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人权理事会 第十九届会议

议程项目 4

需要理事会注意的人权状况

伊朗伊斯兰共和国人权状况特别报告员的报告* **

概要

本报告是提交给人权理事会的第一份报告,根据理事会决议第 16/9 号提交,涉及自 2011 年 8 月 1 日特别报告员授权开始以来的人权状况。特别报告员曾于 2011 年 10 月向大会提交了第一份临时报告(A/66/374)。

本报告勾勒了特别报告员所建议的方法,突出了伊朗伊斯兰共和国最近人权状况的趋势。在列举了最近的一些人权关切的同时,特别报告员重点聚焦 2009 年选举后的骚乱中出现的某些案例。虽然报告未涵盖该国所有的侵犯人权情况,但描述了在这方面普遍的状况。一些在本报告中未涉及的重要问题,将在特别报告员今后提交大会和理事会的报告中论及。

^{*} 本报告附件不译,原文照发。

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一. 导言

- 1. 伊朗伊斯兰共和国已有促进尊重人权的基本立法框架和工具。该国加入了九个具有法律约束力的国际人权条约中的五个,很多条约保障的权利也已收入伊朗宪法。然而,国际承诺和宪法规定尽管存在,法律框架中的内容以及对法律的不充分遵守显然构成了对政府信守这些承诺的系统性障碍。作为联合国系统最早的会员国之一,伊朗伊斯兰共和国在国际社会具有重要的作用,但不幸的是这一直被笼罩在冲突和紧张局势下。特别报告员认为,和联合国系统的人权机制进行有意义的合作,能帮助该国减轻潜在的政治化问题,该国政府也一再表示对此的深度关切。
- 2. 尽管伊朗伊斯兰共和国的代表表示,政府愿意与联合国人权机制合作并向人权理事会专题特别程序的任务负责人发出长期邀请,该国政府自 2005 年以来尚未允许任何查访。¹ 令特别报告员感到遗憾的是,政府未响应他 2011 年 9 月 19 日发出的进行国别访问的请求,尽管它曾表示将于 2012 年邀请两位特别程序任务负责人。特别报告员继续敦促伊朗当局对他的请求以及人权理事会和大会的请求予以积极考虑,使他能不受束缚地赴该国履行其授权。² 虽然在审查期未被允许访问该国,但是根据从各种独立和可靠的方面获得的大量信息,特别报告员尽其最大的能力完成了使命。特别报告员重申,在衡量向他提供的信息时,他坚持了独立、不偏倚和客观性。
- 3. 特别报告员感到遗憾的是,各个专题任务负责人发出的紧急呼吁,以及特别报告员和其他特别程序任务负责人向伊朗伊斯兰共和国政府递交的数份联合声明仍未得到解决。2010年的一份研究报告曾强调指出³,政府不和任务负责人充分接触,认为,在所有发出长期邀请的国家中,伊朗伊斯兰共和国访问未能成行的数量最高。数据还表明,在 2004-2008年期间伊朗伊斯兰共和国收到的来文数量最高(594),来文中 25%的指控被完全拒绝,对 1.3%的指控采取了解决问题的步骤,近 54%转发的来文没得到理睬。⁴ 特别报告员指出,不愿意外界来访造成了信息真空,只会使得国际社会做最坏的设想,从而加剧了对该国政府人权记录的关注。

¹ 上一次特别程序任务负责人的访问可上溯到 2005 年,当时适足住房权特别报告员(2005 年 7 月)访问了该国。2005 年之前访问过的任务负责人有任意拘留问题工作组(2003 年 2 月),促进和保护意见和言论自由权特别报告员(2004 年 11 月),移民人权特别报告员(2004 年 2 月),及暴力侵犯妇女问题特别报告员(2005 年 2 月)。

² 大会决议第 66/175 号, 第 10 段。

³ Ted Piccone, 权利的催化剂: 联合国人权独立专家的独特贡献(华盛顿特区, 布鲁金斯, 2010), 第 26 和 33 页。

⁴ 见布鲁金斯特别程序数据库网站所能阅到的档案 www.brookings.edu/opinions/2010/1208_human _rights_piccone.aspx。

- 4. 特别报告员欢迎伊朗伊斯兰共和国代表在大会第三委员会审议关于该国人权状况的一份决议草案时所做的发言,即特别报告员应"在没有外部压力或成见的情况下,有时间和机会准备他的报告"。⁵ 为此,特别报告员愿意和当局进行实质性的对话,至少很高兴被允许会晤伊朗伊斯兰共和国常驻纽约和日内瓦的代表团。
- 5. 根据特别程序任务负责人的行为守则⁶,特别报告员把本报告转发给伊朗伊斯兰共和国,后者提出了几点意见。伊朗说,设立国别授权是一个"有缺陷的过程"的后果,指出该国一直和联合国的人权系统进行着合作,特别报告员参加被西方谍报机构、犹太复国主义分子和恐怖主义团伙污染的论坛和集会是在搞宣传。它还指出,信息的来源,如报告或申诉等,缺乏可信度,丝毫未肯定地提到与官员和民间社会代表的见面。伊朗伊斯兰共和国进一步指出,一旦这些问题得到解决,会提供更实质性的意见。
- 6. 特别报告员愿指出,根据秘书长、大会和人权理事会的决议,以及人权委员会的结论性意见,伊朗伊斯兰共和国和人权机制的合作是不够的。特别报告员强调,事实上他谢绝了参加任何论坛或公开集会,只是在他提交第一份报告之后,出席了联合国的新闻发布会,接受了一些媒体的单独采访。特别报告员相信他的信息是可靠的,有一系列独立的来源可确证。最后,特别代表会见了两个支持政府的非政府组织,他们充分地表达了他们的关切(见下文第 40 和 43 段)。

二. 方法

- 7. 除了他建议的方法之外,特别代表在他 2011 年 10 月 19 日提交给大会的临时报告(A/66/374)中提及了 58 件违反人权的案例。他并未得出实质性的结论,但是把提交给他的指控作为针对伊朗伊斯兰共和国的人权状况进行初步对话的平台。
- 8. 迄今为止,特别代表未能有机会就他在临时报告中提及的案例或为进一步发展他提出的方法和政府代表进行任何实质性讨论。特别代表坚持,实质性的接触以及有机会访问该国会给他的工作带来附加值,并使政府能够对他报告中提到的具体问题表示观点。特别代表会继续不惜一切努力鼓励政府和任务负责人合作,并让他访问该国。
- 9. 特别报告员为本报告进行了两次访问。2011 年 10 月 3-7 日,他去日内瓦会见了几个非政府组织,包括两个在一些问题上同情政府观点的组织。他还会见了19 位提交违反人权指控的个人,2011 年 11 月 30 日-12 月 8 日,他赴法国、德国

⁵ Javed Larijani, 伊朗伊斯兰共和国司法部门机构负责人资深顾问兼人权事务高级委员会秘书长的发言, 纽约, 2011 年 11 月 21 日。

⁶ 人权理事会第 5/2 号决议, 附件。

和比利时会见非政府组织,散居海外的伊朗人、外交官和政府间组织。他还会见了 80 位个人,包括违反人权的受害者和证人。特别报告员感谢法国、德国和比利时政府促成了他的访问。

- 10. 特别报告员审查了非政府组织提交的几十份报告和访问期间获得的其他有关的文件,调查了提交的声像和视像材料,监听了来自伊朗伊斯兰共和国境内外的媒体报道。他还会见了 2011 年 10 月 19 日至 2011 年 12 月 20 日报告违反人权情况的另外 42 位伊朗公民。大多数案件都和 2009 年总统选举后数周或数月的发展有关。会见中的介绍都证实了上述报告中提出的指控。特别报告员认为,递交给他的指控符合证据标准,符合行为守则所规定的报告和结论不带司法性的要求。
- 11. 特别报告员既审查了伊朗伊斯兰共和国提交的国家报告,⁷ 也审查了普遍定期审议第七次会议普遍定期审议工作组的有关报告,⁸ 他审查了缔约国向人权事务委员会提交的第三次报告,⁹ 以及和那次审议有关的各种报告,包括委员会的结论性意见和建议。¹⁰ 他还研究了秘书长向大会提交的关于伊朗伊斯兰共和国人权状况的报告。¹¹ 对于上述报告中提及的问题,特别报告员同意所有三个联合国机构提出的关切,以及提出的相应建议。
- 12. 很多收到的指控指出,本应保护人权的法治常被违反,由于不愿意追究侵权者的责任而有罪不罚,公众对影响廉洁管理的政策和行动的监督空间受到严重限制。其他的投诉直指法律不公,歧视妇女、宗教和民族少数人群体,以及限制滥用职权的规定为有影响地位的个人破例。提交给特别报告员的报告还体现了对违背国际人权法的立法的关切。因此,尽管特别报告员同意,政府应考虑伊朗接受更多的促进人权的文书,但政府在执行现有的义务方面的不得力是更为紧迫的关切。

三. 法律问题

13. 每个国家都对言论自由、结社和集会自由施加某些限制,但关键是这些限制不应被当局滥用来封杀批评或对公众利益有影响的政策和行动的倡议空间。向特别报告员报告的违反人权的指控表明,伊斯兰刑法中一些安全条款的界定含糊,在执法上违反了国际人权法,对言论、结社和集会自由施加了不必要的限制。例如《刑法》第513条和第514条将对任何"伊斯兰圣物"或伊斯兰教中的

⁷ A/HRC/WG.6/7/IRN/1.

⁸ A/HRC/14/12.

⁹ CCPR/C/IRN/3.

¹⁰ CCPR/C/IRN/CO/3.

¹¹ A/66/361.

圣人或伊朗伊斯兰共和国的第一位领袖的"侮辱"定为犯罪。第 498 条将成立任何旨在"破坏国家安全"的组织定罪,第 500 条禁止"破坏伊朗伊斯兰共和国秩序的宣传或代表破坏伊朗伊斯兰共和国秩序的组织进行的宣传"。第 618 条将"扰乱秩序,公众的舒适和平静或妨碍别人工作"定为有罪。第 610 条禁止"聚众或为破坏国家的国内或国际安全进行勾结或犯有此类行为"。

14. 特别报告员认为,这些条款的含糊性与伊朗伊斯兰共和国加入的国际人权文书背道而驰,允许任意运用和滥用职权;例如,禁止"侮辱"的法律没有具体规定构成侮辱的行为或言论;结果,批评政策的个人和组织因受国际法保护的活动反被逮捕和起诉。第 498 条、第 500 条和第 618-619 条践踏了结社自由、这些社团公开监督政府的观点的权利、集会的自由,或支持这些集会的自由。特别报告员会见的四十多人都宣称,这些法律被用来侵犯他们的人权或其他异见者的权利,他们受到恐吓、任意逮捕、拘押和/或因受保护的活动被起诉。

A. 立法方面的关切

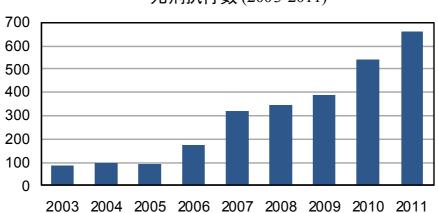
- 15. 一项新的法案,题为"党团法改革计划",规定了对所有政治组织成员的资格要求,规定"从事或曾经从事反伊斯兰共和国的反对派团体的追随者和同伙"不得成为政党的成员。那些被视为无资格者会被剥夺许可,因此被禁止组成政党或社团。依特别报告员的观点,这种法案过度限制了结社自由,把社会一大部分人边际化。
- 16. 另一项法案,关于非政府组织的成立和监督的,将设立一个最高委员会来监督这种组织的成立和运作。该委员会将由内政部管理,其成员包括情报部和安全部队的代表,如准军事部队 Basij。该委员会具有向非政府组织分配登记许可证的授权,对它们的董事会行使重大影响,甚至解散这些组织。根据该法案,这些组织的活动也需要得到该委员会的批准,包括参加国外的研讨会、会议和教育活动,以及与国际组织和联合国机构合作和/或接触。
- 17. 根据提交给特别报告员的报告,另一项旨在对议会成员施行审查和纪律的 法案将成立一个监督委员会,该委员会有权判断某议员的任何讲话、发言或采访 是否违反了《议员道德宪章》或损害国家安全。该法案也规定纪律行动,包括停 发工资、暂停议会委员会成员资格、履行限制,甚至开除出议会等。该法案违背 了《公民权利和政治权利国际公约》的规定,以及宪法第84条和第86条,后者 承认议员有"对国家所有的内部和外部事务表达他们的观点"的权利。该法案将 进一步限制议员的独立性和作用,可取消议员在履行职责过程中的议会法律豁免 权,而处罚性的规定授权一个未经选举和缺乏问责的机构来开除议员,这规避了 公众有权选他们自己选出的候选人来代表他们的权利。
- 18. 家庭保护法案寻求修订第 22 条。家庭保护法允许男子在妻子许可且法庭判决下可缔结四次婚姻,允许男子在妻子不知情或不允许的情况下缔结临时婚姻。 一名男子只在三种情况下需要在法庭登记新的婚姻: (a)妻子怀孕; (b)双方同

意; (c) 婚姻状况。特别报告员认为,这项立法为促进性别平等增加了新的障碍,因为这种法案将严重限制妇女的婚姻权,并在对她们的生活产生重大社会经济影响的问题上限制她们做出决定的能力。

19. 最后,特别报告员欢迎在新批准的伊斯兰刑法中取消了石刑作为惩罚,但仍表关切的是,根据伊斯兰宗教法或道德法,法官仍可作出严厉处罚的裁决。此外,刑法仍然歧视妇女、女童、种族和宗教上的少数人,对被控犯有危害国家安全罪的个人严惩重判,青少年仍会被追究刑事责任,除非他们能证明他们不完全理解他们的行动的犯罪性质。

B. 死刑

20. 特别报告员提请关注,自 2003 年以来执行死刑的数量上升,令人震惊(见下表)。在临时报告中,特别报告员报告截至 2011 年 9 月中,宣布的处决数有 200 多起;现在他遗憾地报告,正式宣布的处决有 421 起,截至 2011 年 12 月,有 249 起秘密处决报告给特别报告员。¹²



死刑执行数 (2003-2011)

21. 根据一些消息来源称,2011 年 81%的死刑案都和贩运毒品有关,4.3%和4.1%分别和敌视上帝和强奸有关。¹³ 特别报告员继续强调,毒品犯罪不符合国际法的"严重犯罪"的标准,他再次呼吁政府暂停执行死刑,特别是针对毒品相关的案件,认真寻求废除少年犯的死刑,并把所有的死刑转换成其他的刑罚。

¹² 根据官方的司法新闻,2012 年月 1 月 4 日,当局处决 Kirman 和巴姆监狱的五名毒贩子。见www.kermandadgostari.ir/tabid/57/ctl/Edit/mid/409/Code/922/Default.aspx。

¹³ 大赦国际,因瘾而死:在伊朗毒品犯罪被治以死刑(伦敦,大赦国际,2011年2月)www.amnesty.org/en/library/asset/MDE13/090/2011/en/0564f064-e965-4fad-b062-6de232a08162/mde 130902011en.pdf。

22. 近几年一些人被判投石致死,尽管司法当局宣布暂停将石刑作为死刑处罚的形式。¹⁴ 在关于该问题的报告中,大赦国际指出,至少 15 名男子和妇女目前正因"婚外通奸"而面临石刑的处罚。¹⁵ 特别报告员和人权委员会一样,对把石刑作为一种处决的方式表示关切,¹⁶ 认为通奸根据国际标准并不够成严重的犯罪;因此强烈敦促政府暂停执行石刑。特别报告员欢迎现在将石刑从刑法中取消,希望对所有已判案件进行复审,确保这种处罚不会执行。

C. 自由公正的选举

- 23. 《公民权利和政治权利国际公约》第二十五条要求进行自由和公正的选举。此外,根据宪法,"国家的事务必须根据通过选举所表达的公众意见进行管理,包括选举总统,伊斯兰协商大会的代表和委员会的成员"。然而,议会的一位前议员(希望匿名)向特别报告员表示,在他的国家自由和公正选举的范围因卫队委员会能够选择候选人而受到严重限制。他说,权力经常被用来防止被视为改革派的个人参加选举,也以此来平息那些担心异见者会废止他们的候选资格的代表。证人还描述了在 2008 年的议会选举和 2009 年的总统选举中的大量舞弊行为,证人坚称,这是用来对付被视为代表改革议程的候选人。
- 24. 根据证人的证词,在 2008 年的选举中,在德黑兰、设拉子、大不里士和马什哈德等城市的观察员报告,投票站还开着,未点过的选票仍在未打开的票箱里,法尔斯新闻社就在晚上 9 点宣布了选举结果。这引起对舞弊的广泛关切,使得一些议会成员向内政部的成员进行抗议。抗议发生几小时后,午夜间,内政部据报道发布了一份声明,称在那天上午晚些时候公布正式选票结果前,任何媒体或新闻机构都不得公布结果。证人称,内政部于上午 8 点公布的结果和选票清点完之前由法尔斯公布的结果一模一样。证人补充,尽管候选人有三天时间对投票表示质疑,结果宣布的当日最高领袖就宣布选举有效,以后几天,候选人递交给卫队委员会的申诉都作废。
- 25. 证人还声称,卫队委员会还忽视了总统候选人 Mehdi Karroubi 在 2009 年选举之后提交的关于不遵守规则和舞弊的报告。证人回顾, Karroubi 先生报告的第一部分描述了直到选举日前不守规则的情况,包括各种从党派的角度由卫队委员

¹⁴ 见"伊朗暂停投石致死", 邮报, 2008 年 8 月 5 日(见 http://www.telegraph.co.uk/news/worldnews/middleeast/iran/2507499/Iran-suspends-execution-by-stoning.html); 和大赦国际, "伊朗:宣布暂停投石致死,如实现是值得欢迎的步骤", 2008 年 8 月 6 日(见 www.amnesty.org/en/for-media/press-releases/iran-announcement-suspension-stoning-welcome-step-if-carried-out-2008080)。

¹⁵ 大赦国际, 伊朗: 投石致死的执行(伦敦, 大赦国际, 2010 年 12 月)。见 www.amnesty.org/en/library/info/MDE13/095/2010。

¹⁶ CCPR/C/IRN/CO/3, 第 12 段。

会和武装部队的成员所做的支持在任总统的声明,¹⁷ 尽管法律禁止政府官员为候选人拉选票。证人还坚持,报告中描述了被指派观察投票过程的反对派的竞选代表难以接近投票地点,并且,正如 2008 年的议会选举,法尔斯新闻社在投票站关闭之前过早宣布选举结果引起人们对舞弊的关切。

26. 证人还举报电话短信服务被打断(选举期间主要的竞选通讯手段)。赢得选举的方面胜出规模在全国异乎寻常的大(甚至在 Karroubi 先生和穆萨维先生的故乡),关于确认选举结果的规则被破坏,存在比分发的选票多出 3 百万张之多的差额,三名穆萨维的竞选工作人员被捕(Behzad Nabavi、Mostafa Tajzadeh 和 Mohsen Mirdamadi)以及三名 Karroubi 竞选工作人员(Abdollah Momeni、Issa Saharkhiz 和 Ahmad Zeidabadi)和几十名其他人员分别于 6 月 13 日和 14 日被捕,表明当局有预谋进行选举舞弊并缓解猜疑和抗议。

D. 司法

27. 宪法第 32 条要求根据刑事诉讼法立即对被捕人员提起诉控。¹⁸ 主管刑事程序的条例还禁止任意拘押并要求通知被拘留者的家属。¹⁹ 法律保障取得法律代表的机会²⁰,并禁止临时拘押非暴力性的犯罪,除非存在逃脱的危险。²¹ 此外,宪法第 38 条禁止酷刑并规定通过胁迫行为获得的供词"不具任何效力"。此外,《公民权利和政治权利国际公约》第十四条规定了正当的程序和对公平审判的保障,包括所有人都享有由根据法律设立的合格的、独立和无偏倚的法庭进行公正和公开审讯的权利。这些权利是人权保护的依靠,是保障法治的程序手段。

28. 然而,最近特别代表收到的报告表明,尽管存在这些法律规定,违反正当程序权司空见惯,减少了公平审判的可能性;例如,为编写本报告而会见的大多数人坚持,在对他们进行审讯时,没有向他们出示逮捕证或解释逮捕的原因。数

¹⁷ 如见代理总司令,Hassan Firouzabadi,于 2009 年 1 月 27 目的声明,www.fararu.com/vdcgxu9q. ak9y74prra.html。

^{18 &}quot;不得逮捕任何人,除非根据命令或根据法律奠定的程序。进行逮捕时,指控及指控的原因必须不加拖延地以书面形式传达给被告并加以解释,并且一份临时的档案必须不迟于 24 小时内提交给有关的司法当局,以便审判的初步程序得以尽可能快地完成。违反本条将依法受到处罚。"

^{19 《}尊重合法自由和公民权法》(2004)第 5 条规定,"禁止逮捕和拘押个人的原则要求只在不得已时为之,并须佐以逮捕证并依据法律。案件必须在法律规定的时限内递交给有关的司法当局,并应将案情告知被捕人的家庭成员。"

²⁰ 根据宪法第 35 条,"诉控案双方都有在任何法庭选择律师的权利;如缺乏能力,须作安排向他们提供法律咨询。"

²¹ 刑事诉讼法第 132 条规定, "为和被告保持接触,并确保他能及时出庭,必要时防止他脱逃或藏匿或谋划其他,法官有责任,经向被告解释指控,颁发以下担保令: (a) 以名誉保证出庭的义务; (b) 为保证出庭决定一笔义务款项,直到庭审结束且判决执行,如拒绝可变为担保金额; (c) 接受一位担保人或一笔担保金; (d) 接受保释金,这可包括现金,银行期票或可动产或不可动产;(e) 根据现行法律规定的条件临时拘留。

位被采访者报告,他们遭受了非法的搜查和没收,并长达数周甚至数月在未被告知对他们的指控的情况下被单独监禁。所有被采访者都说,在转监和审讯过程中,他们被蒙双眼,大多数人都无法和家人联系,告知自己所处何处,并在被逮捕后及拘押或审讯时没有法律顾问。

29. 更有甚者,一些被采访者说,他们的律师只在即将审判前才见到他们,既见不到证据、案件档案,也见不到反方的证人。还有人报告,他们的律师被禁止在审判时作口头辩护。有时,据说审判才进行了几分钟法官就作出了判决。有几位还报告,他们受到了相当于酷刑的胁迫性待遇,包括滥用单独关押、电击、殴打、威胁强奸和威胁拘留和/或伤害朋友、同事和家庭成员。据称还有人被迫作录像的供词。

E. 拘押设施

30. 综合与囚犯的谈话、公开发表的声明和给特别报告员的来信,描述了该国九所监狱²² 的状况,其条件远远低于联合国所宣布的最低标准,²³ 如严重拥挤,缺乏足够的生活用水,隔离犯人的做法欠缺,设施质量极差且不卫生,危险的通风设施,缺乏足够的医疗服务,微乎其微的营养供给,暴力不断,以及利用犯人实施处罚等。特别报告员与 2009 年总统选举之后被逮捕、关押在 Kahrizak拘留中心的四位被拘押者交谈,他们的证词证实了本报告中关于监狱状况的很多指控。

F. 有罪不罚

31. Kahrizak 拘留中心在 2009 年 7 月关闭之后,据报道 2010 年 1 月被指定调查指控的一个议会委员会确定了前德黑兰总检查长 Saeed Mortazavi 在 Kahrizak 侵权,并证实确有三名犯人在被看守殴打后死亡。2010 年 6 月 30 日,伊朗伊斯兰武装部队的司法组织宣布,Kahrizak 监狱的 11 名工作人员和一名平民因卷入上述犯罪受到起诉。提交给德黑兰军事法庭庭长的诉讼指控被告犯下几项罪行,包括"剥夺被拘押者宪法权利"以及"侵犯了他们的公民权"。被定罪者中,两人因杀害 Amir Javadifar、Mohsen Rooholamini 和 Mohammad Kamrani 被判死刑,九人被开除军籍,苛以罚款,支付赔偿,被判鞭刑和监禁。一名被告宣告无罪。

Evin 监狱、Gohardasht 监狱、Qezelhesar 监狱、Mashhad's 马什哈得德的 Vakil Abad 监狱、Qarchak 监狱、Hassan Abad, Khorin 监狱、Lakan 监狱和亚滋德中心监狱。

²³ 例如,经济及社会理事会第663 C (XXIV)号和第2076 (LXII)号决议通过的《囚犯待遇最低限度标准规则》,及大会第43/173 号决议通过的《保护所有遭受任何形式拘留或监禁的人的原则》。

- 32. Masood Alizadeh、Hatef Soltani、Taha Zeinali,还有一位证人希望匿名,他们都被关押在 Kahrizak 拘留中心,就警察侵权提出了诉讼。三名被采访者一再受到政府官员的威胁和暴力恐吓,迫使他们撤回投诉。Alizadeh 先生报告,他在2010 年 10 月 15 日受到两人的袭击和刀扎,失去了脾脏,他猜测该事件和他的诉讼案有关。Mr. Soltani 说,有人一再向他行贿,他自己家庭的安全受到威胁。匿名的证人称,他遭到严厉的殴打,强迫他撤回申诉。
- 33. 在一份联合声明中,国际人权联合会和伊朗捍卫民主同盟²⁴ 认为,法庭的调查不够全面,审查至少另两位被拘押者的死因时粗枝大叶,Ramin Aqazadeh-Qahremani 和 Abbas Nejati-Kargar 被从拘留中心释放不久便死于酷刑。所有会见到的原告都称,一些高级官员侵犯了数名被拘押者,在 Kahrizak 犯有同谋罪,但却逍遥法外,他们的姓名已提交给特别报告员。
- 34. 在给特别报告员的公开信中,"Laleh 公园的母亲们"请求特别报告员调查在 2009 年的选举中她们的孩子们的死因——Neda Agha Soltan、Sohrab Arabi、Ashkan Sohrabi、Masoud Hashem Zadeh、Mostafa Karim Beigi、Kianoush Asa及 Ali Hsan Pour。到目前为止,特别报告员只得以调查其中的一个案件。
- 35. Sohrab Arabi 在 2009 年选举的抗议中失踪,受到媒体的大量关注。关于他死亡的具体情形仍不清楚,初步报告表明,他可能在街头和平抗议中中弹,或者之后死在医院或在警察监押中。经过 26 天的紧张搜寻及在官员中调查,家人发现 Arabi 先生的尸体在当局手中。司法机构起先拒绝和他家人分享任何信息,并坚称 Arabi 先生还活着,且最后会从监狱释放。当局最后交回了他带着几个子弹孔的尸体,Arabi 的母亲和其他家庭成员在要求进行调查之后,经常受到骚扰和威胁。据报道,当局突然搜查了他家,没收了相片和其他的财产。家庭成员和较近的朋友也不允许去他的墓地,据报道也不得在死亡周年纪念。政府据说为杀害Arabi 先生承担起了责任。2011 年 4 月,据说他的家庭收到会得到一笔 diyah(血汗钱)的口头承诺,并受到相当大的压力接受这笔钱换取放弃调查的请求。特别报告员呼吁政府为之提供方便,取得该案以及与 2009 年选举后抗议事件有关的其他未决案件的进一步的信息。
- 36. 特别报告员和人权委员会有着同样的关切,即到目前为止尚未针对 2009 年 6 月 12 日总统选举期间和之后的指控进行全面、不偏倚和独立的调查。他还表示关切的是,并未追究负责的高级官员的责任。²⁵ 报告中关于 2009 年总统选举后数日和数月发生的异乎寻常的违反人权的指控继续出现,证明破坏法治的问题仍未解决,有罪不罚继续盛行。

²⁴ Refworld, 难民署, "伊朗:警官的定罪; 高级官员的有罪不罚", FIDH 和 LDDHI 的联合声明, 2010 年 7 月 5 日。见 www.unhcr.org/refworld/country,,,, IRN,, 4c56acc623,0.html。

²⁵ CCPR/C/IRN/CO/3. 第 15 段。

- 37. 一份这方面的报告描述了对德黑兰大学宿舍的突袭事件,目的是为了驱散 2009 年 6 月 13 日聚集的抗议者,对那次袭击曾作过大量报道。²⁶ 一名学运活跃人士(希望匿名)指称,便衣和正规安全部队——他们法律上禁止进入校园——突袭了宿舍楼,并使用了棍子、匕首、链子、铁棍、莫洛托夫燃烧瓶、催泪弹、白磷弹和电棍。宿舍房间被捣毁,学生被殴打。证人报告称被推到地上,被警察用电棍和普通棍子殴打,后又被逮捕,同 50 名其他学生一起被运到德黑兰中心的 Shapur 警察局。据称学生们 24 小时得不到食物和水喝,并受到殴打。
- 38. 几个组织还要求特别报告员调查 80 年代"由于监狱内外个别或大规模处决造成的"人员死亡,在这方面,他收到了有近 20,000 宗个人案件的单子,其中有和 Mojahedin-e Khalq 组织(MKO)有关的少年,据称从 1980 年起他们遭到政府当局的处决、侵犯或酷刑。²⁷ 特别报告员还收到 Habilian 协会的材料,声称该组织代表 1980 年以来 17,000 名遭受 MKO 成员暴力的受害者。
- 39. 特别报告员无法审查上述案件,但愿指出,人权委员会关于伊朗伊斯兰共和国人权状况特别代表于 1989 年审查了 80 年代大规模处决和暴力的问题,结论是大规模谋杀的指控值得有关政府根据国际惯例加以详细调查并提供信息。²⁸
- **40**. 然而,特别代表指出,未能解决几千个酷刑和法外处决的案件,已不可磨灭地侵蚀着伊朗人民的良心,应成为全面审查的问题。

四. 人权状况

A. 妇女权利

41. 特别代表会见了妇女联络网的代表,该网络声称代表全国 1,600 个妇女非政府组织。他们对特别报告员的公允表示关切,表示自伊斯兰共和国成立以来性别平等已得到很大改善,指出该问题需要对过去 30 年的数据进行全面的研究。和人权委员会一样,特别报告员注意到在扫盲率方面的令人震惊的改善,统计数字表明,自 1990 年以来,女性在教育机构的入学率显著增加。他也收到报告,称伊朗伊斯兰共和国正按计划将孕产妇死亡率在 1990 年到 2015 年期间将低 75%。²⁹

²⁶ 突击搜查的录像由 BBC 波斯文提供。见 www.youtube.com/watch? v=TqZf0JuZxjE&feature =related。

²⁷ 为自由而倒下: 20,000 PMOI 烈士,毛拉统治期伊朗政治处决的 120,000 名受害者的部分名单,第1卷,(巴黎,伊朗人民圣战者组织,2006年9月)。

²⁸ E/CN.4/1989/26, 第 68 段。

²⁹ 见联合国开发署,"UNDP 伊朗和 MDGs",见 www.undp.org.ir/index.php/millennium-development- goals/the-mdgs-in-iran。

- 42. 其他关于妇女权利的报告表明,需作出更多的努力来改善该国妇女的社会经济平等;例如,两位前女大学生在见面时解释,虽然在伊朗学术机构入学的女性数字较高,但是妇女在获得该国现有的全部学术和专业机会方面仍然面临阻碍平等机会的歧视性做法。她们指出,为限制从事医学、硕士和博士课程的女性的数字设立了配额制,这样当女性入学率超出配额时对入学考试时分数高于男性的女性进行歧视。此外,八所大学据称在校园施行男女隔离的政策,有些禁止妇女参加免费的日间课程,迫使她们参加收费的夜校。
- 43. 据法尔斯社报道,2006 年 12 月 5 日,八名儿童被严重烧伤(有些造成肢体残缺)。³⁰ 教育和发展部被认定在火灾案中犯有渎职行为,³¹ 但孩子们的律师指出,法庭的最后裁决付给男性受害者的 *diyah*(抚恤金)(见上文第 37 段)是女性的两倍。公众对歧视性的结果表示义愤之后,国家媒体才报告说女童会得到同等的数额。³² 特别报告员赞扬最近的决定,推翻法庭所做的向学校火灾中被烧伤和受伤的女童支付男童一半抚恤金的裁决。他敦促政府重新评估所有歧视妇女和女童的法律,特别是赋予他们的生命和身体不平等价值的法律。
- 44. 在提交给人权委员会的报告中,政府指出确保政府高级职位的平等代表权的努力,如法官,使得 614 名女法官得到批准。³³ 然而,特别报告员还是要强调,其他的报告表明妇女在法院并不占据主审法官的位置,她们被剥夺了占据国家各种职位的权利。特别报告员敦促政府努力改善妇女在司法系统内决策职位的代表权和在政府其他部门代表性不足的状况。

B. 工会

45. 尽管独立的工会被禁止,有些工人据说还是为主张工人的权利组成了小型的独立工会;如库尔德斯坦的面包工人,库尔德斯坦的糖业工人,德黑兰的巴士司机和金属工人,及全国的教师。³⁴ 这些工人及他们的代表中很多人据称因所从事的活动受到骚扰、恐吓和逮捕。例如,据报道,2009 年 5 月一些人在 Laleh公园集会,纪念国际劳动节,当局强行驱散了集会,并逮捕了 200 多人。至2009 年 9 月所有人都被释放。³⁵

www.farsnews.com/newstext.php? nn=8609140237.

www.farsnews.com/printable.php? nn=8909130398.

http://fars.isna.ir/default.aspx? NSID=5&SSLID=46&NID=18103.

³³ CCPR/C/IRN/Q/3/Add.1, 第9段。

³⁴ 大赦国际,决心有尊严地活着:伊朗工会分子为权利进行的斗争(伦敦,大赦国际,2011 年 6 月)。

³⁵ 同上。

- 46. 2011 年 10 月 24 日,运输工人国际联合会对巴士司机工会的一位前司库 Davood Razavi 的情况表示关注,他在当日被传唤到 Evin 监狱第六所的检查官办公室。传唤事因 2006 年该组织的账户及简报的案子。据报告,Razavi 先生被告知,有关指控不再提了。巴士工会的司库 Reza Shahab Zakaria 被指控进行了"破坏国家安全的行动"。据报告,Zakaria 先生目前正等待着对他的审判的结束。工会的副主席 Ebrahim Madadi 因被指控从事"破坏国家安全的行动"而被捕并判处三年半的徒刑,于 2011 年 12 月 1 日被释放。³⁶
- 47. 根据大赦国际的消息,Haft Tapeh 工会的主席 Reza Rakhshan 被拘押六个月,在交纳 150,000 美元保释金后于 2010 年 1 月 19 日释放。³⁷ 德黑兰及郊区巴士公司工人工会主席 Mansour Osanloo 因"破坏国家安全的行动"和"反制度宣传"正在服为期五年徒刑,2011 年 6 月 2 日被临时释放。³⁸

C. 维权人士和良心犯

- 48. 特别报告员对前 Allameh Tabatabaee 的员工、人权卫士和自愿演艺研究所所长 Sohrab Razzaghi 最近被定罪表示失望。Razzaghi 先生被缺席审判,于 2012 年 1 月被判 20 年监禁及 760,705 美元罚款,指控是"组织旨在推翻当局和破坏国家安全的团伙","私藏绝密信息以便提供给外国人","为推翻和破坏国家安全进行勾结",并"接受国际组织的资金"。Razzaghi 先生的律师 Abdolfattah Soltani 目前正因与安全有关的指控被关押在监狱。
- 49. 特别报告员还表示关注的是维权人士 Kouhyar Goudarzi 的安全,他于 2011 年 7 月 31 日被捕,一直被单独监禁在 Evin 监狱。据称他的家人和律师都不得见到他。几份报告表明,他的母亲 Parvin Mokhtareh 因为她儿子宣传而受到指控并被捕,2011 年 9 月遭到审判。特别报告员呼吁政府披露 Goudarzi 先生的关押处,允许他见他的家人并取得律师帮助,立即释放他和他的母亲。
- 50. Elham Ahsani 是一名大学生,哀痛的母亲组织的积极分子,她和她的兄弟 Nadar Ahsani 于 2010 年 2 月 8 日被安全部队从德黑兰的家中逮捕,然后被递解 到 Evin 监狱的 209 科。她被蒙上双眼,整个拘留期都受到会威胁他家人或要强 奸和处死她的威吓。对她的指控包括从事"反制度的宣传","破坏国家安全","加入了非法团伙",在 Ashoura 2009 期间参加了冲突并在国外传播信

³⁶ Payvand 伊朗新闻,"被监禁的伊朗工会分子 Ebrahim Madadi 获释",2011 年 1 月 12 日。见www.payvand.com/news/11/dec/1008.html。

³⁷ 大赦国际,决心尊严地活着(见脚注 39)。

³⁸ 见伊朗争取人权国际运动"Parvaneh Osanloo: '我们是无辜的。我们请求任何有能力的人帮助我们'", 2010 年 6 月 27 日。见 www.iranhumanrights.org/2010/06/parvaneh-osanloo/;及大赦国际,决心尊严地活着(见脚注 39)。

- 息。她不被允许会见家人,也没有律师。在被拘留了 40 天后交保释放。她的案档仍未结案,还在等待判决。她后逃离伊朗。Ahsani 先生获刑两年。
- 51. 最后,特别报告员特别指出有关精神领袖 Seyyed Hossein Kazemyani Boroujerdi 的报告,此人仍因他的政治见解被关在狱中。最近的报告称,Boroujerdi 的健康继续恶化,他无法获得充分的医疗。2011 年 11 月,据说他的同监企图杀他,当局被指控谋划了这次袭击;报告说 Boroujerdi 先生仍有危险。特别报告员重申紧急向 Boroujerdi 先生提供充分的医疗服务,立即把他释放。

D. 记者

- 52. 伊朗伊斯兰共和国比世界任何其他国家关押的记者都多,目前就有 42 名记者在押。³⁹ 根据特别报告员收到的报告,自 2009 年总统选举以来,至少 150 名记者因害怕受到镇压和迫害逃离该国。在给特别报告员的信中,无边界记者说自选举以来将近 50 份刊物被停刊,大多数对新闻界的审判都是私下进行的,尽管宪法规定这种审判必须有陪审团。⁴⁰ 还有报告称,记者们经常不得亲自出庭,往往在狱中得知对他们的宣判。
- 53. 在一次采访中,两位最近被拘留的记者(希望匿名)报告说,该国的新闻检查 日益严格。一位说,"当局过去事先告诉我们不要写什么,现在连该写什么都指 示我们"。记者们声称,文化指导部和/或国家安全委员会经常直接检查新闻, 通过备忘录或打电话告诉他们该报道什么问题。一位被采访者说,新闻编辑们接 到电话,被威胁不得写关于改革派政治家的文章,最高领袖办公室还指示报界不 要报道这个国家腐败泛滥的指控。他们报告说,媒体的办公室被突袭搜查,设备 经常被没收。记者们在没有法院的裁决之前常被禁止从事新闻工作,这迫使他们 行使自我检查。
- 54. 为改革派报纸和网站工作的 Mohammad Reza Yazdanpanah 于 2009 年 7 月 7 日被捕,原因是在总统选举后支持了抗议及起到的作用。他被单独关押,共 18 天单独监禁并受到询问,原因是接受外国媒体的采访,和外交使团建立关系,参与了选举后的骚乱。在整个关押期,Yazdanpanah 先生被威胁施以强奸,受到了等同于酷刑和某些有辱人格的待遇。他被强制 48 小时不吃不喝地罚站。在交纳相当于 200,000 美元的保释金后他被释放。释放后两个星期,Yazdanpanah 被传唤到情报部,据称他被强迫招供。

³⁹ 保护记者委员会,"2011 年监禁徒刑:世界各地 179 名记者被监禁",2011 年 12 月 1 日。见 www.cpj.org/imprisoned/2011.php。

⁴⁰ 根据第 168 条, "政治和新闻犯罪应在法庭,在有陪审团出席的情况下公开审理。陪审团的 选择方式,其权力和政治犯罪的定义应根据伊斯兰的标准依照法律决定。"

55. 另一位记者(也希望匿名)报告,在 2009 年的总统选举后的抗议中被捕并被送到 Evin 监狱的 209 号牢房。记者描述了单独监禁并由掌握了他的谈话录音和电邮通讯的人进行了审讯。证人报告,他被蒙上双眼,受到强奸的威胁,在询问期被单独监禁,以便强迫交代其他的供词并提供合作。一个月后证人在交纳了100,000 美元保释金后被释放。两个月之后,证人被传唤,正式受到反制度宣传的指控。

E. 学生

- 56. 侵犯学生的言论、结社和集会自由的报告令特别报告员感到不安(见附件 B节)。他还感到关切的是,学生由于批评政府或大学政策的政治及学生活动而被剥夺了受教育的权利。学生活跃分子 Ali Nezeri 描述了大学的纪律委员会被用来惩罚学生在校园内外的政治活动。他声称,纪律程序经常被违反,学生的命运受外部机构的左右。Nezeri 报告他被所在大学的委员会传唤过两次,一次是因参加了伊斯兰学生协会,另一次是因为两位学生在学校宿舍死于一氧化碳中毒对大学缺乏安全标准提出了抗议。
- 57. 特别报告员收到了一些关于 Rozhin Mohammadi 被捕的报告,这是一名菲律宾马尼拉医学院的医科学生,2011 年 11 月 14 日在德黑兰依玛姆•侯赛因机场被捕。根据消息来源(希望匿名)称,Mohammadi 女士被捕时是去探亲。据报告,第二天在交了保释金后她被释放。释放后,安全部队搜查了她父亲的家,没收了她的个人物品。2011 年 11 月 23 日她又再次被捕并被带到 Evin 监狱。人们担心,Mohammadi 女士会受到单独监禁和其他形式的侵害和酷刑。自她被捕之后再没有关于她的消息,她的家人和辩护律师都被剥夺了探望她的权利。
- 58. 在给特别报告员的信中,Daftar Tahkim Vahdat 的人权委员会强调,学生组织及其成员为改善学术生活和捍卫学生的权利和人权作出了重要的贡献。学生们的和平努力——包括举办讲座和发表文章——经常遇到校方或政府的惩罚性措施。委员会例举了根据新闻报道收集的资料中有关学生活跃分子待遇的统计数字,委员会认为,自 2009 年 3 月以来,发生了 436 起逮捕,254 起定罪和 364 起剥夺教育权的案例。此外,144 名学生被司法机构传唤,13 种学生出版物被强制关闭。委员会还提供了 32 名因从事的活动目前被关在监狱的学生的名单。

F. 不被承认的宗教团体

59. 特别报告员继续对收到的来文感到震惊,这些来文表明,未得到承认的宗教团体的成员受到有系统的迫害,尤其是对 Baha'i 社团,违反了国际公约。此外,政府容忍大量的诋毁宣传,意在煽动对 Baha'i 的歧视和仇恨,违背了其对《消除一切形式的种族歧视国际公约》第五条的义务。根据一份报告,在过去两

年中,440 份针对 Baha'i 人的诽谤性演讲被出版或广播。一篇由 Rasa 新闻社 2011 年 3 月 8 日贴发的这类文章 41 攻击 Baha'i 企图颠覆伊斯兰。 42

- 60. Baha'i 人继续因他们的信仰被任意逮捕和拘押,违反了《公民权利和政治权利国际公约》。一份提交给特别报告员的报告控诉,自 2004 年 8 月以来有474 名 Baha'i 人被捕。其中,97 人目前关在监狱(见附件,表四);199 人交保释放待审;26 人已释放,毋需交保;96 人已经被审判,上诉待决或待唤开始服刑;34 人已经审判并服满刑期和/或支付罚金;14 人的徒刑经上诉推翻;5 名 Baha'i 人刑满后开始国内流放生活。2011 年 8 月和 11 月间,另有 35 人据报告被逮捕。
- 61. Baha'i 人受到严重的社会和经济压力,违反了《经济、社会及文化权利国际公约》;在一些情况下,他们被剥夺财产、就业和教育权。例如,最近几个月,在塞姆南省的两座城市巴哈教徒拥有的 10 家商店和一口井被当局封闭。此外,上溯到 1991 年的几份令人不安的政府文件规定不准他们接受教育,设立一个办公室来对付巴哈教徒的出版物,不准他们占据"影响地位",并不得进入某些行业。一名巴哈教学生在面谈时报告,在他的入学申请被拒绝那年有 800 名巴哈教徒未被大学接受。此外,数位最近被逮捕的巴哈教徒隶属于巴哈教高等教育学院,该学院的目的就是为了教育被排除在教育系统之外的伊朗巴哈教徒。43

G. 少数民族群体

- 62. 特别报告员继续收到关于在法律上和实践中影响到少数民族群体的侵犯人权的报告。截至到 2011 年 10 月 31 日,15 名库尔德人活跃分子据报道在死刑名单上,受到的指控包括"破坏国家安全"、"腐败"和间谍罪。少数人群体还继续受到大量的社会经济上的歧视和压力,包括没收土地和财产,拒绝就业及受到社会、文化和语言权的限制,这都违反了《消除一切形式的种族歧视国际公约》和《经济、社会及文化权利国际公约》。
- 63. 2010 年 5 月 9 日,一名库尔德人教师 Farzad Kamangar 和另三名库尔德人一起在 Evin 监狱被处决。Kamangar 先生的直接亲属报告他被剥夺了公平审判的权利,死刑是秘密执行的。Kamangar 先生于 2006 年被情报部逮捕,并被判处死刑,起诉的罪名是 *Moharebeh*(见第 22 段)和据称参加了库尔德工人党并从事活动。接受访谈的人报告说,Kamangar 先生一开始被单独关押并受到各种形式的酷刑,包括威胁施以强奸和威胁他的家庭成员的安全。据说 Kamangar 先生于

⁴¹ Baha'i 国际社会,煽动仇恨: 伊朗媒体宣传把 Baha'i 人妖魔化, 2011 年 10 月。见 http://bic.org/resources/documents/inciting-hatred-book。

www.rasanews.ir/Nsite/FullStory/? Id=99956.

^{43 2011} 年 6 月 4 日国家新闻机构 ISNA 报告的一份声明中(www.isna.ir/ISNA/NewsView.aspx? ID=News-1780417), 科学和技术部宣布 Baha'i 高等教育学院的活动为非法并且颁发的所有证书和学位皆无法律效力。

2008 年初,经过为时七分钟的审判被判处死刑。他不得会见他的律师和家人。 尽管家庭成员无数次请求,当局都拒绝交回他的尸体或帮助找到他的坟墓。

- 64. 特别报告员还得知对居住在边界地区的 kulbars 人(掮夫)和 kasebkaran 人(商贩)的有系统的屠杀。Kulbaran 人以肩挑人扛的方式跨边界运送货物或走私茶叶、烟草和燃料等商品为生,他们尤其受到影响。伊朗的法律视 kulbari 人的活动为犯罪,可处以几个月的拘留或与所截获商品等值的罚款。然而,特别报告员却接到报告,称伊朗的边哨朝这些个人不分青红皂白地开枪,每年都打死打伤几十名 kulbari 人和他们的马匹。
- 65. Baloch 族人是个逊尼派的少数民族群体,有报告称,他们受到多方面的歧视、骚扰、虐待、任意逮捕,甚至处决。根据特别报告员收到的报告,以 Baloch 人为主的地区都欠发达,常遇到如缺乏住房、教育、健康医疗和就业等问题。他们的言论和宗教自由都受到限制。还有的关切称 Baloch 人参与公共生活的层次低,因为在政府高级职位中代表不足。此外,Gozinesh 标准的实行,即要求准备担任国家官员和雇员的人必须证明他们效忠于伊朗伊斯兰共和国和什叶派国教,进一步把 Baloch 人异化,严重地限制了他们的就业机会和政治参与。
- 66. 特别报告员得知,在 2011 年呼吁拯救 Urmieh 湖免于干涸的抗议中,有 57 人被逮捕并在最近被判共 26 年监禁和 1,390 下鞭刑。共有 112 人被审判,其中 55 人无罪,57 人被判徒刑、鞭刑或两刑并罚。那些被定罪者据说还包括五名妇 女和九名 18 岁以下的人。特别报告员收到的报告称很多被捕和定罪的人在讯问中都受到了非人道的待遇。其他有报告描述,自 2011 年晚些时候起,在胡齐斯 坦省有 65 名阿拉伯族裔的人被捕和拘留,据说是因为他们呼吁抵制即将举行的议会选举和喊了反政府口号。

H. 男女同性恋、双性恋和跨性恋者的待遇

67. 特别报告员和人权委员会有着同样的关切,即男女同性恋、双性恋和跨性恋者面临骚扰、迫害和残忍的处罚,被剥夺了他们基本的人权,包括生命权。⁴⁴目前的刑法将两名自愿的个人之间的同性关系定为有罪,伊斯兰刑法第 109 条规定"同性的双方负有同等的刑事责任,可面临严厉的惩罚,包括死刑"。2011年 9 月,三名男子据报告根据该国的鸡奸法被处死。⁴⁵伊朗官员经常把同性恋定性为疾病,对被视作同性恋性质的行为坚持运用严厉的处罚。例如,2011年,两位著名的伊朗足球运动员因为在庆祝进球时相互触摸似乎过于亲昵,"行为不道德",因而被无限期禁赛并被罚款。

⁴⁴ CCPR/C/IRN/CO/3, 第 10 段。

⁴⁵ ISNA 报告(http://khouzestan.isna.ir/Default.aspx? NSID=5&SSLID=46&NID= 16917)。

68. 支持男女同性恋、双性恋和跨性恋者的维权人士经常受到政府的恐吓和起诉。Houtan Kian 博士是位律师,曾为被指控鸡奸和通奸的个人辩护,他被控 11 项罪名,包括亵渎伊朗的司法、间谍罪、泄露秘密和保密信息罪(牵涉到关于政府通过无法探测到的医疗方法谋害政治犯的信息)、舞弊和伪造身份等。⁴⁶ 据报道他遭受了严厉的酷刑,包括身上被烟卷烫伤近 60 处,特别是在性器官周围和腿上。

五. 结论和建议

- 69. 特别报告员把指控一一编录成册,从而揭示了国际法所保证的基本人权遭到侵犯的令人震惊的模式。他再次呼吁政府尊重其国际义务,强调国际人权法的突出地位,因为它意味着需要制定符合国际人权法的国内法和国家标准。这包括《消除一切形式种族歧视国际公约》、《公民权利和政治权利国际公约》及《经济、社会及文化权利国际公约》所规定的保障。因此,他敦促政府重新审议政党和结社法改革计划,非政府组织成立和监督法案、旨在审查和纪律处罚议会成员的法案、家庭保护法、以及国家安全法、确保它们不违背国际标准。
- 70. 特别报告员强调需清楚地界定构成破坏国家安全罪的行动,鼓励政府保证被视为受到言论、结社和集会自由保护的和平活动不被定罪。他再次呼吁释放所有政治犯和良心犯,吁请政府保护公众批评或倡议的空间。
- 71. 特别报告员会同人权委员会呼吁对 2009 年总统选举之后数周和数月内发生的暴力进行广泛、公正和独立的调查。同样,他呼吁对在 Kahrizak 监狱和其他拘押场所发生的无数在押期间的暴力和死亡的指控进行进一步的调查,揭出那些尚未受到起诉的个人。
- 72. 特别报告员敦促政府对不按国际法的定义未达到"严重罪行"标准的案件禁止施以死刑,并建议当局给罪行不够死刑标准的个人减刑。他还呼吁政府认真考虑暂停对所有罪行的死刑,直到能实质性地证明执行了适当程序权,并敦促政府允许被告在调查的所有阶段能获得法律代表。
- 73. 特别报告员还建议政府根据国际法禁止对少年犯的死刑,并且当局应考虑给目前面临死刑的所有少年减刑。最后,特别报告员欢迎新的刑法取消了石刑,进而鼓励政府采取步骤,明确禁止使用这种惩罚,并呼吁政府给现存的石刑处罚减刑。

⁴⁶ Kian 博士的情况在见他的前律师 Taghi Mahmoudi 时进行过讨论(www.hra-news.org/2/00/9648-1.html)。他称 Kian 博士因三项不同的罪名被审判: 德黑兰革命法庭第 15 分庭, 他被宣布未犯 有亵渎神灵罪; 大不里士刑事法庭第 104 分庭: 他被宣布伪造罪无罪; 以及大不里士革命法庭第一分庭; 他被控犯有国家安全罪。

74. 最后,特别报告员继续强调,更大的透明度及和人权理事会和联合国人权机制密切接触至关重要,以便在伊朗伊斯兰共和国加强对所有人的人权保障。特别报告员回顾,伊朗在普遍定期审议中接受了 123 项建议,特别报告员愿在此建议,自愿接受一次中期审查会提供更具透明度的方式证明他们的执行情况。特别报告员鼓励伊朗政府和特别程序任务负责人进行全面接触,履行 2002 年发出的长期邀请,为他们访问伊朗提供方便。他还敦促政府为他履行授权给予合作,对他进行国别访问的请求作出积极的反应。

Annex

Additional reports of human rights violations in the Islamic Republic of Iran

I. Kahrizak Detention Center Cases

- 1. Masood Alizadeh, Hatef Soltani, Taha Zeinali, and a witness who wishes to remain anonymous were separately interviewed from 31 October 3 November 2011. They all testified that they were arrested on 9 July 2009 at different locations by plainclothes forces during a city-wide protest. They reported that they were beaten severely, and transferred with approximately 250 people to the Prevention Police Headquarters in Enghelab Square. All four interviewees stated that the investigative Judge, whose name was made available to the Special Rapporteur, came to the police headquarters on 10 July 2009, where he distributed a list of charges against the protestors and beat a number of prisoners.
- 2. They reported that they were transferred to Kahrizak Prison and placed in a 70 sq. meter cell with no ventilation and one toilet with about 124-146 other prisoners, some of whom were incarcerated for violent crimes, such as murder and rape. These prisoners were said to dole out punishments to the protestors. It was also said to be so crowded in the cell that individuals had to take turns sleeping while others stood. Authorities reportedly pumped gas exhaust fumes into the cell when they wanted the prisoners to be quiet.
- 3. The interviewees stated that detainees were taken outside barefoot the next day, directed to form a circle, and told to walk around the searing asphalt yard while squatting. They asserted that everyone suffered burns to their feet and those unable to perform this task suffered from burns to the hands and knees as a result of crawling on the asphalt. Those that were unable to follow this order were reportedly beaten with PVC pipes. The unnamed witness corroborated the abuse and torture of Masood Alizadeh on the second night of their detention. Both men testified that a prisoner was ordered to pick protestors to be hung from the ceiling in order to "teach others a lesson and to make them cooperate." Mr. Alizadeh was randomly chosen, hung from the ceiling by his feet, and beaten. Mr. Alizadeh passed out from the 20 minutes beating. After being unhooked, Mr. Alizadeh stated that he immediately endured another beating from a prisoner on orders from the authorities, and sustained multiple head wounds as a result. His wounds went untreated until after he was transferred from Kahrizak Prison.
- 4. By the third day all the wounds sustained during beatings were infected, and most of the detainees reportedly had eye infections. The heat in the cell was described to be "intense", and the witnesses stated that people were passing out as a result, including a prisoner named Amir Javadifar who reportedly had broken bones when he arrived in his cell. The interviewees said the detainees pounded pound on the door and until a guard agreed to let them out for a 15 minute fresh air break. Several individuals were sent to the prison yard to seek medical treatment for their infections and broken bones at that time. However, their request for painkillers and treatment for their injuries were reportedly ignored. Amir Javadifar was allegedly told to stop pretending to be sick by the physician on duty. All four witnesses reported that Mohsen Rooholamini, and Mohammad Kamrani were also refused medical treatment. All three men reportedly died from their injuries.
- 5. The detainees were prepared to be transferred from Kahrizak to Evin Prison on the fifth day. The Head of the Detention Center reportedly beat the prisoners for "not getting dressed fast enough". The witnesses stated that Amir Javadifar died during this transfer to

Evin Prison as a result of negligence. They stated that detainees complained to the authorities about his breathing and that his condition appeared serious, however, no medical treatment was provided until CPR was performed by another detainee when Mr. Javadifar stopped breathing. The prisoners were transferred to Evin Prison that evening and allowed to contact their families after a week.

II. Students' cases

- 6. Nasseh Faridi, former Secretary of Tehran Tarbiat Moallem University Islamic Association, was sentenced to 6 years in prison and 74 lashes by Branch 26 of the Tehran Revolutionary Court, on charges of "acting against national security," and "disruption in public order". Faridi reported that he was arrested on the evening of 14 June 2009, after a raid on his campaign headquarters in connection with his efforts to communicate developments surrounding the presidential elections to international news stations.
- 7. Alireza Kiani, a former student activist at Mazandaran University, was arrested on 4 November 2010. A source who wishes to remain anonymous for security reasons stated that Mr. Kiani's arrest was connected to his membership and work with the Central Council of Daftar Tahkim Vahdat, which criticized various government policies; his publications and statements supporting opposition candidates in the 2009 presidential elections; and his communications with foreign media. The source reported that Mr. Kiani was held in solitary confinement for 20 days and was charged with "assembly and collusion with the intent to act against national security". He has since been banned from defending his thesis and graduation.
- 8. In a report to the Special Rapporteur, Dr. Maleki, a retired university professor and the first president of the University of Tehran after the Islamic Revolution, wrote that his home was raided at 8 am on August 22, 2009 by the Intelligence Ministry. He stated that a piece of paper was shown to him from a distance upon his request to see a warrant, and his home was searched, and belongings confiscated, including legal books, his computer hard disk, cell phone and medical equipment. He was arrested on his sick-bed, transferred to Evin Prison, and placed in solitary confinement for approximately three months. He also stated that he was insulted, blindfolded, and abused during interrogations. Dr Maleki reported that after 191 days he was released on furlough due to his cancer. He was accused of "Moharebeh" (enmity with God), and "acting against national security", and was sentenced to one year in prison.
- 9. A student activist, who wishes to remain anonymous reported that s/he was arrested and transferred to Ward 2-A in Evin Prison following his participation in student gatherings that took place on 4 November 2009. The victim maintained that s/he was blindfolded and severely beaten to the point of unconsciousness during interrogations for the purposes of obtaining email username and password. S/he was allegedly tortured with the use of a small box known as the "dog house", and denied medical treatment for pain. S/he was later charged with "acting against national security" and "participating in an illegal gathering". The victim was reported to have made false confessions to having connections to foreign governments as a result of his treatment. S/he was later released on \$150,000 bail in August 2010.
- 10. Mehdi Arabshahi, student activist, was recently released from prison where he was serving a two and half year sentence, due to his medical condition. A reliable source who

^a Human Rights Hous of Iran; http://www.rahana.org/en/?p=7971

wishes to remain anonymous reported that Mr. Arabshahi underwent almost a dozen interrogations during his 240-day detention in solitary confinement. The source alleged that Mr. Arabshahi was blindfolded, verbally abused, threatened, and beaten during his interrogations. He was reportedly questioned about interviews he gave to the foreign press, about his role in the 2009 Ashura protests, and about the membership and activities of his student organization, Daftare Tahkim Vahdat. Mr. Arabshahi reportedly suffered a heart attack and was released from prison upon medical advice on \$100,000 bail. The source also reported that Arabshahi has since been threatened by authorities to refrain from political activity.

- 11. Hassan Asadi Zeidabadi is a central council member of the Graduate Alumni Organization (Advar Tahkime Vahdat). He has been arrested and detained twice for his student activities. A witness who shall remain anonymous reported that Mr. Zeidabadi was held in solitary confinement for 30 of his 40 days in detention following his arrest on 3 November 2009, after which he was released on \$100,000 bail. The witness reported that Mr. Zeidabadi was not allowed to defend himself during his 4 August 2010 trial, and that it was clear that the judge had already made up his mind about charges of "conspiracy and assembly to disturbing public order," "propaganda against regime", "insulting president", and "participation in illegal Marches". Mr. Zeidabadi is currently serving his 5 year sentence.
- 12. Salman Sima was arrested for a second time on 12 June 2010 for his student activities in protest of the 2009 presidential election outcome. Mr. Sima reported that he was blindfolded, threatened, and beaten during his interrogations. He learned of his 6-year sentence for charges of "disrupting the public order and attending illegal gatherings" and "collusion and conspiracy" that were filed against him in November 2009 while in prison awaiting the outcome of his second arrest. He was released on 5 July 2010 on US \$100,000, and has left the country.
- 13. Ali Jamali is currently serving a 4-year sentence for "insulting the Supreme Leader", "insulting the President", "anti-regime propaganda", and "gathering and conspiracy to disturb public order." A witness who shall remain anonymous reported that Mr. Jamali and his family were repeatedly threatened for their participation in the 2009 election protests. The witness also stated that Mr. Jamali's wife was also fired from her job in connection with her husband's activities.
- 14. Hamzeh Ghalebi was the head of the Youth Branch of Mir-Hossein Mousavi's campaign during the June 2009 election. He was detained on 20 June 2009 by plainclothes agents and transferred to Ward 2-A of Evin Prison, where he was reportedly blindfolded, beaten and threatened with execution during his investigation.
- 15. Mohammad Sadeghi was arrested for the fourth time on 3 November 2009. Mr. Sadeghi reported that his home was searched, belongings seized, and he was transferred to solitary confinement in Ward 209 of Evin Prison. Mr. Sadeghi reported that he spent 12 days in the 1.5 x 2 meter cell without any human contact, stating that the only way he knew the time of day by hearing the calls to prayer. He asserted that his pleas to go to prayer were met with beatings by prison guards. He was only allowed to contact his family to inform them of his whereabouts after 25 days. He was charged with "acting against national security", "assembly and collusion with the intent to disrupt national security," propagating against the regime and creating public anxiety." He was released on \$100,000 bail on 12 December 2009.

Table I

32 Students Currently Detained

Name	Charges	Sentence	Arrest Date	Details	
Ali Ajami	Propaganda and conspiracy against the regime	4 years	2/1/10	Sentence later reduced to 2 years	
Javad Alikhani	no information	5 years	Fall 2007	Sentence later reduced to 3 years.	
Peyman Aref	Propaganda against the regime	1 year	2/1/10	2009 Elections. Charged 03/2010. Sentenced to a	
	Insulting the President	74 lashes		lifetime ban from journalism and any membership in political parties	
As'ad Bagheri	no information	no information	Sep 2011		
Rahim Bajor	no information	no information	10/13/11	no information	
Babak Dashab	Assembly & conspiracy against national security	6 years	2/1/09	Sentence later reduced to 5 years; Some reports show 2/3	
	Propaganda against the regime			of his sentenced was forgiven on the occasion of Fetr Eiid	
Majid Dorri	Muharebeh	11 years	7/1/09	ACRE member, Charged	
	Acting against national security			12/2009, Sentence reduced to 6.5 years	
	Disturbing public order				
Mahdie Golrou	Propaganda against the regime	2 years 4 months	12/1/09	3.4 years total- combined with 1 year suspended	
	Assembly and collusion to disrupt national security			imprisonment for similar charges. Sentence later reduced to 2 years on 07/25/2010	
Kouhyar Goudarzi	Propaganda against the regime	1 year	1/1/09 12:00 AM	Election Protestor, Arrested again 07/31/2011 Held Incommunicado, charge unknown	
Saiid Jalalifar	Assembly & conspiracy against national security	3 years	8/1/11	2nd arrest (December 2009, 4 months detention without	
	Propaganda against the regime			charges) Banned from education,	

Name	Charges	Sentence	Arrest Date	Details	
Bahareh Hedayat	Conspiracy against the regime	7.5 years	12/31/09	Student activist arrested on 5 separate occasions. 9.5 years	
	Insulting the Supreme Leader	r		total- combined with 2 years of suspended imprisonment	
	Insulting the President			for acting against national security, member of the	
	Propaganda against the regime			Islamic Student Association	
Mehdi Khodaii	Acting against national security	7 years	3/1/09	Charged 10/2010	
	Propaganda against the regime				
Omid Kokabee	Assembly and collusion to disrupt national security	pending trial conclusion	Feb-11	Trial 10/04/2011. Texas University student being held for having contact with "hostile countries"	
Habibollah Latifi***	Muharebeh	Death Penalty	Oct-07	Charged 07/2008; Awaiting execution	
Shabnam	Muharebeh	2/20/08	Former political secretary of		
Madadzadeh	Acting against national security			Tarbiat Moalem's Islamic Student association; Banned from education. Charged 02/20/2009	
Hossein Ronaghi Malaki	Membership in Iran Proxy 15 years Dec Network		Dec-09	Charged 10/2010. Member of Iran Proxy as an anti-filtering group who has tried to comba	
	Insulting the Supreme Leade and President by blogging	r		against censorship on the Internet	
Ali Malihi	Acting against national security	4 years	2/19/10	\$100 fine for Insulting the President	
Arash Mohammadi	no information	Not Provided	11/1/11		
Rojin Mohammadi	no information		10/30/11	Held Incommunicado, charge unknown.	
Siavash Mohammadi	no information	Not Provided	11/1/11		
Ali-Akbar Mohammadzadeh	Illegal assembly/propaganda against the regime	6 years	2/15/11		
Hamed Rouhi Nejad	Communication with one of the opposition- Anjoman Padeshahi	Death Penalty	Apr-09	2009 Elections. Sentence later reduced to 11 years.	
Atefeh Nabavi	Conspiracy & propaganda against the regime	4 Years	6/15/09	acquitted of the charge of "having relations with MEK". Sentence later reduced to 3 years.	

Name	Charges	Sentence	Arrest Date	Details
Zia Nabavi	Gathering and colluding against national security	3 years	6/15/09	
	Propaganda against the system	1 year		
	Disturbing public order	1 year		
	Links to and co- operation with the PMOI	10 years to be served in internal exile	n	
Arash Sadeghi	Spreading anti-government propaganda	6 years, 74 lashings		Ashura Protestor, 2nd arrest (18th of Tir protestor, 3 years)
	Colluding against the government.			
Hamid Salavatinejad	no information		8/24/11	Held Incommunicado, charge unknown.
Fereshteh Shirazi	Charged in relation to her women's rights activities	3 years	9/4/11	Charged 12/2011. Member of the one million signature campaign, Women's rights activist
Majjid Tavakoli	Assembly and conspiracy against the regime	8 years	12/7/09	Charged 01/2010, 3rd Arrest- (2007, 15 months in
	Propaganda against the regime			jail for student newsletter fabrication: 2008, 115 solitary confinement, ceremony of
	Insulting the Supreme Leade	er		Bazargan)
	insulting the President			
Hamed Omidi	Assembly & conspiracy against national security	3 years	Feb-10	Participation in Kurdish demonstration, Judge also expelled him from University and banned all future education and degrees
Hamed Yazerlou	Having relations with opposing groups of the Islamic Republic	3 years	2/20/09	2009 Elections.
Arman Zamani	no information	no information	Nov-11	
Faraz Zehtab	Propaganda against the regime	6 months	Jun-09	

Name	Charges	Sentence	Arrest Date	Details
Hassan Asadi Zeidabadi	Conspiracy and assembly to disturbing public order	5 years	Aug-10	2nd arrest (November 2009, 40 days detention)
	Propaganda against the regime			
	Insulting the President			
	Participation in illegal marches			
Shahin Zeinali	Acting against national security	2 years 3 months	12/16/10	
	Membership in the Pan- Iranist party			

III. Ethnic minorities' cases

- 16 Karim (Rebin) Rahmani, human rights defender, was arrested in Kermanshah on November 19, 2006, and charged with "acting against national security". He reported that he was working on research, which consisted of interviewing addicts and traffickers, and he speculated that he was arrested, because his work concluded that government officials were involved in drug trafficking. Mr. Rahmani reported that he was severely beaten for several hours and detained in the "Meydan-e Naft" detention center for 20 days. He was accused of preparing a report for foreign media, and the international community implicating officials with engaging in drug trafficking. Mr. Rahmani was denied the right to choose his own lawyer, and the right to post bail. He reported that he was psychologically tortured with threats to his family, which promoted him to attempt suicide. He was sentenced to two year in prison.
- 17. Behzad Kordestani, a Kurdish poet has been arrested twelve times in the past 10 years. He reported in an interview that he has never been presented with an arrest warrant. His last arrest took place in August 2010. Mr. Kordestani stated that after 8 hours of interrogation, he was informed of his "unfounded" charges of (1) "cooperation with political parties and group lets (opposition/armed groups)" (2) propagating falsehoods, (3) acting against national security, and (4) espionage." He stated that he was held for 79 days and left in solitary confinement for 12 of those days, with no human contact. He stated that he was flogged on the soles of his feet, forced to remove his clothing, beaten with an electric baton, and electrocuted to the point of unconsciousness during interrogations. He further reported that his interrogator "told me that if I did not cooperate 'I would kill you like I killed Ebrahim Lotfollahi'," (a Kurdistan University student who allegedly died under torture.
- 18. The verdict releasing Saeed Mughanli, Azerbaijani, poet and journalist from a 6 month sentence was announced on 19 October 2011. The verdict cleared him of the charge of cooperation with the United States when attending a journalism training course in Azerbaijan. Additional charges of acquiring illegal funds by attending the journalism course and "propagating against the regime" were brought against him. He was sentenced to 6 months imprisonment.

Table II15 Kurdish Detainees Sentenced to Death

Name	Offense	Sentence	Arrest Date	Details		
Mohammad Amin Abdollahi	Muharebeh	Death	2008	Membership of Kurdish group. Charged 01/16/2010. second arrest- first in 2005		
Aodonam	Acting against national security	Penalty		when charged with anti-regime propaganda		
Ali Afshari	Muharebeh	Death	12/14/10	Membership of Kurdish group. Charged 08/2011.		
	Acting against national security	Penalty		06/2011.		
Rashid Akhkandi	Muharebeh	Death Penalty	May-08	Kurdish man accused of links to Kurdish opposition party; Charged in 2009. Reference HRC Report A/HRC/16/NGO/25; 02/22/2011		
Habibollah Golparipour	Muharebeh	Death Penalty	Nov-09	Kurdish man accused of links to Kurdish opposition party; Charged on 05/07/2010		
Seyyed Sami Hosseini	Muharebeh	Death Penalty	6/4/08	Kurdish man accused of links to PJAK. Reference HRC Report A/HRC/16/NGO/25; 02/22/2011		
Habibollah Latifi	Muharebeh	Death Penalty	10/23/07	Kurdish man accused of links to PJAK; family denies charges. <i>Executed</i> 02/18/2009***		
Sherko Moarefi	Muharebeh	Death		Kurdish man accused of links to Komala; Amnesty International		
	Acting against national security	Penalty	Oct-08	Annesty International		
Seyyed Jamal Mohammadi	Muharebeh	Death Penalty	6/4/08	Kurdish man accused of links to PJAK. Reference HRC Report A/HRC/16/NGO/25; 02/22/2011		
Ghader (Aziz) Mohammadzadeh	Muharebeh	Death		Membership of Kurdish group; Held Incommunicado-current condition not		
Monaninadzaden	Acting against national security	Penalty	10/13/09	known		
Zanyar Moradi	Muharebeh	Death		Accused of murdering the son of Marivon Friday Mass Imam; Charged on		
	Corruption on earth	Penalty	8/1/09	12/22/2010; Amnesty International		
Lughman Moradi	Muharebeh	Death		Accused of murdering the son of Mariyon Friday Mass Imam; Charged on		
	Corruption on earth	Penalty	10/17/09	12/22/2010; Amnesty International		
Anvar Rostami	Muharebeh	Death		Kurdish man accused of links to Kurdish		
	Disturbing public order	Penalty	1-Dec	opposition party		

Name	Offense	Sentence	Arrest Date	Details
Mostafa Salimi	Muharebeh	Death	• • • • • • • • • • • • • • • • • • • •	Kurdish man accused of links to Kurdish opposition party, Reference HRC Report
	Acting against national security	Penalty	2001	A/HRC/16/NGO/25; 02/22/2011
Abdollah Sarvarian	Spying	Death Penalty	not known	Sentence overturned. Reference HRC Report A/HRC/16/NGO/25; 02/22/2011.

Table III19 Female Prisoners of Conscience Currently Detained

Name	Offense	Sentence	Arrest Date	Details	
Nasrin Sotoudeh	Spreading lies against the state	11 years	9/4/10	Sotoudeh is a human rights Lawyer. Her sentence was	
	Cooperating with the Center of Human Rights Defenders			later reduced on 09/2011 to 6 years and 10 year ban on practicing law	
	Acting against national security				
Atefeh Nabavi Chashmi	Contact with the Mojahedin Khalgh (MEK)	3.4 years	6/15/10	Charged 12/2010	
	Participation in the protests of June 15th, 2009				
Alieh Eghdamdoust	Participation in the June 12, 2006 protest in Hafte Tir Square	3.4 years, 20 lashes	02/1/09	Sentence later reduced to 3 years and no lashing	
Mahboubeh Karami	Membership in a human rights organization	4 years	3/2/10	Charged 02/02/2011. Sentence was later reduced	
	Propaganda against the State	e		to 3 years	
	Gathering an collusion with the intent of harming national security				
	Insulting what is sacred	7 years	7/18/10	Blogger	
Hanieh "Sharareh" Farshi Shotorban	Having contacts with a foreign entity				
Ladan Mostofi	Insulting what is sacred	5 years	Not Provided	Blogger	
	Insulting the Supreme Leader				
Ashraf Alikhani	Anti-regime propaganda	3 years	Not Provided	Blogger, Started prison Sentence on 05/25/2011	
Farah Vazehan	Participating in Street Protest,	Death Penalty	12/29/09	Sentence was reduced to 17 years in prison***	
	Being a member of (MKO)				

Name	Offense	Sentence	Arrest Date	Details
			Arrest Date	
Rayhaneh Haj- Ebrahim Dabbagh	Sending pictures and videos of the demonstrations to foreign countries	Death Penalty	no information	Sentence later reduced to 15 years***
	Membership of the Mojahedin Khalq Organization (MKO)			
Maryam Akbari Monfared	Muharebeh	Death Penalty	1/1/10	Sentence later reduced to 15 years***
Massoumeh Yavari	Muharebeh	7 years	9/18/09	Accused of MEK association
Nazila Dashti	Supporting MKO, Illegal Exit From the Border	3 years	Apr-07	Accused of MEK association
Motahareh Haghigh Bahram	i Muharebeh	Death Penalty	12/27/09	Accused of MEK association; Sentence later reduced to 10 years***
Kobra Banazadeh Amirkhizi	MKO	5 years	1/16/09	Accused of MEK association
Shabnam Madadzadeh	Muharabeh/ Acting Against National Security/MKO	5 years	2/21/09	Accused of MEK association
Kefayat Malek Mohammadi	Collaboration with the MKC	5 years	12/27/09	Accused of MEK association
Mitra Zahmati	Membership of An Illegal Group	2.5 years	12/24/09	Christian converts, Released 01/04/2010
Maryam Jalali	Membership of An Illegal Group	2.5 years	12/24/09	Christian converts, Released 01/04/2010
Shahla Rahmati	Membership of An Illegal Group	2.5 years	3/9/11	Christian converts, Ahvaz church arrest, Released 12/20/2011

Table IV97 Bahá'ís currently imprisoned in Iran (as of 6 January 2012)

Na	те	Arrest Date	Trial / Court Order Issued	Sentence
1	Miss Raha Sabet	1) 19-May-06; 2) 19-Nov-07	Jul 29, 2007	4 years imprisonment
2	Mrs. Mahvash Sabet	Mar 5, 2008	Trial ended 14- Jun-10	20 years imprisonment
3	Mrs. Fariba Kamalabadi Taefi	1) 26-Jul-05; 2) 14-May-08	Trial ended 14- Jun-10	20 years imprisonment
4	Mr. Jamaloddin Khanjani	1) 25-Sep-07; 2) 14-May-08	Trial ended 14- Jun-10	20 years imprisonment

Na	те	Arrest Date	Trial / Court Order Issued	Sentence
5	Mr. Afif Naeimi	May 14, 2008	Trial ended 14- Jun-10	20 years imprisonment
6	Mr. Saeid Rezaie	May 14, 2008	Trial ended 14- Jun-10	20 years imprisonment
7	Mr. Behrouz Tavakkoli	1) 26-Jul-05; 2) 14-May-08	Trial ended 14- Jun-10	20 years imprisonment
8	Mr. Vahid Tizfahm	May 14, 2008	Trial ended 14- Jun-10	20 years imprisonment
9	Mr. Mehran Bandi	May 29, 2008	Verdict: 28- Aug-08; 10- Sep-08	3.5 years imprisonment and 3 years internal exile to Shahrbabak (Kerman). Tried and acquitted of other charges
10	Mr. Enayatollah Haghighatjou	1) 13-Nov-07; 2) 30-Sep-08	Sep 30, 2008	1.5 years imprisonment; suspended 4 years
11	Mr. Saman Sabeti	1) 04-Feb-09; 2) 20- Nov-10		6 months imprisonment (suspended); fined 3 million rials
12	Mr. Mohammad Reza Kandi	1) 09-Apr-08; 2) 25- Apr-09	Unknown	7 months imprisonment
13	Ms. Mehrangiz Hosseini	1) Unknown; 2) 16-Aug-09	Unknown	1 year Ta'ziri imprisonment
14	Mr. Zabihollah Raoufi	Aug 21, 2009	Aug 28, 2009	1 year imprisonment
15	Mr. Alibakhsh Bazrafkan	Oct 31, 2009	Dec 7, 2009	2.5 years imprisonment and 5 years of internal exile
16	Ms. Simin Ghaffari	Feb 11, 2010	N/A	N/A
17	Ms. Manijeh Nasrollahi (Monzavian)	1) 17-Jun-09	1) 28-Aug-09; 2) Appeal	3.5 years imprisonment
18	Ms. Rozita Vaseghi	1) 04-Aug-05; 2) 16-Mar-10	1) 25-Oct-09; 2) Appeal	5 years imprisonment; Sentence upheld and 2 years added on appeal; 5 years imprisonment on separate charges
19	Mrs. Nahid Ghadiri	1) 04-Aug-05; 2) 16-Mar-10	1) 25-Oct-09; 2) Appeal	5 years imprisonment; Sentence upheld on appeal; 5 years imprisonment on separate charge = 10 years total

Name	Arrest Date	Trial / Court Order Issued	Sentence
20 Ms. Sahba Khademideljoo	1) 04-Apr-09; 2) 23-May-10	Dec 22, 2009	1 year imprisonment
21 Ms. Sorour Sorourian	1) 10-Apr-09; 2) 23-May-10	Dec 22, 2009	1 year imprisonment
22 Mr. Moshtagh Samandari	Jun 8, 2010	N/A	N/A
23 Mr. Davar Nabilzadeh	1) 19-Aug-05; 2) 13-Jul-10	1) 25-Oct-09; 2) Appeal	5 years imprisonment; Sentence upheld on appeal
24 Ms. Nasrin Ghadiri	1) 04-Aug-05; 2) 15-Jul-10	1) 25-Oct-09; 2) Appeal	5 years imprisonment; reduced to 2 years on appeal
25 Ms. Sima Rajabian (Rahimian)	1) 04-Aug-05; 2) 15-Jul-10	1) 25-Oct-09; 2) Appeal	5 years imprisonment; reduced to 2 years on appeal
26 Mr. Kaviz Noozdahi	1) 04-Aug-05; 2) 22-Jul-10	1) 25-Oct-09; 2) Appeal	5 years imprisonment; reduced to 2 years on appeal
27 Mr. Houman Bakhtavar	1) 04-Aug-05; 2) 03-Aug-10	1) 25-Oct-09; 2) Appeal	5 years imprisonment reduced to 2 years on appeal
28 Mr. Hossein Shayegan	Aug 24, 2010	Oct 2, 2010	1 years imprisonment then 1 year of internal exile to Saravan in Sistan and Baluchistan
29 Mr. Ali Ehsani	1) Unknown; 2) 06-Apr-09; 3) 22-Sep-10	Jun 9, 2010	2 years imprisonment, fined ~US\$500, 2 years internal exile
30 Mr. Vahid Ghodrat	1) 1982; 2) 18-Sep-10	1) Unknown; 2) 2005 or 06?	6 years imprisonment; 1 year imprisonment
31 Mr. Vahid Ighani	Oct 16, 2010	N/A	N/A
32 Mrs. Soheila Motallebi	1) 20-Aug-05; 2) 22- Nov- 08; 3) Unknown	2) 7-Jun-09	9 months imprisonment; fined 300,000 tuman
33 Mr. Jalayer Vahdat	1) 04-Aug-05; 2) 26- Jan-09; 3) 24-Oct-10	1) 25-Oct-09; 2) Appeal	5 years imprisonment; Sentence upheld on appeal
34 Mrs. Sima Eshraghi (Aghdaszadeh)	1) Ordered to appear; 06- Aug-05; 2) 26-Jan- 09; 3) 24-Oct-10	1) 25-Oct-09; 2) Appeal	5 years imprisonment; Sentence upheld on appeal
35 Mr. Jamal Choupani	Nov 3, 2010	N/A	N/A

Name	Arrest Date	Trial / Court Order Issued	Sentence
36 Mr. Siamak Ighani	1) 27-Apr-09; 2) 6-Nov-10	Trial: 30-Jun- 09; 8-Jul-09; Appeal: Oct-10	3 years imprisonment; Sentence upheld on appeal
37 Mr. Majid Safari	Nov 21, 2010	N/A	N/A
38 Mr. Yegan	Nov 21, 2010	N/A	N/A
39 Mr. Serajollah Kian	Nov 21, 2010	N/A	N/A
40 Mr. Masoud Atayian	1) 18-Nov-08; 2) 28-Nov-10	Jan 25, 2010	10 months imprisonment
41 Mrs. Shiva Karimi	Dec 28, 2010	Apr 13, 2011	1 year imprisonment
42 Mrs. Homeyra Parvizi	Dec 28, 2010	Apr 13, 2011	1 year imprisonment
43 Mr. Navid Marghi	Dec 28, 2010	Apr 13, 2011	1 year imprisonment
44 Mrs. Sholeh Taef	1) 18-May-05; 2) 19-Dec-09; 3) 01-Jan-11	; Feb 18, 2010	1 year imprisonment and 2 years internal exile
45 Mr. Ehsan Amouzegar	Dec 30, 2010	N/A	N/A
46 Mr. Akbar Arsalani	Dec 30, 2010	N/A	N/A
47 Mr. Feizollah Rowshan	1) 01-Nov-06; 2) 18-Nov-07; 3) 06-Dec-08; 4) 15-Jan-11	24-Apr-07; 19- Aug-07: Obtained conditional release	1 year imprisonment and 4 years internal exile; (reduced to 1) Remaining internal exile commuted to additional 6 months imprisonment
48 Mr. Farhoud Aghdasi	Jan 30, 2011	Apr 13, 2011	1 year imprisonment
49 Mr. Changiz Dargahi	Jan 30, 2011	Apr 13, 2011	1 year imprisonment
50 Mr. Saeed Hashemi	Feb 13, 2011	Unknown	Unknown
51 Mr. Farhad Amri	Jan 1, 2011	Unknown	Unknown
52 Mr. Misagh Afshar	Feb 14, 2011	Unknown	Unknown
53 Mr. Shahin Shafaie	Feb 12, 2011	Unknown	Unknown
54 Mr. Badiollah Lohrasb	Feb 21, 2011	Unknown	Unknown
55 Mr. Peyman Kashfi	1) 19-Oct-09; 2) 13-Feb-11	Jun 15, 2010	4 years imprisonment
56 Mr. Afshin Safaieyan	Feb 27, 2011	Unknown	Unknown
57 Mr. Mesbah Monghate	Mar 18, 2011	Unknown	Unknown
58 Ms. Sara Mahboubi	1) 24-Jun-10; 2) 9-Apr-11	Unknown	Unknown

Name	Arrest Date	Trial / Court Order Issued	Sentence
59 Mr. Behzad Zabihi	1) 22-Feb-11; 2) 10-Apr-11	Unknown	Unknown
60 Mr. Vesal Mahboubi	Apr 25, 2011	Unknown	Unknown
61 Mr. Farnoud Mohammadzadeh	Jan 17, 2011	Unknown	Unknown
62 Mr. Behrang Mohseni	Jan 17, 2011	Unknown	Unknown
63 Mr. Kamran Mortezaie	May 22, 2011	Sep 25, 2011	5 years imprisonment
64 Ms. Noushin Khadem	May 22, 2011	Sep 27, 2011	4 years imprisonment
65 Mr. Mahmoud Badavam	May 22, 2011	Sep 27, 2011	4 years imprisonment
66 Mr. Ramin Zibaie	May 22, 2011	Unknown	4 years imprisonment
67 Mr. Farhad Sedghi	May 22, 2011	Sep 20, 2011	4 years imprisonment
68 Mr. Danial Ouji	May 22, 2011	Unknown	Unknown
69 Mr. Riaz Sobhani	Jun 14, 2011	Unknown	4 years imprisonment
70 Mr. Behfar Khanjani	1) 05-Jan-10; 2) 21-Jun-11	May 4, 2010	4 years imprisonment
71 Ms. Sanaz Tafazoli	Jun 27, 2011	Unknown	Unknown
72 Ms. Nika Barazandehniya	Unknown	Unknown	Unknown
73 Mrs. Jila Rezvani (Ghanei)	Jul 6, 2011	Unknown	Unknown
74 Mrs. Saideh Foroughi (Negari)	Jul 6, 2011	Unknown	Unknown
75 Ms. Mitra Azmayandeh	Jul 3, 2011	Unknown	Unknown
76 Mr. Hajir Septo	Jul 11, 2011	May 22, 2011	Unknown
77 Mr. Vahed Kholousi	Aug 23, 2011	Unknown	Unknown
78 Ms. Samin Ehsani	Aug 17, 2011	Unknown	Unknown
79 Mr. Afshin Heyratian	Jun 3, 2010	Unknown	4 years imprisonment
80 Mr. Emamgholi Behamin	Aug 24, 2011	Unknown	Unknown
81 Mr. Janali Rasteh	Aug 24, 2011	Unknown	Unknown
82 Mr. Rouzali Makideh	Aug 24, 2011	Unknown	Unknown
83 Mr. Kamran Rahimian	Sep 14, 2011	Unknown	Unknown
84 Mr. Shakib Nasrullah	Sep 14, 2011	Unknown	Unknown
85 Mr. Kayvan Rahimian	Sep 14, 2011	Unknown	Unknown

Name	Arrest Date	Trial / Court Order Issued	Sentence
86 Mr. Hassanali Delavarmanesh	Sep 4, 2011	Unknown	Unknown
87 Mr. Afshin Ighani	1) 18-May-05; 2) 05-Jan-10	Unknown	Unknown
88 Mr. Didar Raoufi	1) 14-Jan-09; 2) 16-Oct-11	Unknown	3 years imprisonment
89 Mrs. Sousan Badavam (Farhangi)	23-Oct-11; or 24- Oct-11	Unknown	Unknown
90 Ms. Nadia Asadian (Abdu'l- Hamidi)	23-Oct-11; or 24- Oct-11	Unknown	Unknown
91 Ms. Shiva Kashaninejad (Samiian)	23-Oct-11; or 24- Oct-11	Unknown	Unknown
92 Mr. Anvar Moslemi	1) 22-Nov-08; 2) 3- Aug-09 or 5-Aug-09; 3) 12-Nov-11	7-Jun-09; Trial: 08-Sep- 09?	1 year imprisonment; 300,000 túman fine
93 Mr. Vahdat Dana	1) 25-May-05; 2) 25-Apr-09; 3) 30-Nov-11	Nov 9, 2009	10 months imprisonment (suspended)
94 Mr. Kayvan Karami	1) 21-Feb-09; 2) 30-Nov-11	Nov 9, 2009	10 months imprisonment (suspended)
95 Mr. Bakhtiyar Rasekhi	1) 6-Jan-12	N/A	N/A
96 Mrs. Farahnaz Naeimi (Rasekhi)	1) 6-Jan-12	N/A	N/A
97 Ms. Farin Rasekhi	1) 6-Jan-12	N/A	N/A

Note: 1)= 1st Arrest; 2)= 2nd Arrest and so on***