

Islamic Republic of Iran
Submission to the UN Universal Periodic Review, September 1 2009

Balochistan Human Rights Council

Introduction

Keywords: Lack of free and fair trials, linguistic rights, freedom of religion and freedom of expression, demographic manipulation, Balochistan, economic and social discrimination

Balochistan Human Rights Council, a non-governmental organization working in the field of human rights in Iran. Time and again we have seen that the promise of universal respect for and protection of human rights remains unfulfilled for the people of Balochistan. We witness how the people of Balochistan are suffering gross violations of their fundamental human rights as a consequence of systemic discrimination, historic injustices and ongoing marginalization.

Balochistan is located in south-eastern Iran, bordering Pakistan and Afghanistan. It is strategically situated at the eastern flank of the Middle East, linking the Central Asian states with the Indian subcontinent and the Indian Ocean. It occupies the northern part of the Persian Gulf and the Arabian Sea from the Strait of Hormuz to Gwatar, a small village divided between Iran and Pakistan.

Estimates put the Baloch population in Iran at over four million.

Normative and Institutional framework of the State.

The Islamic Republic of Iran is not a signatory of the Convention on the Elimination of all Forms of Discrimination against Women (1979).

The Islamic Republic of Iran is not a signatory of the ILO 169 Convention Concerning Indigenous and Tribal Peoples in Independent Countries (1989).

Various articles of the Iranian Constitution including: article 135 to a fair trial with a defense lawyer, linguistic rights in article 15 are contravened on a regular basis.

Various articles in the International Covenant on Civil and Political Rights to which Iran is a signatory are violated on a regular basis. Key violations lack of free speech and assembly, arbitrary arrests.

Human Rights Violations

Mahmud Khalatbary, who served as Director General of the Central Treaty Organization (CENTO), in a discussion with Selig S. Harrison recalled that: "In CENTO, we always assumed that the Baloch would attempt to create their own

independent state some day, with Soviet support, so it was desirable to keep them as politically weak, disunited, and backward as possible.”¹

This policy was implemented in practice so that in the last years of the Shah’s regime Balochistan was the poorest province “with an estimated annual per capita income of \$975, less than half of the national average of \$2,200 for rural areas and less than one-fifth of the overall national average”²

Balochistan is still the poorest province in Iran, according to Governor General of the Provincial Social Department in Balochistan in June 2005 “ Sistan- Balochistan province despite of its richness and geographical advantages is the least developed area of the country”³

Lack of free and fair trials

Three people were hanged on the 31st of May 2009, three days after an explosion in Zahidan, the provincial capital of Balochistan, Iran. Their alleged charges were planning the attack and carrying out the explosion in the “Hosseiniye” adjacent to “Amirulmumeneen Mosque”.

The following is quoted from BBC’s Persian language service: “Iranian Official News Agency (IRNA) has quoted a judge, whose name has not been disclosed, saying that the executed were not involved directly in the explosion but they had been arrested two days before the explosion occurred. However, the accused were interrogated and trialed the night between the 30th and 31st of May, and were executed immediately after being charged for facilitating the explosion”⁴.

This rapid trial shows the unjust treatment of the Baloch people by the Islamic Republic of Iran which contravenes the article 135 of the Iranian constitution where the detainee is entitled of lawyer and a fair trial period.

Twenty-two Baloch teachers have been arrested in the Balochistan cities Sarawan and Zahidan in Iran. After their arrest on 11th and 12th of August 2009, the teachers were transferred to unknown locations. Since then their families have been denied any information about the detainees. Furthermore, the families have been harassed, threatened to be detained and asked to keep silent about the arrest of their loved ones. The “Organization of Human Rights Activists of Iran” has identified some of the arrested teachers from Sarawan as Mr Behrooz Bahorzahi, teacher at the Urdibahesht School” , Mr Ali Reza Chakari, deputy-principal at the Bagher Khan School, Mr Hamid Reza Chakari and Mr Abdul Rahman Rawanbakhsh, an IT engineer.⁵

On the 13 the regimes security forces attacked the homes of seven more teachers in

¹ Selig S. Harrison 1981, pp 159

² Selig S. Harrison 1981, pp 99

³ http://www.irna.ir/index2.php?option=com_news&task=print&code=84042301999102

⁴ http://www.bbc.co.uk/persian/iran/2009/07/090701_alia_jondollah_rigi.shtml, dated 8 of July 2009

⁵ <http://eng.balochpeople.org/articles/press-releases/272> dated August 15th 2009

the city of Zahidan and arrested them some have been identified by, “Organization of Human Rights Activists of Iran”, as Mohammad Saleh Eslamzahi son of Atah Mohammad and his 17 years old son Mehdi Islamzahi, and Alim Jangizahi Teacher in the Bagher Khan School⁶.

Denying access to information and prohibiting the families to visit them and also threatening them to keep silent indicate that they are under psychological pressure and being tortured physically. Judging from the recent arrests and executions by the Iranian regime in Balochistan it is certain that these teacher will also be forced to confess and then will be convicted without having access to lawyers and behind closed court rooms. In the past, the regime has arrested and convicted political opponents under the false charges of drug trafficking or rebellion against the state.

Social and economic discrimination

International Covenant on Economic, Social and Cultural Rights (ICESR), the Convention on the Rights of the Child (CRC), and the International Convention for the Elimination of All Forms of Racial Discrimination (ICERD) -- all clearly prohibit discrimination on grounds of ethnicity. Despite this, Baloch people say they have suffered systematic discrimination by the Iranian authorities both under the Pahlavi monarchy which ended with the fall of the Shah and throughout the period since the Islamic Revolution in Iran in 1979⁷.

A practice that has led to discrimination against Baloch people and other minority groups is *gozinesh* -- an ideological selection procedure that requires state officials and employees to demonstrate, among other things, allegiance to Islam and the Islamic Republic of Iran, including the concept of *velayat-e faqih* (Rule of the Jurisconsult), which is the political basis of the Islamic Republic of Iran. In law and practice, this process impairs – on grounds of political opinion, previous political affiliation or support or religious affiliation – equality of opportunity or treatment in employment or occupation for all those who seek employment in the public and reportedly, in some instances in parts of the private sector. Access to further education may also be subject to *gozinesh* scrutiny⁸.

Under *gozinesh* rules, non-Shi'a Iranians are excluded from certain state positions such as that of President. Molavi Ali Akbar Mollazadeh, a Baluchi cleric, described in 1997 the impact of *gozinesh* on Baluchis in Baluchi-majority areas such as Sistan-Baluchistan province:

After the election of President Khatami in 1997, Baloch participation in higher education appeared to increase and some Baluchis gained employment in state-run institutions. However, after the election of President Ahmadinejad in 2005, many

⁶ <http://eng.balochpeople.org/articles/press-releases/272> dated August 15th 2009

⁷ Article 3 of the Constitution stipulates that all Iranians are equal under the law and Article 19 of the Iranian Constitution specifies that: “All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; and colour, race, language, and the like, do not bestow any privilege”.

⁸ For further information about discriminatory *gozinesh* procedures, please see Amnesty International’s concerns relevant to the 91st International Labour Conference (AI Index: IOR 42/003/2003).

Balochs were reported to have been forced from their jobs in a widespread purge of government employees. When questioned about this in March 2007, the Majles (parliament) member for Zahedan, Hossein Ali Shahryari, denied it and said that under former President Khatami, there had been only one Sunni [city] governor as well as a Sunni deputy governor-general and several directors-general, whereas there were now 14 Sunni managers in the province⁹.

Linguistic Discrimination

Members of the Baloch minority have also faced difficulties in exercising their rights to use their own language, despite the requirement in international law that persons belonging to minorities be allowed to use their own language, in private and in public, freely and without interference or any form of discrimination. States are prohibited from denying an individual the right to use his or her own language.¹⁰

Article 15 of the Iranian Constitution states:

“The official language and script of Iran, the lingua franca of its people, is Persian. Official documents, correspondence, and texts, as well as text-books, must be in this language and script. However, the use of regional and tribal languages in the press and mass media, as well as for teaching of their literature in schools, is allowed in addition to Persian.”

The use of the Balochi language is forbidden in formal and public places and Baloch children are deprived of using their mother tongue as the medium of instruction at schools despite of the provision in the constitution and in the article 27 of the ICCPR which state that all minority people have the right to use the mother tongue¹¹

Baloch cultural activists have applied to publish a journal on the Balochi language many times. Each time these requests have been rejected or have been granted, conditional on most pages being published in Persian, with only one or two pages in Balochi. Some Baloch cultural activists accepted these conditions, and published journals or newspapers such as “Roos Dra” and Marz e Pourgohar. Both have since been banned and even their editors have been intimidated and harassed¹².

⁹ Interview with Ayyaran, 17 March 2007

¹⁰ Article 27, International Covenant on Civil and Political Rights; Article 30, Convention on the Rights of the Child.; Article 2.1, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by UN General Assembly resolution 47/135 of 18 December 1992.

¹¹ <http://www2.ohchr.org/english/law/ccpr.htm>

¹² <http://eng.balochpeople.org/oldarchive/eng/2006/pressRel/BalochistanInStuttgartGermanyConference.htm>

Violations of the right to freedom of expression and assembly

According to the United Nations Universal declaration article 19; *Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. And Article 20; Everyone has the right to freedom of peaceful assembly and association.*

Six members of the Voice of Justice Young People's Society, a recognized non-governmental organization with accreditation from the National Youth Organization, were reportedly arrested in early May 2007.

Ongoing suppression and oppression of the civil society and non-governmental organizations is an integral policy of the current regime. One of its victims was Voice of Justice Young People's Society (VJYPS), which organized events such as concerts and educational courses for young Baloch people, and raised funds to help the poor. The Head of the Association, Yaqhob Mehrnehad plus five of its members were reportedly arrested on the 27 of May 2007 after attending a meeting in the Provincial Office of Culture and Islamic Guidance, which the Governor of Zahedan reportedly attended¹³ A year after, 4th of August, Mr. Yaghob Mehrnehad and Abdul Nasser, were executed after imprisonment and torture. In March 2008 more members of the organization were arrested; Jahras Fazlorahman age 16, Abdollah Salarzahi leading member, Asadollah Shahbaks and the younger brother of Yacub Mehrnehad, Ebrahim Mehrnehad age 16. On the 16th of September Mr. Ibrahim Mehrnehad, was sentenced to five years in prison on charges of "acting against national security" and "spreading propaganda."¹⁴

Religious discrimination

Since the majority of Baloch people adhere to Sunni branch of Islam, religious workers have become government targets for harassment. Two religious workers were executed on the 9th of April 2008, in Balochistan. Hundreds of religious activists have been arrested and are still in prison in Iran.

In the last two years, two mosques and religious schools were destroyed and a religious worker arrested. "Abu Hanifa Mosque," in Azimabad a suburb of the city of Zabol, was attacked and demolished on the 27th of August 2008 and its students and staff were arrested.

On the 27th of October 2007, another mosque in the same district was attacked and destroyed by associates of the Revolutionary Guard in the Zabol area of Balochistan. The mosque was closed and its Imam, Hafez Mohammad Ali Shahbkhsh was arrested.

¹³ <http://www.zamanonline.blogfa.com/8602.aspx>

¹⁴ <http://www.amnesty.org/en/library/asset/MDE13/168/2008/en/b819363c-b5b9-11dd-ac5c-8b29f29265d7/mde131682008en.html>

Demographic manipulations and assimilation policies

Successive Iranian government have been engaged in demographic manipulations that have succeeded in making the Baloch people a minority in their own homeland. Government policy has been based on facilitating access for Shi'a and non-Baloch people to purchase land cheaply and set up businesses.

Baloch houses have reportedly been demolished, particularly in the port city of Chabahar. On 30 June 2005, an unspecified number of Balochs are reported to have been forcibly evicted and made homeless in Chabahar when their huts were demolished by security forces. The Ministry of Housing and Urban Development had apparently allocated the land for housing for the security forces. During clashes with the forces carrying out the of their homes were reportedly injured. Those who were forcibly evicted do not appear to have been offered alternative housing. Their subsequent fate is unknown. One evicted resident, Mahgani Bahok declared that she and her children had lost everything and had been left with nowhere to seek shelter¹⁵.

One policy includes the destruction of homes of Baloch people living in the most sought after areas forcing them to leave. The non-Baloch workers, especially the security forces are then given priority.

The death penalty

Death sentences have been reported for many years in Baloch areas, imposed mainly for drug-smuggling and armed robbery, banditry and kidnapping. However, in 2006, the numbers of Balochs executed, mainly on these charges, rose dramatically.

In 2005, Amnesty International recorded six executions of people considered likely to have been Balochs, out of a total of 94 executions recorded across Iran. In January and February 2006, before the "Tasuki incident", Amnesty International recorded four executions of men who were or may have been Balochs. Executions of Balochs began to rise in May, after the appointment of Hojjatoleslam Ebrahim Nekunam to the provincial judiciary and after the establishment of the "Special Court for security offences". By the end of 2006, at least 32 and possibly more than 50 Balochs have reportedly been executed. Those whose ethnicity was not identified, but who may have been Baloch, were executed in areas with a significant Baloch population, mostly on charges of drug-smuggling, armed banditry and kidnapping. In any event, the true numbers of those executed is likely to have been much higher. For example, three men were executed in public in Kargar Square in Zahedan on 24 December

¹⁵ An open appeal to the United Nations General Secretary, President Bush, President of European Union Commission, Human Rights Watch and Amnesty International by the Balochistan National Movement-Iran (Balochistan Raji Zrombesh) dated July 3rd 2005, which can be read at <http://www.zrombesh.org/>, quoting a report carried by IRNA. The IRNA article, which reportedly was carried At <http://www.irna.ir/fa/news/view/menu-149/8404090210105404.htm> appears to have been removed from the agency's internet archive.

2006. Mohammad Shahbakhsh had been charged with “sabotage and criminal activity through participating in armed robbery, causing fear and panic, obstructing the peace, armed banditry, and possession of 220kg of opium and sale of seven kilograms of opium”. Changiz Naroui had been charged with “sabotage and criminal activity through blocking highways for the purpose of armed robbery, causing fear and panic, stealing people’s property, using illegal weapons and ammunition, and committing two acts of manslaughter”. The third man, Ali Baqeri, was charged with possession of more than 16kg of heroin. All had been convicted by Branch One of the Revolutionary Court in Zahedan, and their death sentences were approved by the Supreme Court.¹⁶

Hossein Ali Shahryari in ‘*Ayyaran* newspaper¹⁷ on 17 March 2007, In this he stated that there were 700 people then awaiting execution in Sistan-Baluchistan province, whose sentences had been confirmed by the Supreme Court. Among others, the Baloch sources referred to the announcement in mid-May 2007 that 15 unnamed men had been executed in the past 10 days in Mashhad¹⁸ and to the reported execution of four unnamed men in Birjand, South Khorasan province, on or around 27 May 2007.

Recommendations to the Islamic Republic of Iran:

The widespread of human rights violations in Iran constitute key challenges which the government must address to uphold its commitments to human rights.

We recommend that:

- The authorities must take measures to ensure that the Constitution and constitutional protection of human rights are not arbitrarily upheld.
- The government must end all arbitrary detention and release those currently detained arbitrarily. Relevant laws must be amended to prevent their abuse, including preventive detention legislation and the practice.
- All torture and other ill-treatment must cease and the perpetrators brought to justice in accordance with international standards for fair trial.
- The government should join the worldwide trends towards the abolition of the death penalty, including by declaring an immediate moratorium on all executions, with a view to the eventual abolition of the death penalty.
- The government must take measures to ensure protection of human rights and stop discriminatory treatment of Baloch people through acts Gozinesh.
- The government must end all arbitrary incarceration and release those currently are detained arbitrary.

¹⁶ Iranian Labour News Agency (ILNA) 24 December 2006.

¹⁷ *Ayyaran* newspaper has since been closed down on the order of Hojjatoleslam Nekunam.

¹⁸ *Quds* newspaper 14 May 2007

- All torture and other ill-treatment must cease and the perpetrators brought to justice in accordance with international values.
- The Islamic republic must recognize and fully implement Article 13 and 14 of the UN Declaration on the Rights of indigenous peoples.
- We request that prisoners receive a fair trial; they should have access to lawyers and courts, be charged with a criminally recognizable offence and remanded by an independent court. The government must further ensure that suspected perpetrators are prosecuted, in fair proceedings.
- We ask the United Nations to demand that Iran recognizes the ILO 169 Convention Concerning Indigenous and Tribal Peoples in Independent Countries
- We request that the Iranian government stop the forced assimilation and demographic manipulation and implement article 8 and article 10 of the Declaration on the Rights of Indigenous Peoples and not forcefully removed Baloch people from their land or territory.
- We urge Iran to permit an independent fact finding rapportur enter Sistan and Balochistan, to do an independent research on the situation of Baloch people.