

# HUMAN RIGHTS VIOLATIONS IN IRAN

Report by  
Geneva International Centre *for* Justice



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## Contents

Introduction .....	1
1. Discrimination against and harassment of religious and ethnic minorities .....	1
1.1 The plight of the Hazara and other Afghan minorities.....	1
1.2 Abuse of ethnic Azeris .....	3
1.3 No Justice in Sight for Iran's Baha .....	4
1.4 Iran's Baloch: Iran's Least Known Act of Persecution .....	5
2. Human Rights Violations.....	7
2.1 Torture and Low Criminal Standards.....	7
2.2 Death Penalty .....	8
2.3 Forced Displacement .....	9
2.4 Disregard for the Environment in the Al-Ahwaz Region .....	10
2.5 Denial of the Right to Freedom of Expression and Peaceful Assembly .....	10
3. Iran's interference in the region .....	12
3.1 The expansion of the Islamic Revolution .....	12
3.2 Iran in Iraq.....	13
3.3 Iran in Syria .....	13
3.4 Iran in Yemen .....	15
3.5 The Formalization of a "Shia Liberation Army" .....	15
4. International advocacy .....	17
Conclusion .....	18

# HUMAN RIGHTS VIOLATIONS IN IRAN

## INTRODUCTION

The human rights record of Iran is regularly criticised and Teheran has been repeatedly condemned for the past and present violations committed throughout the country and beyond its borders. In addition to the wide range of crimes perpetrated, Iran is also well known for its strong sectarian agenda. In this regard, the authorities have been discriminating and persecuting ethnic and religious minorities present on the Iranian territory. Moreover, the armed forces have been conducting military attacks and providing indirect support to terrorise non-Shiite communities in the neighbouring countries.

The groups targeted by Teheran include the Hazaras, Pashtuns, Balochs, Azeris, Baha'i, ethnic Arabs and non-Shiites of the neighbouring countries. They are subjected to various human right violations, from forced displacement to mass killing, including denial of the right to education and to access to healthcare. Furthermore, every attempt at peacefully denouncing these violations has resulted in more people injured or killed.

The decade of talks in an attempt to address Iran's nuclear policy and the recent lift of the sanctions have failed to address very important issues in regards to the gross violations of human rights in the country against innocent civilians. Critics of the Iran deal suggest that the Iranian government "*will use a significant percentage of this pay-out to foment instability and violent extremism across the Middle East*".<sup>1</sup> In other words, it is to fear that the unfreeze of Iran assets will result in meddling and destabilizing actions in other countries on the false pretext of aiding and rescuing persecuted Shiite minorities, particularly in Yemen, Syria, Lebanon, Bahrain and even Nigeria.

In these circumstances, it is regrettable that the international community has ignored such record of violation and solely focused on the nuclear program that would have posed a threat to the West and their ally, Israel.

## 1. DISCRIMINATION AGAINST AND HARASSMENT OF RELIGIOUS AND ETHNIC MINORITIES

### 1.1 The plight of the Hazara and other Afghan minorities

Most of the Hazara ethnic minority migrated to Iran during the 1990's as they were running away from persecution by the Taliban, having perceived Iran as a safe haven.

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<sup>1</sup> "Obama Admin Fears Iran Deal Will Release Billions for Terror Attacks", 7 August 2016 at: <http://www.thedailybeast.com/articles/2015/07/08/obama-admin-fears-iran-deal-could-give-tehran-billions-for-terror.html>

However, they soon realized that they were not welcomed in Iran and fell victim to racism due to their Central Asian/Mongol appearance.

One of the worst atrocities perpetrated against the Hazara community was orchestrated by Iranian authorities in 1998. They massacred 630 Hazara refugees in the Safed Sang detention centre. Despite the victims belonged predominantly to the Shia sect, they were killed for their ethnic background. In order not to expose its hypocrisy when calling for Shiite unity and supremacy in other countries, the Iranian authorities covered up this event<sup>2</sup>.

Although many of the violations are not carried out directly with state sanctioning, it is nonetheless the responsibility of the host countries authorities to provide both safety for the refugees and minority groups as well as to educate the indigenous population on the evils of xenophobia. The government has failed to act upon these societal based abuses and has, in many cases, even hidden them or actively propagated them<sup>3</sup>. This can be seen in particular with the case of the Afghan students in Iran. Although physical punishment and abuse is common in Iranian schools, the level of abuse suffered by Afghan students, both physical and psychological, is far greater and severe than that suffered by Iranian pupils.

The exact number of cases involving abused Afghan students is unknown. However, there are at least 950,000 Afghan refugees in Iran and given this high number, one can safely assume the amount of Afghan students facing discrimination and abuse is very high. Such situation was reached because there is no system to protect and enforce the rights of the Afghan students. The systems in place are only available to Iranian citizens and thus Afghan students are often left to the mercy of xenophobic or sadistic individuals in their schools. For example, in January 2016, an Iranian principal beat five young Afghan students with a hose.

However, the most serious problem that Afghan students have to face is posed by the Iranian society. Indeed, many ordinary citizens in Iran harbour very racist sentiment towards Afghans. In these circumstances, Iranian authorities are guilty in the sense that they violate international human rights law and especially the right to education recognized to every child.

The lack of action from the international community has many reasons. On one hand, since the sanctions have been lifted, the West is now eager to enter into profitable trade with Iran. On the other hand, Afghanistan remained inactive regarding the violations and abuses caused to its nationals as it wishes to continue receiving favours of all kinds from Teheran (aid and trade). For instance, the Afghan movie "Neighbour", which re-enacts the 1998 Safed Sang massacre, was not distributed within its own country of origin as a consequence of Iranian pressures<sup>4</sup>. The same thing happened with Afghan films

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<sup>2</sup> Schwartz, Stephen. "Terror Against Hazara Muslim Minority in Iran, Pakistan, and Afghanistan." *The Weekly Standard*, 19 March 2013, web 4 July 2016.

<sup>3</sup> "Press Reports Reveal Abuse Against Afghan Students in Iranian Schools." *International Campaign for Human Rights in Iran*, 11 February 2015, web 5 July 2016.

<sup>4</sup> Bezhan, Frud. "Afghan Cinema Clambers Back, Despite Neighbor's Influence." *Radio Free Europe*, Radio Liberty, 21 October 2011 and web. 5 July 2016

addressing the plight of Afghan migrants in Iran. The movie “Madrassa” about the denial of an education to an 8-year-old Afghan girl in Iran was thus banned.

The international community has the duty to denounce these violations and pressure Iran to allow independent investigators to enter the country in order to carry out a non-biased and objective investigation. Previous attempts have failed. As of today, because of the established trade relations, no real pressure is put on Iran.

## 1.2 Abuse of ethnic Azeris

Following the conclusion of the 1828 Russo-Persian war, Azerbaijan was divided into two portions. The northern part went to the Russian Empire and is now known as Azerbaijan. The southern part however, still remains as a part of Iran. Consequently, the local population face severe forms of discrimination because of their cultural and linguistic differences. With approximately 27 million Azeris in Iran today, they constitute the largest ethnic minority of the country.<sup>5</sup>

Violating its own constitution which states that every ethnic minority living in Iran should be granted the right to be educated and attend classes taught in the respective language of that minority, Teheran keeps refusing this to the Azeri-Turkish. This refusal is based on the fear that this would motivate them to seek even more rights, eventually leading to self-autonomy<sup>6</sup>.

These discriminations reached a peak on 12<sup>th</sup> May 2006 when an Iranian newspaper published a cartoon depicting the Azeri population living in Iran as a cockroach demanding the right to speak its own language. Under the cartoon, there was a passage stating *“in dealing with cockroaches... one should not adopt violence, because it takes the fun out of it. In a civilized way, we should sit at a table and have a dialogue with them. Unfortunately, the cockroaches do not understand human language, and the grammar of their own language is so difficult that 80% of them prefer to speak the language of others. When cockroaches do not understand their own language, how do you expect them to understand us? It is at this point that dialogue comes to an end, and you have to resort to more violent ways.”*<sup>7</sup> This deeply racist and insulting publication resulted in mass demonstrations in major cities in Southern Azerbaijan, as such as the capital of Tabriz, paralyzing them for days and, in some cases, for weeks. The unique demand of the protesters was that Teheran prohibits the article along with the cartoon and issue a formal apology to the Azeris. However, this never happened and, on the contrary, Teheran responded by using force. In the end, dozens of protesters were killed and hundreds arrested. The exact figures are unknown, kept as a state secret. Afterwards, the government finally tried to temporize the situation by firing the editor of the newspaper and the author of the article.

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<sup>5</sup> Jannatoglu, Asim. "THE MINORITY RIGHTS OF AZERBAIJANI TURKS IN IRAN." *Rubin Centre: Research in International Affairs*. IDC Herzliya, 4 March 2016, web 5 July 2016.

<sup>6</sup> *Ibid* 5

<sup>7</sup> *Ibid* 5

Due to the large population of the province, politicians always make grand promises of rights recognition in the period prior to the elections. However, when they come to power, those promises are very quickly forgotten as in the case of the election campaign of Hassan Rouhani<sup>8</sup>.

Finally, there is an issue with the sacred Lake Urmia. It is the largest saltwater lake in the Middle East and it is also considered sacred by the local populations living on its banks. Furthermore, this lake provides a much-needed source of livelihood for the locals. However, its water levels have been dangerously decreasing since the Iranian authorities have started to use it for industrial purposes. This caused an increase of the salinity level of the lake, rendering it too salty to sustain any life. Demonstrations have been carried out in order to denounce this situation. Once again, the Iranian authorities responded with violence and many protestors got injured or killed. In the eventuality where the lake would dry up, this would force the Azeri populations to migrate towards Persian areas of central Iran<sup>9</sup>.

### 1.3 No Justice in Sight for Iran's Baha

One of the most discriminated groups in Iran is, without any doubt, the Baha'i. According to the Iranian legislation, members of this religious group are under constant observation and the sole fact for Iranian Shiite Muslims to be seen mingling with members of the Baha'i faith is seen as a form of "heresy" by the authorities. The attitude of the Iranian authorities towards the Baha'i can be compared to ISIS ongoing persecutions against the Yazidi's. The Iranian authorities do almost everything to the Baha'i short of murder.

Baha'i children are allowed to attend kindergartens. However, the staff is instructed to spot and constantly monitor them. Once they reach elementary and high school, the Baha'i children are monitored even more closely. Iranian universities and colleges simply banned them. Such denial of the right to education on the basis of the religious or ethnic background constitutes a serious violation of international law<sup>10</sup>.

In 2008, the leaders of the Baha'i religious council were arrested with charges of "sowing corruption on earth, insulting religious sanctities, propaganda against the system and espionage for Israel." They were finally charged and sentenced for 20 years despite the lack of credible evidence. Furthermore, a UN report published in March 2016 denounced the widespread discrimination faced by the Baha'i community for practicing their religion, including imprisonment and torture. For example, in January 2016, 23 Baha'is have been sentencing to a total of 193 years in prison<sup>11</sup>.

Iranian authorities have been closing up businesses ran by Baha'i and enacting regulations preventing their employment in general. The UN Special Rapporteur on

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<sup>8</sup>*Ibid* 5

<sup>9</sup> *Ibid* 5

<sup>10</sup> Abrams, Elliott. "Human Rights Remain Nonexistent for Iran's Baha'i Population." *The Washington Post*, 12 May 2016, web 8 July 2016.

<sup>11</sup> *Ibid* 10



freedom of religion, Heiner Bielefeldt, qualified the Baha'i as "*the most persecuted group in Iran*"<sup>12</sup>.

## 1.4 Iran's Baloch: Iran's Least Known Act of Persecution

The provinces of Sistan and Balochistan in Southeast Iran are predominantly populated by the Baloch people, who are mostly Sunni. The region is Iran's least developed and poorest although it is known to have vast mineral resources. The reason why these resources have not been exploited lies in the fact that Iran does not wish the region to be developed or its population to benefit from them. Why, one might ask?<sup>13</sup>

The reasons differ; among them is the fear that if the Baloch people knew of the economic value of their land, this would stoke separatist feelings. The situation resembles what is happening with the same ethnic group in Pakistan's Baluchistan, where the population has taken the arms to demand more autonomy and eventual sovereignty. Underdevelopment in Iran's Balochistan resulted in more than 80% of the entire Baloch population living below the poverty line. The NGO International Voice for Baloch Missing Persons claims that around 55% of the total 1,481 people executed in Iran between 2004 and 2009 are of Baloch ethnicity.<sup>14</sup>

Furthermore, the plight of the Baloch goes beyond poverty: these people are denied many rights on the basis of their religion and are as a result given the option of converting to Shia Islam should they wish to pursue a job or send their children to school. This has further caused many Baloch to leave Iran to neighbouring countries. The dire poverty in the region is further exacerbated by the fact that Iran invests little or nothing in regards to basic services. Residents of the province are upset that the funding is instead going to Iran's proxy wars in Syria, Iraq, Lebanon and Yemen. In a desperate attempt to obtain the attention of the authorities in Tehran, there have been many suicide bombings and attacks against Shiite religious houses and government related buildings.

These attacks although heinous in nature are a desperate cry for more recognition to a purposely forgotten region. A lack of transparency in particular with this region is one major reason there is so little information available on these violations.<sup>15</sup>

## 1.5 Maltreatment of Ethnic Arabs: the Plight of Al-Ahwaz

The widespread human rights violations of Iran citizens who are culturally and ethnically Arabs are observed in the province of Al-Ahwaz which was annexed by Iran in 1925 under the rule of Shah Reza Pahlavi. This has primarily put the predominantly Arab population of the province under direct rule of the exclusively Persian government in Tehran. The Arabs citizens have been subjected to abuse and violations of their basic

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<sup>12</sup> *Ibid* 10

<sup>13</sup> Zurutuza, Karlos. "Inside Iran's Most Secretive Region." *The Diplomat*. The Diplomat, 16 May 2011. Web. 8 July 2016.

<sup>14</sup> *Ibid* 13

<sup>15</sup> *Ibid* 13

rights, in the forms of arbitrary detentions and racial discrimination in the job market and within civil society such as in the education field. Being admitted to university, for instance, is way harder for Arabs than it is for ethnic Persians. A clear indicator of this is the literacy rate of the province, where 80% of Arab women and around 50% of Arab men are illiterate. Iranian government also prohibits the Arabs of the province from using Arabic in an official capacity as well as banning the teaching in Arabic within schools.

Al-Ahwaz province provides for up to 80% of Iran's total oil requirements. Despite so, it remains one of the poorest and least developed regions in Iran, since oil revenues are not being re-invested into the economy, but instead invested into the military in order to continue carrying out subversive actions abroad.

Poverty is a serious issue in the region: the unemployment rate has reached 35% as authorities largely prefer to employ ethnic Persians. The poverty gap in Iran is strongly built upon ethnic lines, with Persians making up the wealthier part of the population and Arabs the poorer one.<sup>16</sup> For instance, many people in Al-Ahwaz live on 1-2 dollars a day, with the average salary of the oil-rich province being a mere 150-200 dollars a month. Al-Ahwaz is not only blessed with huge oil reserves but also with large rivers that provide much needed fresh water. However, the province remains one of the driest since the water is diverted to other areas populated predominantly by Persians for irrigation purposes.

Although the Iranian government places the total percentage of the Arab population in Iran only at 2-3% - approximately 2.3 million out of 77.45 million Persian Iranians- in reality there are around 12 million ethnic Arabs in Al-Ahwaz alone, with more living along Iran's Gulf coast areas. This would bring the percentage of Arabs in Iran well over 10%, making them the second largest minority in the country after the Azeri's in north-western Iran. Nevertheless, the plight of this oppressed and abused minority goes unheard in the echelons of the international community. This is particularly shocking, especially due to the fact that if it was not for the British approval in 1925, the province, which was then independent, would never have been annexed by Reza Pahlavi.<sup>17</sup>

Many people in Al-Ahwaz have campaigned for more rights and recognition of their culturally unique identity, after decades of discrimination at the hands of the authorities in Tehran. Nevertheless, any attempt to try to raise awareness on this apartheid-like system is immediately suppressed by the authorities with the most brutal force.<sup>18</sup>

Iran does not control the province of Al-Ahwaz in the way a government administers its regions, but rather as a brutal colonial master would do with its subjects, denying any form of equal and even basic human rights. As we have seen throughout the paragraph, Arab Ahwaz people are discriminated at all levels and under all aspects of life. The Iranian authorities should ensure respect of the human rights of all, regardless of ethnicity, religion or belief.

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<sup>16</sup> Al-Habtoor, Khalaf Ahmad. "Arab Ahwaz Must Be Liberated from Iran." *Al-Arabiya English*. Al-Arabiya, 29 March 2015, 19 February 2016 at <http://english.alarabiya.net/en/views/news/middle-east/2015/03/29/Arab-Ahwaz-must-be-liberated-from-Iran.html>

<sup>17</sup> *Ibid* 16

<sup>18</sup> *Ibid* 16



## 2. HUMAN RIGHTS VIOLATIONS

### 2.1 Torture and Low Criminal Standards

In Iran, torture and ill-treatment of detainees in order to obtain confessions is somewhat widespread. The Code of Criminal Procedures, signed in June 2015, in fact, does not contain any provision to regulate and protect prisoners from such practice: while it excludes statements obtained through torture as admissible evidence, it does so only in general terms and does not provide detailed procedures for investigating torture allegations. The recent Code also fails to guarantee those held in custody an adequate access to independent lawyers or medical care, thus largely struggling to meet international standards.

Among others, during their imprisonment detainees suffer from prolonged solitary confinement, severely overcrowded and insanitary conditions with inadequate food and exposure to extreme temperatures. Several forms of cruel and degrading punishment are also imposed by courts; these, mostly occurring in public, often fall within the framework of the so-called “retribution-in-kind” (qesas) and they include flogging, blinding and amputation. For instance, in June 2015, a Deputy Prosecutor General in Shiraz announced that 500 people had been arrested and 480 of them had been tried and convicted within 24 hours for publicly breaking their fast during Ramadan. Most received flogging sentences administered by the Office for Implementation of Sentences<sup>19</sup>.

Despite the broach of the “new” Code and the significant improvements this brought to the Iranian justice system, many trials are still largely unfair. In national security cases, the right of detainees to be represented by lawyers of their own choosing during the investigation phase has been denied. Instead, they can only choose a lawyer approved by the Head of the Judiciary. The Code applied the same restriction to suspects in cases of organized crime, which can result in sentences of death, life imprisonment or amputation.

Iran judiciary is also not independent as courts remain susceptible to pressure from security authorities, such as the Ministry of Intelligence and Revolutionary Guards, to convict defendants and impose harsh penalties.

Furthermore, according to Iran’s Civil Code, the minimum age of criminal responsibility for boys is fifteen years while for girls is nine years, meaning that detainees of this age do not benefit from any of the special protections afforded to children. These definitions result in a considerable gap between the obligations of Iran under the UN Convention on the Rights of the Child and the country’s legal protections of under 18 persons<sup>20</sup>.

Iran’s criminal standards are undoubtedly low and the country’s judicial system highly flawed. In this context, it is a duty of the international community to pose enough

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<sup>19</sup> Amnesty International, *Amnesty International 2015/2016 Report. The State Of The World's Human Rights*. 2016.

<sup>20</sup> Joint alternative report by civil society organizations on the implementation of the Convention on the Rights of the Child by the Islamic Republic of Iran, *Rights Of The Child In Iran*. 2015.

pressure on the country to comply with the international standards set forth by international law, such as that of fair trial, abolition of torture and other ill-treatment, independence of lawyers and judges and finally, protection of persons under the age of 18.

## 2.2 Death Penalty

Year after year, Iran systematically ranks among the top executioner countries across the globe. Death penalty in the country is in fact used extensively - to the point that in 2015, Iran alone accounted for 82% of all recorded executions in the Middle East<sup>21</sup>. The majority of those executed are sentenced on drugs charges, thus not meeting the threshold of most serious crimes under international law; others are executed for murder or after being convicted on vague security charges.

Such death sentences are often handed down following unfair trials. Indeed, major concerns include the denial of access to legal counsel, incommunicado detention and solitary confinement, torture or other ill-treatment aimed primarily at obtaining “confessions” and the absence of fair and adequate procedures for seeking pardon and commutation of death sentences from state authorities. The 2015 Penal Code also denies those sentenced to death on drugs charges the right to appeal<sup>22</sup>.

What is also particularly worrying is that Iran continues executing juvenile offenders, in clear breach with international law, and, in particular, with the Convention on the Rights of the Child, ratified by the country in 1994. One of the core principles of the Convention is in fact the prohibition of the death penalty for juvenile offenders (people younger than 18 at the time of the crime), which Iranian authorities seem to systematically disregard.

In this context, Iranian governments have failed to undertake the fundamental reforms necessary to end this grave violation of human rights. As judicial bodies inside the country have continued to consign juvenile offenders to the gallows, the authorities, responding to international bodies, have resorted to different, and sometimes contradictory, techniques to distract attention from the practice, deny it is happening or distort the image of its reality. Sometimes, they have sought to dilute the debate by focusing their public statements on the age of the offender at the time of the execution, even though under international human rights law, it is the age of the individual at the time of the crime that is crucial, not the age at trial or implementation of the sentence<sup>23</sup>.

Among those executed in Iran are also members of ethnic and religious minorities convicted of “enmity against God” and “corruption on earth” including Kurdish political prisoners and Sunni Arabs. One reason for this is that ethnic minorities also have less

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<sup>21</sup> See more: <https://www.amnesty.org/en/latest/news/2016/04/death-penalty-2015-facts-and-figures/>

<sup>22</sup> Ibid 19.

<sup>23</sup> Amnesty International, *Growing Up on Death Row. The Death Penalty and Juvenile Offenders in Iran*. 2016. See more: file:///C:/Users/GI/Downloads/MDE1331122016ENGLISH.PDF

access to the legal resources needed to defend themselves due to a discriminatory system, poverty, marginalization and living in militarized zone.

There is a clear over representation of the Ahwazi arabs, Baloch and Kurds on the death row and in executions. Some of those convicted for drug related offenses, were actually political dissidents. In Balochistan, entire adult male populations have been executed under the pretext of fighting drug trafficking. Some of them were executed without trials others had trials conducted behind closed doors, before biased judges and in absence of legal representations. In these regards, Iran clearly needs to undertake important reforms to its criminal justice system in order to meet international standards and comply with international law, especially for what concern juvenile offenders and ethnic minorities.

## **2.3 Forced Displacement**

Despite being a signatory of the 1966 International Covenant on Civil and Political Rights, Iran has for years used forced displacement as another tool to achieve their “ethnic restructuring programme”. They do these through a variety of ways, among others through the diversion of rivers and “pre-fabricated natural disasters”.

Diverting river flows from the furthest provinces to the more central areas of Isfahan, Yazd and Kerman for irrigation purposes has in fact left many ethnic Arabs in a state of terrible drought with scarce or highly-polluted water. In recent years, as a result of such policy, Arab lands have experienced the worst long-term drought and most severe set of crop failures, leading of course to serious waves of internal displacement. Additionally, Arab villages located in the fertile areas have been demolished and their population subjected to forced displacement at the hands of the authorities, who would then soon after replace them with ethnic Persian farmers. Arab farmers are in many cases left homeless, without hope for compensation.

As mentioned above, there are also instances in which the villages fall victim of pre-fabricated natural disasters. The Iranian government has constructed several dams (also known as “Arab killer Dams”) on the rivers, which they use to orchestrate regular floods over the Arab villages. The authorities would then classify the areas as “flood prone” and force their inhabitants to move elsewhere. Much of this land is then turned into large sugar cane plantations that place a heavy toll on the local water reservoirs.

Another way of achieving displacement at the hands of the Iranian authorities is the confiscation of lands under the pretext that such lands are considered a conservation zone and must be protected from being destroyed or spoiled. This has occurred in many instances in the al-Ahwaz province.

These policies are illegal and they are carried out purely along ethnic lines. The solution must therefore be a political one. In other words, the need for a structural change and the empowerment of the local population through economic development is urgent. In absence of this, the government will continue to displace Arab inhabitants as well as permanently destroying their lands.

## **2.4 Disregard for the Environment in the Al-Ahwaz Region**

Iran was ranked as the seventh most polluted country in the world. The majority of this pollution stems from the province of Al-Ahwaz, due to the presence of heavy industry used in the extraction of oil and gas. In these regards, the Iranian government has showed complete disregard towards the catastrophic consequences that such irresponsible policies are having on the local population and has done absolutely nothing to improve the levels of pollution in the region.

As mentioned previously, such high levels of pollution have in fact contaminated local water sources, which have mostly become toxic, causing the outbreak of many pollution-related diseases. Smog and air pollution are another increasingly worrying issue. In 2013 the WHO ranked Ahwaz city as the most polluted city in the world, with an air quality that is three times worse than Beijing's.<sup>24</sup>

The low quality of air in Ahwaz is the cause of many illnesses amongst its population such as respiratory illnesses, asthma and even cancer, making life expectancy in the region as the lowest in Iran. The situation is made worse by regular dust storms that carry the harmful particles in the air over large distances, including as far as Turkey.

The United Nations Environment Programme (UNEP) officially warned the Iranian Environment Association that the southwest of Iran is facing a proper environmental catastrophe. This of course will result in more waves of mass migration, other than more serious long-term environmental problems. Hence, it is of utmost importance that the international community pressures Iran to take urgent steps to address this important matter. In absence of negotiations, Iran's mismanagement of its own resources will have long-term consequences not just for the region but for the world as a whole.

## **2.5 Denial of the Right to Freedom of Expression and Peaceful Assembly**

Notwithstanding Iranian increasing engagement in international community with regard to trade and security issues, the right to freedom of expression is largely denied in the country. Journalists or their family members are increasingly sentenced on vague security charges which constitutes a breach of article 19 of the International Covenant on Civil and Political Rights which Iran has ratified. This article enshrines the obligation of the ratifying country to respect, protect and fulfil the freedom of expression and access of information for its civilians.

According to Reporters Without Borders, Iran had one of the highest figures of social media activists and journalists to be in custody, with at least 32 people behind bars as of April 2016<sup>25</sup>.

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<sup>24</sup> Merchant, Brian. "Inside the Iranian City Where the Air Is Three Times Worse Than Beijing's." *Motherboard*. Vice News, 06 Mar. 2013. Web. 3 Mar. 2016. <<http://motherboard.vice.com/blog/in-this-iranian-city-the-air-is-three-times-as-bad-as-beijings>>.

<sup>25</sup>For more information: <https://rsf.org/en/news/islamic-republic-urged-free-all-detained-journalists-and-online-activists>

Among the imprisoned, who were sentenced by the so-called Revolutionary Courts to increasingly long penalties, are hundreds of journalists, social media users, trade unionists, and human rights defenders. On 25th April 2016, the Iranian revolutionary court had sentenced the journalists Afarin Chitsaz, Ehsan Mazandarani, and Saman Safarzaei, to terms of ten, seven, and five years respectively, and Davoud Assadi, the brother of Houshang Assadi, a journalist who lives in France, to five years. All four were charged with vague security charges. Apparently, those journalists were sentenced solely for using their normal right to freedom of expression<sup>26</sup>.

Under international human rights law, sentencing publishers, journalists or media outlets based only on being critical of the government or the current political system or its leaders can never be justified and it represents a restriction to the right of expressions of all individuals. On the other side, Iranian domestic laws give wide scope for the authorities to restrain these rights beyond the limitations provided by the International Covenants. Such domestic laws, with vague and broad terms on defining crimes, are prohibited under international human rights law.

Furthermore, those who protest or voice their discontent are usually subjected to the discriminatory practices of the government in Tehran. Widespread cases of disappearances have in fact been reported, as well as pro-longed detentions and summary executions. Targets of these campaigns are often the intellectual Arabs.

In the Ahwaz region, many Arabs campaign for a cultural recognition and social and political equality, rather than a separation or autonomy per se. They thus pose no danger to the unity of the Iranian State. Their protests could be regarded as those of the black majority in South Africa during the days of Apartheid.

On the 23<sup>rd</sup> of August 2009, 4 Arab men were arrested in Ahwaz for peacefully protesting. Soon after their arrest, the men were tried and found guilty by both the local court in Al-Ahwaz and the Supreme Court in Tehran, which issued a sentence of death. In November 2013, they were executed despite urgent appeals from both Human Rights Watch and Amnesty International. Until this day, the Iranian authorities have not even allowed their families to receive their bodies.

Many more people from ethnic minorities in Iran are facing the same treatment. Most of the abducted are accused of crimes like “spreading corruption on earth”, “crime against God” or are simply accused of representing a threat to security<sup>27</sup>. This leaves absolutely no doubt that the authorities in Tehran are carrying out a campaign of ethnic cleansing within the country. This constitute a grave, appalling crime which must bear legal responsibility.

It is in fact a duty of the international community to make sure that those responsible of such serious human rights violations and breaches to international law are held accountable and that the victims are adequately compensated. In April 2016, calls were raised upon the Human Rights Council members in order to support the resolution that aimed at renewing the mandate of the UN Special Rapporteur on the situation of human

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<sup>26</sup> For more information: <https://www.hrw.org/news/2016/05/03/iran-flawed-convictions-journalists>

<sup>27</sup> For more information: <https://www.hrw.org/report/2012/08/28/codifying-repression/assessment-irans-new-penal-code>

rights in Iran. Geneva International Centre for Justice encourages such tool as an attempt to protect human rights in the country.

### 3. IRAN'S INTERFERENCE IN THE REGION

#### 3.1 The expansion of the Islamic Revolution

The radical Islamic philosophy Ayatollah Khomeini developed at leading theological schools in Iran and in exile aimed at the establishment of a universal Islamic state where governments are obliged to observe the will of God as expressed in Shari'a law and per the edicts of the Waly al-Faqih. Throughout the Muslim world, this can either be voluntarily accepted or imposed by force. To that end, Khomeini elaborated a constitution and made it an obligation of the Islamic republic to export the revolution and spread the concept of the Waly al-Faqih, as well as mobilizing all means to defend and to maintain the Islamic Revolution in Iran and beyond.

To that purpose, Khomeini put in place an effective security structure to protect and export its revolution and to ensure its continuation at home and abroad<sup>28</sup>. He did not trust the classical armed forces which in general had a secular background from the time of the Shah. So, he issued a decree in the spring of 1979 to form a para-military force known as the Islamic Revolutionary Guard Corps (IRGC) with a unit for intervention abroad known as the Quds Force (QF), headquartered in the city of Ahvaz. The Quds Force (QF) of the IRGC is therefore responsible for extra-territorial operations, including providing training, logistical assistance, material and financial support to militants and terrorist operatives.

Khomeini took special interest in personally appointing the organisation's commanders. The First commander, Ayatollah Hassan Lahooti was followed by Hashmi Rafsanjani and then Ali Khomeini, who both later served as president of the Islamic Republic. Khomeini's constitution, in other words, detailed the Islamic fundamentalist agenda far beyond the borders of Iran<sup>29</sup>.

The Israeli invasion of Lebanon in the summer of 1982 created a security vacuum and provided Khomeini with the first opportunity to expand the seeds of the Islamic revolution. The deployment of the IRGC to Lebanon acted as a catalyst for the emergence of a militant Islamic movement that would become one of the Iranian revolution most

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<sup>28</sup> See Mehdi Abrichamtschi, *Les Gardiens de la Révolution: L'Armée Intégriste et Terroriste*, Jean Picollec Editeur-2008, ISBN : 978-86477-232-3

<sup>29</sup> Preamble of the Islamic Republic's constitution: "the constitution prepares the ground for continuing this revolution at home and abroad". See also the chapter in the preamble on the Ideological Army: "the Army of the Islamic Republic of Iran and the Islamic Revolutionary Guards Corps are to be organized in conformity with this goal [faith and ideology], and they will be responsible not only for guarding and preserving the frontiers of the country, but also for fulfilling the ideological mission of jihad in God's way; that is, extending the sovereignty of God's law throughout the world (this is in accordance with the Koranic verse '*Prepare against them whatever force you are able to muster, and strings of horses, striking fear into the enemy of God and your enemy, and others besides them*'. " Article 150 [Islamic Revolution Guards Corps] The Islamic Revolution Guards Corps, organized in the early days of the triumph of the Revolution, is to be maintained so that it may continue in its role of guarding the Revolution and its achievements...



important allies, Hezbollah, who acquired notoriety with attacks against the French and American Embassies in Beirut.

### **3.2 Iran in Iraq**

It is only with the 2003 US-led invasion and occupation of Iraq that the Iranian regime truly achieved what it had long aspired for: expanding the Islamic Revolution beyond national borders. This occurred following the decision of the Coalition Provisional Authority (CPA) to disband the Iraqi army and all security forces and hand over the power to groups of Iraqi exiles of Shi'a dominance. Within days of his arrival in Iraq on May 2003, Paul Bremer, head of the CPA, decided that any interim authority in Iraq must represent confessional and religious groups. Most of these groups had their own militia trained and armed by Iran. Among these groups the Supreme Council of Islamic Revolution of Iraq (SCIRI) with its military wing, the Badr Corps, fought in the 80s on the side of Iran against Iraq; the Daawah party of al-Jaafari (later taken by former Iraqi Prime Minister Nuri al-Maliki), created to combat secularism and promote an Islamic state in Iraq.

In the meantime, Ayatollah Sistani became the undisputed supreme "marjaiya" with great influence on Bremer's decision making and since then, on all Iraqi successive governments. By the end of al-Maliki's premiership, Iraq had irreversibly become a federation based on sectarian and ethnic divide and the Iranian intervention in Iraq's internal affairs had gradually come to the open.

Most Iranian-sponsored militias in Iraq have today merged under the umbrella organization known as Al-Hashd Al-Shaabi (Popular Mobilization Forces), which responsible for appalling human rights violations and abuses, targeting in particular the Sunni population of Iraq.

Let alone financing and training sectarian militias, Iran's involvement in Iraq was also especially evident during the battle waged against Fallujah in May 2016, where a number of Iranian officers provided military advice to the militias engaged in the conflict. In these regards, the commander of the Quds Force and senior military officer in the IRGC, Qassem Soleimani, was photographed in the onset of the military operation alongside Al-Hashd Al-Shaabi commanders such as Hadi al Amiri, Abu Mehdi al Muhandis and Akram Abbas al Kaabi.

Not long before that, in early 2016, the government of Iran also managed to impose its presence for strategic purposes in the Iraqi Province of Diyala, through the establishment of several "cultural offices". Such offices are used to propagate a sectarian ideology, based on hate speeches that deeply affect civil peace and security.

### **3.3 Iran in Syria**

Iran's involvement into Syria's 5 years old civil war in favour of the Syrian government is more than evident and openly declared. The Iranian security and intelligence services are advising and assisting the Syrian military in order to preserve Bashar al-Assad's hold on power. These efforts have evolved into an expeditionary training mission using Islamic Revolutionary Guards Corps (IRGC), Quds Force, intelligence services, and law

enforcement forces, within the previously mentioned purpose of projecting military force beyond national borders.

Iran has been providing essential military supplies to Assad, primarily by air. The air line of communication between Iran and Syria is a key vulnerability for Iranian strategy in Syria as the country would not be able to maintain its current level of support to Assad if this air route were interdicted through a no-fly zone or rebel capture of Syrian airfields. Iran is also assisting pro-government militias, partly to hedge against Assad's fall or the contraction of the regime into Damascus. These militias will become even more dependent on Tehran in such a scenario, allowing Iran to maintain some ability to operate in and project force from Syria.

Lebanese Hezbollah began to take on a more direct combat role in Syria as the Assad regime began losing control over Syrian territory in 2012. Hezbollah has supported Assad with a robust, well-trained force whose involvement in the conflict aligns with Iranian strategic interests. Iraqi Shi'a militants are also fighting in Syria in support of Assad. Their presence became overt in 2012 with the formation of the Abu al-Fadl al-Abbas Brigade, a pro-government militia that is a conglomerate of Syrian and foreign Shi'a fighters, including members of Lebanese Hezbollah and Iraq-based Asa'ib Ahl al-Haq and Kata'ib Hezbollah. Like other paramilitary forces operating in Syria, these militants escalated their involvement as the conflict descended into civil war. The open participation of Iraqi Shi'a militants in Syria is an alarming indicator of the expansion of sectarian conflict throughout the region<sup>30</sup>.

Moreover, since, at least, November 2013, Iran's Revolutionary Guards Corps (IRGC) had recruited thousands of undocumented Afghans to fight in Syria. A lot of them are coerced or threatened of deportation to Afghanistan if they refuse. Others, were encouraged by Iran to do so for a regular status in Iran and financial incentives. It was said by Iranian officials that Afghans are volunteering to join the fight in Syria, however, considering their legal position in Iran and their fears of deportation, their choices became in fact less voluntary. It is worth to mention that if deportation is conducted against those refuse recruitment it can be considered "refoulement" which is prohibited under the international law.

Iranian Officials during the recent years have reduced the legal avenues for Afghans to seek asylum in Iran, despite the deteriorating situation in Afghanistan. Among the estimated 3 million Afghans in Iran, only 950,000 have been given a refugee status, according to Human Rights Watch<sup>31</sup>.

Iran is also recruiting Afghani children (under 18 years old) to fight in Syria, which constitutes a breach of the International Convention on the Rights of the Child and its first Optional Protocol on the involvement of children in armed conflict. For instance, a 17 years old boy have stated that he was detained by the Iranian authority on June 2015 and

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<sup>30</sup> Will Fulton, Joseph Holliday, Sam Wyer (2013) *Iranian Strategy in Syria*, Institute for the Study of War and AEI's Critical Threats Project.

<sup>31</sup> <https://www.hrw.org/news/2016/01/29/iran-sending-thousands-afghans-fight-syria>

then forced to fight in Syria without being given any chance to refuse. He had fought near Aleppo and Homs for three months. Afterwards, he managed to escape to Greece<sup>32</sup>.

Since Iranian laws are restricting conscription only to its nationals, recruiting people from other nationalities, including Afghani, contradicts with the national laws and appears to be arbitrary. All recruited personnel participating in the civil war in Syria is among the militias that committed war crimes and crimes against humanity against the civilian population in several Syrian cities.

In Syria, the recruited Afghans are fighting in units commanded by the Iranian Revolutionary Guards military officials. According to the interviews conducted by Human Rights Watch with some Afghans who fought in Syria, Iranian commanders were forcing them to face extremely dangerous situations with only light weapons, such as taking the front of the army in face of heavily equipped ISIS forces. They were threatened of being shot if they didn't obey the dreadful orders<sup>33</sup>.

### **3.4 Iran in Yemen**

The Iranian regime's engagement in Yemen a less openly declared one: so far, Iran has in fact denied supporting the Houthi rebels, guilty of crimes against humanity and war crimes, but arms shipments from Iran to Yemen have been allegedly intercepted since 2012 and more recently in March 2016. Since July 2016, state-affiliated media in Iran has publicized the Yemeni Houthi movement's use of a model of the Zelzal-3, an Iranian rocket. The Quds Force deputy commander Esmail Gha'ani himself has also proclaimed that Houthi rebels have been trained "under the flag of the Islamic Republic" and that Hezbollah reportedly operates a "train-and-equip program" there, as per also confirmed by U.S. intelligence officials in May 2015. Furthermore, Iranian officials have suggested they may send military advisers to support the Houthis<sup>34</sup> on battlefield tactics.

Tehran is also suspected of being behind the Houthis' recent rejection of a United Nations (UN) peace plan in favour of creating its own "supreme political council" to challenge the legitimate government. This way, Iran actively ferments unrest and religious tensions, leaving an unsettled landscape in which opportunities for mischief abound.

Without such support, the Houthi rebels would most likely be unable to perpetrate the bloody conflict, which is tearing Yemen and its population apart.

### **3.5 The Formalization of a "Shia Liberation Army"**

On 18th August 2016 Iran officially announced the formation of the United Shia Liberation Army (USLA) to be deployed in the war-torn Arab countries under the command of Major General Qasseem Soleimani. Interestingly, the state-run website Mashregh news outlet later deleted the word "Shia", changing the name into "The Liberation Army". However, this military organisation unit was named the Shia

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<sup>32</sup> *Ibid* 23

<sup>33</sup> *Ibid* 23

<sup>34</sup> <http://www.aljazeera.com/news/2016/06/key-facts-war-yemen-160607112342462.html>

Liberation Army for a reason: it aims to further Iran's strategic objective of exporting Ayatollah Khomeini's Islamic revolution.

The army will be made of international mercenaries to fight for the violent domination of an Iranian brand of political Shiism over the entire Muslim world. This was also confirmed in a press statement by the Head of the Iranian Revolutionary Guards, General Mohamed Ali Falaki, who stated that "The forces that belong to this army are not just Iranians. Anywhere where there is a fight, we organize and supply the army from the people of these areas."

This is of particular concern since it will most likely increase targeted foreign policies of discrimination against non-Shia communities through external military interventions, spreading more violent sectarianism across the region. As well-known, the country is already involved on various fronts of armed conflicts, which we have described in the previous paragraph.

The Iranian artillery bombardment, cross-border shelling, shootings and other military operations target populated areas, thus resulting in civilian casualties. This occurs under the pretext of targeting "terrorists" and/or the Iranian Kurdish armed group Party for Free Life of Kurdistan. For instance, many women and children were reported dead and injured during cross-shelling in Iraqi Kurdistan and in the Erbil province of Iraq.<sup>35</sup> The Iranian attacks also led to the displacement of more than 500 families, wounded an unknown number of villagers, and killed a teenage girl.<sup>36</sup>

The newly introduced United Shia Liberation Army will without doubt worsen the situation of already-vulnerable groups affected by the armed conflicts in the neighbouring countries. Lastly, the Iran nuclear talks and the developments on defreeze of Iranian assets enable Iran to invest more into the USLA and perpetrate human rights violations systematically on a wider scale and organised manner.

As the facts have shown, Iranian-sponsored sectarian militias are just as brutal as internationally-recognized terrorist groups, such as ISIS. Exporting this sort of ideologies and behaviour translates into exporting terrorism across the region, which is not going to help the already precarious situation of civilians on ground. It is, therefore, priority of the whole international community to immediately prevent this from happening, by holding Iran accountable of all the crimes it has committed beyond national borders.

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<sup>35</sup> *Iran Shells Civilians In Kurdistan, Claiming It Was Targeting Terrorists* at: <http://dailycaller.com/2016/06/27/iran-shells-civilians-in-kurdistan-claiming-it-was-targeting-terrorists-video/#ixzz4JeffXNEQ>

*Iran shells Erbil province in Iraq, civilians including children injured* at: <https://www.mojahedin.org/newsen/47868/Iran-shells-Erbil-province-in-Iraq-civilians-including-children-injured>

<sup>36</sup> *Iran/Iraq: Iranian Attacks Should Not Target Iraqi Civilians*, Human Rights Watch at <https://www.hrw.org/news/2010/07/12/iran/iraq-iranian-attacks-should-not-target-iraqi-civilians>

## 4. INTERNATIONAL ADVOCACY

On January 16, 2016, the sanctions targeting the nuclear and oil sectors of Iran as well as its economy have been lifted with much jubilee and surrounding hope. This was a result of a nuclear deal being reached with the international community; however, no mention was made towards any actions that the Iranian government needs to take in order to safeguard human rights and freedoms of ethnic and religious minorities as well as to halt aggressive foreign policy in the region. Tragically, the international community demonstrates double standards in dealing with Iran. This was particularly evident with regards to the nuclear program deals, which were only signed by the United Nations Permanent Members, while opposed by most of Iran's neighbouring countries. It is in the best interest of all actors that Iran's deplorable human rights record is highlighted and exposed to the world to encourage the state to take full responsibility of the crimes it commits and to undertake relevant actions to improve its human rights situation.

Urgent reforms within the Iranian judicial system are needed in order to ensure more transparency and fairness in the execution and enforcement of law. Constitutional law should also be reformed to incorporate the protection of ethnic and religious minorities in the country, not only in terms of ensuring their safety but also to guarantee them with equal opportunities as the Iranian Persians, especially with regards to the education sector and on the workplace. Furthermore, Iran should immediately ban arbitrary detentions and torture within its penal system.

The country must also ensure the protection of migrants in the country and guarantee them with equal and fair rights, free from any form of harm and discrimination.

With regards to its interference in neighbouring states' internal affairs, we would like to remind that this is not only a violation of the sovereignty of the affected states but also poses a great risk of igniting an unwanted larger-scale war in the Middle East. Iran's foreign policy reflects its colonial strategy of 'dividing and conquering', in the hope of achieving their goal of establishing a Persian empire ruled along Shiite lines.

In these regards, Geneva International Centre for Justice (GICJ) conducted two side events, in occasion of the 33<sup>rd</sup> Session of the Human Rights Council, titled respectively "The Other Face of Terrorism" and "Exporting Terrorism and Sectarian Discrimination" and held in Geneva on September 15, and September 22, 2016. The side events aimed at shedding light on the pivotal role of Iran in fostering sectarian tension in the Middle East as a consequence of its strategic ambitions, carried out through policies of international militarism. In particular, its interference into Iraq's internal affairs, by supporting, arming and financing pro-government sectarian militias was analysed in depth by the distinguished speakers invited at the events. According to the speakers, it is to be condemned that the UN has never taken measures against Iranian's policies of exporting terrorism. The international community must be very vigilant that the threat to peace, stability and democracy that these policies pose is not only regionally confined, but it is in fact global.

## CONCLUSION

The lifting of sanctions on Iran in relation to the nuclear deal failed to address the human rights record of the country. In addition, the Iranian policies of international militarism is well known but it has grown exponentially over the recent years in a very dangerous trend. The billions given to Iran are likely to be used for funding terrorist organizations throughout the region with the aim to export its sectarian agenda and acquire control of strategic areas. The financed military groups such as the Lebanese Hezbollah, the Popular Mobilization Front in Iraq, some fronts in Syria and the Houthis in Yemen commit serious crimes against the civilian population. Moreover, in a war-torn region of the Middle East, systematic violations of human rights, particularly of the minority groups, in addition to direct interference and participation in the armed conflicts of the neighbouring countries may result in spill-over on the soil of Iran.

The international community and civil society should intensify efforts on advocating for human rights protection in Iran. In its turn, Iran as a duty-holder should improve the efficacy of human rights policies and bring its legislation into compliance with the international human rights standards. Iran should respect international humanitarian and human rights law both at home and abroad. This also means ending its support for militant groups whilst ensuring that ombudsmen are created in Iran itself. The task of these ombudsmen shall be to act as independent monitors of human rights, primarily to ensure that the Iranian government acts in a transparent and responsible manner, prioritizing security and the well-being of all individuals and groups within its territory.



Geneva International Centre *for* Justice

Independent non-governmental organisation

## Postal Address

P.O. Box: GICJ 598 Vernier  
CH-1214 Geneva  
Switzerland

## Office Address

The Ecumenical Centre  
150, Route de Ferney  
CH 1211 Geneva 2  
Switzerland



0041227881971



info@gicj.org



0041795365866



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