, Farahabad Camp is distant from plumbing networks. Potable water is made available only in the form of morning tea water; it otherwise must be purchased in bottles by inmates. Tap water in the spring and fall months is saline and polluted with sand, and is not available between 8AM and 4PM. The individual reports that drugs are readily available in the camp with officials' complicity. The individual also describes methadone being distributed to inmates to pacify and incapacitate them, rather than for therapeutic purposes.⁴⁹

Cruel, inhuman, and degrading punishments

ABC has collected reports on the issuance of 59 flogging sentences for drug offenses since the beginning of 2014 (of 1,292 total), and reports on implementation of 20 such sentences. Lack of transparency in the judicial system means the number of these punishments is higher than those for which reports are available. They include the cases of M. Gh. Kh. flogged in public in Firuzabad, Fars Province in August 2016⁵⁰; Nosratollah Kh., given 50 lashes for carrying 980 grams of hashish (before his January 2017 execution for carrying one kilogram of methamphetamine)⁵¹; R.T., a man given 74 lashes in a public square in Nahavand, Hamedan Province in May 2015 for selling drugs⁵²; and S.R. and M.J., two men given 60 lashes in public in Farashband, Fars Province in December 2014 for selling drugs.⁵³ On January 2, 2019, a man was reportedly given 40 lashes by officials at Zahedan Prison for using drugs while incarcerated.⁵⁴

4. Recommendations for Action by the State under review

Normative and institutional framework:

- Ratify, without reservations, the Second Optional Protocol to the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, and the International Convention for the Protection of All Persons from Enforced Disappearance and remove the reservation to the Convention on the Rights of the Child;
- Immediately facilitate a visit by the Special Rapporteur on the situation of human rights in Iran and honour the existing standing invitation to the UN Special Procedures to visit Iran.
- Before the next cycle of review, define torture as a crime under Iranian law in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establish in law procedures for the automatic investigation of allegations of torture and other ill-treatment.
- Ensure that statements obtained as a result of torture, ill-treatment or other forms of coercion are excluded as evidence in criminal proceedings against the accused person.
- Amend laws in order to abolish corporal punishments which violate the absolute prohibition of torture and other ill-treatment, including flogging, amputation, stoning, and crucifixion.
- Before the next cycle of review, repeal the Note to Article 48 of the Code of Criminal Procedure, which denies individuals facing certain offences access to an independent lawyer of their choice; ensure that all persons charged with a criminal offence have access to a lawyer of their choice immediately after the arrest; and ensure that statements obtained in violation of the right to access a lawyer are not admissible at trial.
- Ensure that all foreign nationals in custody are informed of their right to consular assistance, are granted prompt access to consular assistance, and can communicate with their consular officials in confidence.
- Ensure in law and practice that all persons deprived of their liberty have the right to challenge the lawfulness of their detention and its continuity before a regular, independent and impartial court.

Use of the death penalty:

- Immediately establish an official moratorium on all executions and commute all existing death sentences, with a view to fully abolishing the death penalty.
- Stop all public executions.
- Starting from 2020, annually publish official detailed information on the use of the death penalty (including, but not limited to: the number of people sentenced to death and executed; the nature of the offenses; the identity of executed prisoners; their age, gender, and ethnicity; the number of overturned death sentences on appeal; and the number of pardoned convicts.)

Drug policy and human rights of people who use drugs:

- Consider adopting laws to decriminalise drug use and possession for personal use.
- Provide updated, reliable, and disaggregated information on the ‘drug treatment camps’ and other drug camps in operation, including details on the legal framework governing them, the number of people undergoing treatment, the kind of treatment provided, and the presence of trained medical professionals in the camps.
- Ensure in law and practice that all individuals held in criminal or administrative detention have the right to challenge the lawfulness of their detention and its continuity before a regular, independent and impartial court.
- Ensure that all individuals held in criminal or administrative detention are protected from treatments and punishments that violate the absolute prohibition of torture and other ill-treatment and that all allegations of torture and other ill-treatment are impartially, independently and thoroughly investigated.
- Starting in 2020, initiate a process of further review of the domestic narcotic legislation, with the objective of aligning it to relevant human rights obligations, in particular related to the right to health of people who use drugs.
- Pass legislation ensuring drug treatment and rehabilitation is health-centered, evidence-based, and respects the principle of free, prior and informed consent.
- Close compulsory drug treatment centers still in operation and ensure that subjects who are currently undergoing forced treatment are released, and provided acceptable and evidence-based healthcare on the basis of individual needs. Subjects who endured violations of their rights while detained in these centers must be granted access to justice, without discrimination.
- Pending the closure of compulsory drug treatment centers, ensure that all individuals held in them are treated with dignity and that their human rights, including to adequate food, water and sanitation, and the highest attainable standard of physical and mental health are respected and protected.

¹ Addendum to Human Rights Council, 28th Session (2 March 2015), Report of the Working Group on the Universal Periodic Review, (A/HRC/28/12/Add.1), para 7(a)(b)(c).

² During its first Universal Periodic Review in 2010, Iran accepted 123 recommendations, partially accepted three, rejected 46, and took note of the remaining 16. See Human Rights Council, 14th Session (15 March 2010), Report of the Working Group on the Universal Periodic Review, (A/HRC/14/12), para 90, 91, and 92.

³ Impact Iran, “Universal Periodic Review: Follow-up Implementation Report”, available at: http://impactiran.org/wp-content/uploads/2018/02/ImpactIran_UPR-Report.pdf

⁴ Addendum to Human Rights Council, 28th Session (2 March 2015), Report of the Working Group on the Universal Periodic Review, (A/HRC/28/12/Add.1) para. 138.2 (Benin and Portugal).

⁵ Ibid. para. 138.4, (the former Yugoslav Republic of Macedonia), 138.5 (Indonesia), 138.10 (Estonia), 138.13 (Uruguay), 138.14 (Ghana, Guatemala, Poland), 138.15 (Austria), 138.16 (Spain).

⁶ Ibid. 138.21 (Uruguay, Ghana).

⁷ Ibid. 138.144 (Spain).

⁸ Ibid. 138.213 (Mexico).

⁹ Ibid. 138.156 (Italy) and 138.204 (Chile).

¹⁰ Ibid. 138.70 (Sweden), 138.71 (United States of America).

¹¹ Ibid. 138. 87 (Paraguay), 138.79 (Lithuania), 138.82 (South Korea), 138.83 (Romania).

¹² The Islamic Penal Code Articles 221-225 <https://www.iranrights.org/library/document/3430>

¹³ Ibid. Articles 233, 234.

¹⁴ Ibid. Article 262.

¹⁵ Ibid. Article 278.

¹⁶ Ibid. Articles 286, 287.

¹⁷ Ibid, Article 91.

¹⁸ Full text of the measure: <https://www.iranrights.org/library/document/3262>. The Special Rapporteur on Human Rights in Iran emphasized the inadequacy of the drug law reform in her March 2018 report: <https://www.iranrights.org/library/document/3354>

¹⁹ Amnesty International, “Iran: draconian amendment further erode fair trial rights”, June 25, 2015, (MDE 13/1943/2015), available at: <https://www.amnesty.org/en/documents/mde13/1943/2015/en/>.

²⁰ Amnesty International, Flawed reforms: Iran’s new code of criminal procedure (Index: MDE 13/2708/2016), available at: <https://www.amnesty.org/en/documents/mde13/2708/2016/en/>. Cases in which capital sentences have been issued on the basis of reportedly coerced confessions include those of Mohammad Salas Babajani, executed June 2018 (<https://www.iranrights.org/memorial/story/-8267/mohammadreza-salas-babajani>) and alleged juvenile offender Saleh Shar’iati, currently on death row (<https://www.iranrights.org/newsletter/issue/92>). Many of the cases detailed in Section 3.3. below feature coerced confessions.

²¹ Amnesty International, Flawed reforms: Iran’s new code of criminal procedure (Index: MDE 13/2708/2016) available at: <https://www.amnesty.org/en/documents/mde13/2708/2016/en/>, Executive By-law for Management of Security Detention Centres, 21 November 2006, available at <https://bit.ly/1S0h31N>, Executive By-law for Formation and Management of Police Detention Facilities and their Supervision, 26 February 2013, available at <https://bit.ly/1Ph3ZPV>.

²² Amnesty International, Flawed reforms: Iran’s new code of criminal procedure (Index: MDE 13/2708/2016) available at: <https://www.amnesty.org/en/documents/mde13/2708/2016/en/>.

²³ Amnesty International, Flawed reforms: Iran’s new code of criminal procedure (Index: MDE 13/2708/2016), available at: <https://www.amnesty.org/en/documents/mde13/2708/2016/en/>.

²⁴ Amnesty International, Flawed reforms: Iran’s new code of criminal procedure (Index: MDE 13/2708/2016), available at: <https://www.amnesty.org/en/documents/mde13/2708/2016/en/>.

²⁵ General Policies for Combating Drugs, 2006, available at: <http://farsi.khamenei.ir/news-content/?id=32758>

²⁶ <https://www.iranrights.org/library/document/3541>; <https://www.iranrights.org/library/document/3542>

²⁷ Lawmakers themselves have expressed frustration over this failure of collecting and publishing accurate numbers on the part of judiciary officials (see for instance “Majles Rep. Jahanabadi: Judiciary Should Announce Statistics on Drug-Related Executions,” July 23, 2017, ISNA <https://www.iranrights.org/library/document/3207>.) In August of 2017, Majles Judicial and Legal Commission spokesman Hassan Nowruzi stated that some 5,300 people were on Iran’s death row for drug charges (<https://ir.voanews.com/a/iran-human-rights-justice/3977167.html>). By February of 2018, Nowruzi spoke of more than 15,000 cases of drug offenders sentenced to death which were in need of review, citing “information [judicial officials] have given us” (<https://bit.ly/2rFQmqL>). Yahya Kamalipour, a member of the same Judicial and Legal Commission, said in October 2017 that 4,000 prisoners would be spared execution under the new law (<https://www.isna.ir/news/96080804641/>). Representative Mohammad Ali Purmokhtar, also a Commission member, said in September 2018 that there were 3,000 drug traffickers awaiting execution (<https://www.iranrights.org/library/document/3464>). The 3,300 review petition number given by the Tehran Prosecutor includes those with both capital and life sentences (<https://www.radiozamaneh.com/368818>).

Research conducted by ABC regarding the country’s prison population suggests that Nowruzi’s highest figure of 15,000 is likely to be most accurate. On January 8, 2019, Asr-e Iran quoted Iran Prisons Organization Head Asghar Jahangir as saying that the country’s prisons houses more than 240,000 prisoners, 39% of whom - 93,600 – were being held on drug charges (<https://www.asriran.com/fa/news/648578>). In a May 30, 2016 article, the semi-official Mehr News Service quotes Prisons Organization Head Jahangir as saying that 14,000 of Tehran Province’s prisoners (of 32,77 total) were there for drug charges. Tehran Province’s population is approximately 18.9% of the country’s total (<https://www.mehrnews.com/news/3672588>). A December 12, 2017 article from the semi-official Tasnim News quotes a prison official in Kerman Province as saying that of 13,000 prisoners being held in that province, 9,100 had been convicted of drug-related offenses. Kerman’s population is approximately 3.8% of Iran’s total (<https://www.tasnimnews.com/fa/news/1396/09/21/1599394>). January 15, 2019 coverage from Basij News quotes a senior judicial official in Qazvin reporting 1,700 drug prisoners in that province. Qazvin represents approximately 1.6% of the country’s total (<http://basijnews.ir/fa/news/9100644>).

²⁸ Their charges include “carrying 4 kilograms of methamphetamine and 1.8 kilograms opium product,” “carrying 5 kilograms of industrial drugs,” and “buying and selling 100 kilograms of morphine.”

²⁹ Penalties assessed in a re-sentencing guideline document obtained by ABC include a minimum 500,000 rial fine (c. 15 USD) and 20 lashes for one centigram of industrial drugs; an eight million rial fine (c. 240 USD), 30 lashes, and two years of imprisonment for just one gram of industrial drugs; a 515 million rial fine (c. 15,450 USD), 15 years’ prison, and drug-related asset appropriation for 30 grams of industrial drugs; and a one billion rial fine (c. 30,000 USD), 25 years of imprisonment, and drug-related asset expropriation for 100 grams of industrial drugs.

³⁰ USD conversions for fine amounts given below are based on the official exchange rate as of February 22, 2019. The rate is subject to great volatility. According to an official report from Iran’s Center for Strategic Statistics and Information, in 1396 (March 2017- March 2018), the average annual income of urban families in Iran was nearly 370 million rials (366,947,000) while their average cost of living was nearly 330 million rials (329,525,000). The average annual income of rural families is reported to have been just over 200 million rials (201,842,000) and their cost of living nearly 180 million rials (178,670,00).

³¹ ABC interview November 2018.

³² See e.g. the cases of Zaniar and Loqman Moradi (<https://www.iranrights.org/memorial/story/-8170/zanyar-moradi>); <https://www.iranrights.org/memorial/story/-8169/loqman-moradi>) and Hossein Ramin Panahi (<https://www.iranrights.org/memorial/story/-8286/ramin-hossein-panahi>) abruptly executed without prior notification of lawyers or family members in September 2018. Authorities did not turn their bodies over their family members and have not disclosed their places of burial.

³³ Omid Memorial entry for Alireza Madadpur: <https://www.iranrights.org/memorial/story/-7968/ali-reza-madadpur>; August 2016 statement of the Special Rapporteur for Human Rights in Iran: <https://www.iranrights.org/library/document/3012>

³⁴ Omid Memorial entry for Mika’il Shahbazi <https://www.iranrights.org/memorial/story/74744/mikail-shahbazi>

³⁵ Omid Memorial entry for Mohsen Nasiri: <https://www.iranrights.org/memorial/story/-7770/mohsen-nasiri>.

³⁶ Omid Memorial entry for Reza Hosseini: <https://www.iranrights.org/memorial/story/74843/reza-hosseini>.

³⁷ Omid Memorial entry for Mahmud Barati: <https://www.iranrights.org/memorial/story/-7974/mahmud-barati>.

³⁸ Omid Memorial entry for Sa’id Baluchi: <https://www.iranrights.org/memorial/story/-7669/said-baluchi>.

³⁹ ICANA, “A large proportion of offences committed by jailed nationals of Afghanistan related to drugs”, November 3, 2018, available at: <https://bit.ly/2HbZ7Cx>.

⁴⁰ Due to lack of transparency in Iran’s justice system, the exact number of substance users arrested annually are not known. However, official reports and statements indicate that thousands of individuals who use drugs are annually arrested by the authorities. In February 2019, the Head of Tehran’s police forces said that “gathering flagrant addicts” (*mo’tadan-e motejaher*) in Tehran was a priority for the force, see:



<https://bit.ly/2He49i4>. In April 2016, the Head of the Prevention Police in Alborz Province stated that 4500 “flagrant addicts” over the previous two months. See: <https://bit.ly/2HW617R>. In October 2017, the Head of Azarbaijan Police stated that 11000 “addicts” had been arrested between April and September by the force. See: <https://bit.ly/2uvMLNa>. In April 2018, the governor of Oroumieh reported that 1347 “flagrant addicts” had been apprehended during the New Year (Nowruz) holidays. See: <https://bit.ly/2HIMSxC>. In July 2018, the chief of Tehran’s Anti-Narcotics Unit of the police stated that 878 “flagrant addicts” had been “gathered/collected” within 48 hours in Tehran, see: <https://bit.ly/2F6wvZ9>. In December 2018, the Head of Anti-Narcotics Police in Lorestan said that 13850 “flagrant addicts” had been arrested during the year. See: <https://bit.ly/2JIS9XW>.

⁴¹ In December 2018, Tehran police Chief promised that drug users would be “gathered from the streets of Tehran” by the end of the year, see: <https://bit.ly/2TCdC8A>. In December 2018, Ali Larijani, the Speaker of the Parliament described the presence of drug users on the streets as degrading to the regime. See: <https://bit.ly/2HHx1hY>. In February 2019, Zanzan governor stated that drug users will be kept in camps till the end of the first month in Iranian calendar in order to ensure that the city could provide an acceptable reception for travellers during the New Year holidays (Nowruz), see: <https://bit.ly/2Uxs0vU>.

⁴² In February 2019, a member of Parliament’s Research and Education Commission stated that the Revolutionary Guards had “established centers for gathering “flagrant addicts” (*mo’tadan-e motejaer*) across the city.” See: <https://bit.ly/2VQUlxK>.

⁴³ She further stated that substance users often start using other forms of drugs in camps illustrating that the treatments are not in line with scientific research and experts’ advice. See, ICANA, “Member of parliament Social Commission: The treatment process of addicts in rehabilitation camps is not standard”, September 13, 2018, available at: <https://bit.ly/2F6ygpB>.

⁴⁴ ISNA, “Death of 39 people in rehabilitation camps in the past year”, January 3, 2014, available at: <https://bit.ly/2JJhmKl>.

⁴⁵ In February 2016, the advisor to the Head of the Psychology and Counselling Organization of the Islamic Republic of Iran criticised the lack of adequate levels of hygiene and food and welfare facilities in some camps. He referred to one camp in which “beating-therapy” and threats of further beatings was used as a method to “rehabilitate” drug users. See: <http://shabestan.ir/detail/News/519639>. Also see: Javanonline, “Is this a rehabilitation or death camp?” February 22, 2010, available at: <https://bit.ly/2uv45BV>.

⁴⁶ In October 2017, Member of Parliament’s Health Commission expressed concern about illegal camps where he said “worrying incidents take place.” He said that according to the law, granting licenses for operating and supervision over the work of these camps fall under the responsibilities of the State Welfare Organization and the Ministry of Health. He stated that former has done more for addressing the operation of the camps. He further added that some camps do not qualify to get a license due to their lack of compliance with the law and regulations but their closure requires the intervention of the judicial authorities.

See: <https://bit.ly/2ChVM0z>.

⁴⁷ See: <https://bit.ly/2Ci9PmT>.

⁴⁸ In August 2018, Mohammad Bakhshandeh, the chief of Tehran’s Police Anti-Narcotic Unit stated that between 3,500 to 4,000 “flagrant addicts” (*mo’tad-e motejaer*) were banned from being admitted to rehabilitation camps due to illnesses such as HIV/AIDS, hepatitis, tuberculosis, and infectious diseases. According to him, drug users who suffer from mental illnesses, have mental or physical disabilities, are elderly or transgender/transsexual (the derogatory term *dojenseh* used) are also refused admission and return to the streets after police arrests them and transfers them to camps. See: <https://bit.ly/2HsNdni>

⁴⁹ ABC interview with former inmate at Farahabad Camp, Mazandaran, March 2019.

⁵⁰ <https://www.iranrights.org/library/document/3010>

⁵¹ <https://www.iranrights.org/library/document/3102>

⁵² <https://www.iranrights.org/library/document/2771>

⁵³ <https://www.iranrights.org/library/document/3014>

⁵⁴ <https://www.iranrights.org/fa/library/document/3523>