

Iran : risques de persécution et de dénonciation des militants écologistes

Recherche rapide de l'analyse-pays de l'OSAR

Berne, 26 mars 2019

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1 Introduction

Le présent document a été rédigé par l'analyse-pays de l'Organisation suisse d'aide aux réfugiés (OSAR) à la suite d'une demande qui lui a été adressée. Il se penche sur les questions suivantes :

1. Quels sont les risques encourus par une personne kurde en Iran qui milite pour la défense de l'environnement ? Ces risques ont-ils évolué ces cinq dernières années ?
2. En cas de poursuites pénales, cette personne peut-elle s'attendre à avoir un procès équitable ?
3. Les autorités iraniennes encouragent-elles activement les dénonciations au sein des familles ? Existe-t-il des exemples de militant-e-s écologiste-s qui aient été dénoncé-e-s par des proches ou par des membres de la famille ?

Pour répondre à ces questions, l'analyse-pays de l'OSAR s'est fondée sur des sources accessibles publiquement et disponibles dans les délais impartis (recherche rapide) ainsi que sur des renseignements d'expert-e-s.

2 Situation des militants écologistes

2.1 Répression à l'encontre des militants écologistes en Iran

Au moins 50 militant-e-s écologistes arrêté-e-s en Iran en 2018. Une répression qui remonte au moins à 2011. Selon le *Centre for Human Rights in Iran* (CHRI), cité par ACCORD, depuis la fin de l'année 2016, le *Ministère de l'Intérieur* (MOI) cible de plus en plus souvent certains groupes tels que les journalistes, les minorités religieuses ou ethniques et les militant-e-s écologistes (ACCORD, 12 juin 2017). Selon *Amnesty International* (AI), en 2011 déjà, ces groupes faisaient l'objet de harcèlement et d'arrestations de la part des autorités iraniennes (AI, 2011). *Human Rights Watch* (HRW) estime qu'entre janvier et août 2018, ce sont au moins 50 militant-e-s écologistes qui ont été arrêté-e-s à travers tout le pays (HRW, 3 août 2018).

Une intensification de la répression à l'encontre des militant-e-s écologistes qui serait liée aux protestations de la population contre les atteintes à l'environnement, mais aussi à la dégradation de la situation économique. Selon le *Guardian*, les arrestations au début de l'année 2018 de neuf militant-e-s écologistes, qui travaillaient pour le *Persian Wildlife Heritage Foundation* (PWHF), par des membres du *Corps des gardiens de la révolution islamique* (CGRI) illustrent la décision des autorités d'exercer un contrôle plus ferme sur les défenseur-e-s de l'environnement. Alors que pendant des années la défense de l'environnement était dénuée de risques pour les activistes, ces dernières années la combinaison d'une prise de conscience écologique et d'une colère du public envers le gouvernement pour de graves atteintes à l'environnement a fait de la lutte pour l'environnement une

activité considérée comme une menace à la sécurité nationale par des organisations telles que le CGRI (*Guardian*, 28 février 2019). Selon le dernier rapport du *Secrétaire général des Nations unies* sur la situation des droits humains en Iran, publié en février 2019, la récente vague de répression contre les défenseur-e-s des droits humains et d'autres groupes, comme les défenseur-e-s de l'environnement, peut être interprétée comme une réaction du gouvernement au mécontentement de la population lié à la situation économique difficile, aggravée en août 2018 par le rétablissement de sanctions unilatérales (UNGA, 8 février 2019).

Des militant-e-s écologistes accusé-e-s d'espionnage, de « répandre la corruption sur la terre », de « rassemblement visant à perturber la sécurité nationale » ou d' « infiltration ». Des peines qui vont de six mois de prison à la peine capitale. Dans son dernier rapport sur la situation des droits humains en Iran, le *Secrétaire général des Nations unies* a exprimé son inquiétude quant aux informations faisant état d'une campagne d'intimidation et de l'arrestation depuis mars 2018 de 43 défenseur-e-s de l'environnement. Seuls huit d'entre eux/elles ont été relâché-e-s et, à la fin de l'année 2018, il n'y avait pas d'information disponible sur le sort des 35 autres (UNGA, 8 février 2019). Selon HRW, alors que quatre des prévenu-e-s ont été accusé-e-s de « répandre la corruption sur la terre », une accusation passible de la peine de mort, trois autres ont été accusé-e-s d'espionnage. Le dernier fait face à des accusations de « rassemblement et collusion visant à perturber la sécurité nationale » (HRW, 5 février 2019). Toujours selon HRW, selon l'article 286 du code pénal iranien, est concernée par la vague accusation de « répandre la corruption sur la terre » toute personne qui « [...] *extensively commits a serious crime against people's physical safety, offenses against internal or international security of the state, spreading lies, disruption of the economic system of the state, arson and destruction of properties* ». Les peines minimales pour ce crime sont de six mois à cinq ans de prison (HRW, 26 octobre 2018). Selon HRW, l'accusation d'« infiltration » est également souvent utilisée par les autorités pour justifier la détention de militants écologistes (HRW, 7 décembre 2018).

2.2 Situation des militants écologistes kurdes

Les militant-e-s écologistes kurdes seraient particulièrement visé-e-s par la répression. Les plus actifs-ives sont ciblé-e-s en priorité, mais les autres courent également un risque important. Selon *Kayeh Kermashani*, porte-parole pour le *Kurdistan Human Rights Network* (KHRN), cité par *ANF News*, le gouvernement a récemment augmenté la pression sur les militant-e-s écologistes dans l'est du Kurdistan iranien (ANF, janvier 2019). *Fazel Hawramy*, un journaliste et blogueur kurde, a confié en 2013 au *Danish Immigration Service* (DIS) connaître un certain nombre de militant-e-s écologistes qui ont été ciblé-e-s par le régime. *Reza Menuchehri*, un activiste kurde des droits humains, cite l'exemple d'une organisation de défense de l'environnement active dans les régions kurdes du pays et qui a été dissoute par les autorités. Cinq des membres les plus actifs ont été placés en détention pendant deux mois et demi et soumis à la torture. Les arrestations ont été justifiées par des considérations sécuritaires et par l'accusation que ces cinq militants avaient été en contact avec des médias étrangers. Selon cette même source, même les membres moins actifs ou visibles courent un sérieux risque d'emprisonnement (DIS, 2013).

Les kurdes qui affirment leur identité ethnique et religieuse, ainsi que ceux qui s'engagent dans des activités politiques sont dans le collimateur des autorités. Depuis le référendum sur l'indépendance votée dans le Kurdistan irakien en septembre 2017, les autorités ont renforcé la présence policière dans le Kurdistan iranien. D'après les informations récoltées par le *Danish Refugee Council* (DRC) et le *Danish Immigration Service* (DIS) lors d'une mission à Téhéran en septembre 2017, les kurdes qui sont actifs-ives politiquement ainsi que ceux ou celles qui affirment leur identité ethnique ou religieuse deviennent la cible des autorités. Il suffit parfois qu'un petit groupe de personnes se rassemblent, même pour s'adonner à des activités culturelles et pacifiques, pour que les autorités interviennent, questionnent ces personnes ou même les arrêtent. Selon une source interrogée par DRC/DIS, cette attitude plus répressive des autorités, ainsi qu'une plus importante présence policière dans la région, est à mettre en relation avec le référendum sur l'indépendance voté dans le Kurdistan irakien en septembre 2017 (DRC/DIS, 23 février 2018). Selon une source académique iranienne, interrogée par le DIS en 2013, une nouvelle génération de jeunes kurdes est en train d'émerger en Iran. Celle-ci considère le *Parti démocratique du Kurdistan iranien* comme dépassé et cherchent à s'engager à travers d'autres types d'organisation, comme par exemple les groupes de défenses des droits humains ou les ONG environnementales. Selon l'analyste *Ziryayn Roj Helaty* du *Tanupo Magazine*, cité par DIS, les autorités cherchent avant tout à avoir un contrôle total de la société, surtout dans la région kurde. Il n'est donc pas possible de s'engager, même dans des activités a priori à caractère non-politique comme la défense de l'environnement, sans que les autorités en soient informées et les surveillent. A noter que, toujours selon la même source, certaines ONG servent en fait de couverture pour des activités politiques. C'est en particulier le cas de certaines ONG de défense des droits humains affiliées à des partis politiques kurdes (DIS, 2013).

Les membres de la famille d'une personne kurde recherchée par les autorités risquent le harcèlement, l'emprisonnement et même la torture. Le gouvernement a arrêté 1 828 kurdes en 2017, dont un certain nombre étaient des militants écologistes. Selon ACCORD, qui cite un rapport du *Rapporteur spécial des Nations unies sur la situation des droits de l'homme en Iran* de mars 2018, au 31 octobre 2017, 1 828 kurdes auraient été placé-e-s en détention sur la base d'accusations variées, y compris celle de défendre l'environnement. En 2017, le gouvernement aurait exécuté 64 prisonniers kurdes. Par ailleurs, 16 prisonniers kurdes auraient été torturés ou soumis à des mauvais traitements, 15 auraient été interdits de voir leurs familles et 15 autres auraient été privés de soins médicaux (ACCORD, juillet 2018). D'après le *UK Home Office*, il existe également une persécution réfléchie à l'encontre des membres de la famille de personnes soupçonnées d'activités illicites. Celle-ci vise à faire pression sur la personne recherchée. Cette pression peut prendre la forme de harcèlement, d'arrestation ou d'interrogatoire. Selon l'antenne de *l'Agence des Nations unies pour les réfugiés* (HCR) à Erbil, citée dans le rapport du *UK Home Office*, même s'il n'existe pas de base légale pour mettre les membres de la famille d'une personne recherchée en détention, dans la pratique ceux-ci peuvent être arrêtés et même torturés pour leur faire avouer l'endroit où se cache la personne recherchée. Selon un diplomate occidental, dans le cas d'une personne politiquement active ou membre d'un parti politique kurde, les répercussions sur la famille peuvent inclure le harcèlement, le licenciement, l'interdiction d'avoir accès à une éducation supérieure ou encore l'examen de leurs ordonnances (*UK Home Office*, janvier 2019).

2.3 Une répression qui vise également les militants écologistes issus de minorités ethniques

Une répression qui vise également les militant-e-s écologistes issu-e-s de minorités ethniques affectées par des projets de développement du gouvernement. Selon le *US Department of State* (USDOS), pendant l'année 2018, le gouvernement a été accusé par les représentant-e-s de minorités ethniques, comme les *Ahwazis*, les *Azeris* et les *Lors*, d'avoir détourné et mal géré des ressources naturelles, en particulier de l'eau, et ceci au profit d'entrepreneurs liés au corps des Gardiens de la révolution islamique (CGRI). Ces actions auraient entraîné des effets catastrophiques, notamment la destruction des terres de fermiers et leurs déplacements forcés. La répression à l'encontre de militant-e-s de l'environnement et de leurs manifestations se serait concentrée dans les régions où vivent ces communautés ethniques minoritaires (USDOS, 13 mars 2019). Selon ACCORD, qui cite un rapport du *Rapporteur spécial des Nations unies sur la situation des droits de l'homme en Iran* d'août 2017, le gouvernement serait responsable de persécution envers la minorité ethnique arabe des *Ahwazi*. Le gouvernement aurait par ailleurs arrêté 45 d'entre eux en 2017 pour des motifs qui incluaient des manifestations contre les dégradations environnementales (ACCORD, juillet 2018).

3 Respect des procédures régulières et droit à un procès équitable

Les autorités judiciaires violent les normes internationales en matière de respect des procédures régulières et du droit à un procès équitable. Des droits de la défense limités, des aveux obtenus sous la torture et des condamnations qui reposent souvent sur des preuves fragiles ou inexistantes. Selon *Michael Page*, le directeur adjoint du bureau pour le Moyen-Orient de HRW, les poursuites pénales à l'encontre des militant-e-s écologistes arrêté-e-s en 2018 ont renforcé la réalité selon laquelle en Iran le système judiciaire est un symbole d'injustice et qu'il est utilisé comme un instrument de répression. Avec ces poursuites, les autorités judiciaires iraniennes violent les normes internationales en matière de jugement équitable (HRW, 26 octobre 2018). Selon le *Rapporteur spécial des Nations unies sur la situation des droits de l'homme en Iran*, il existe en Iran une claire tendance de violations répétées des garanties judiciaires et du droit à un procès équitable. Ces violations se caractérisent par des arrestations arbitraires, des isolements cellulaires prolongés, des interrogatoires, le refus d'accès à un-e avocat-e librement choisi par l'accusé-e, en particulier pendant la phase d'enquête, des procès hâtifs pour lequel le verdict est rarement publié ou fourni sous forme écrite, et des sentences de prison lourdes ou de peine capitale généralement basées sur des accusations d'espionnage ou d'atteinte à la sécurité nationale. Souvent ces violations ont lieu dans le contexte des tribunaux révolutionnaires qui prononcent la plupart des verdicts de peines capitales. Par ailleurs, les dossiers d'accusation reposent parfois sur des aveux obtenus par des moyens de coercition psycho-

logique, par la torture ou des mauvais traitements. En général, aucune mesure n'est prise par le gouvernement pour enquêter sur ces allégations de torture (UNHRC, 12 mars 2018). Selon HRW, les militant-e-s écologistes arrêté-e-s en 2018 ont affirmé qu'ils/elles avaient subi de la torture et avaient été forcé-e-s de faire de faux aveux. Un avis partagé par deux sources anonymes interrogées par l'organisation de défense des droits humains (HRW, 26 octobre 2018)

Des avocat-e-s qui doivent être pré-approuvé-e-s par le pouvoir judiciaire. Des avocat-e-s sous pression du gouvernement. Le *Rapporteur spécial des Nations unies sur la situation des droits de l'homme en Iran* note que des accusé-e-s sont parfois forcé-e-s par des juges de changer d'avocat-e-s. Ceux ou celles qui sont accusé-e-s d'atteinte à la sécurité nationale, ou de motifs qui entraînent la peine capitale, doivent choisir leurs avocat-e-s à partir d'une liste préétablie dressée par le chef du pouvoir judiciaire pendant l'étape préparatoire du procès. Certain-e-s avocat-e-s se seraient vus radier du Barreau après avoir représenté certains clients (UNHRC, 12 mars 2018). Selon HRW, la branche 15 du tribunal de Téhéran, chargée du procès des militants écologistes, n'a pas autorisé les avocat-e-s de la défense à examiner l'acte d'accusation avant le procès. Le juge en charge du procès a également forcé les accusé-e-s à choisir leurs avocat-e-s à partir d'une liste préalablement approuvée par le judiciaire (HRW, 26 octobre 2018). Selon le *Secrétaire général des Nations unies*, les militant-e-s écologistes arrêté-e-s en 2018 n'ont pas eu le droit de voir leurs avocat-e-s et d'avoir un contact régulier avec leurs familles. Par ailleurs, les accusé-e-s auraient été privé-e-s de soins médicaux (UNGA, 8 février 2019).

4 Risques de dénonciation de militants écologistes par la famille ou des proches

Pas d'informations spécifiques sur le risque de dénonciation de militant-e-s écologistes par leurs familles. Toutefois, dans le passé des personnes converties au christianisme ont été dénoncées par des membres de la famille ou des proches. Le gouvernement entretient également un vaste réseau de surveillance de la population via les *Basij*. L'OSAR n'a pas trouvé d'informations spécifiques sur les éventuels risques de dénonciation d'un-e militant-e écologiste par sa famille ou par ses proches. Selon le courriel, daté du 16 mars 2019, d'une *personne de contact de l'OSAR qui travaille comme avocate*, ainsi que le courriel, daté du 26 mars, d'une *personne de contact de l'OSAR qui travaille comme professeur de sciences politiques dans une université américaine et qui est un expert du CGRI*, il n'y a pas de politique ou de propagande officielle qui vise à encourager la dénonciation de personnes jugées hostiles ou critiques du gouvernement. Toutefois, il semble exister un risque qu'une personne engagée dans des activités considérées comme illégales par les autorités puisse être dénoncée. Selon AI, cité dans un rapport du DIS de juin 2014, il existe par exemple un risque qu'une personne convertie au christianisme soit dénoncée par un membre de sa famille ou par un voisin. Ce risque dépend du degré de religiosité de cette personne et de ses liens avec les autorités (DIS, 23 juin 2014). Diverses sources interrogées par DRC/DIS à Téhéran en septembre 2017 estiment que ce risque est faible, mais plus élevé si un des membres de la famille travaille pour le gouvernement et/ou si son statut professionnel est menacé par le fait qu'un membre de sa famille se soit convertie au christianisme. Selon une autre source interrogée par DRC/DIS, de nombreuses

familles sont loyales au régime et ont un membre *Basij*, une force paramilitaire iranienne, dans la famille. Cette source estime également que dans le cas où la famille a des enfants, ceux-ci pourraient également informer leurs enseignant-e-s sur les activités à la maison (DRC/DIS, février 2018). Dans un article rédigé pour le *Washington Institute*, *Saeid Golkar*¹ affirme que l'organisation *Basij* est la plus grande milice civile dans le monde avec près de cinq millions de membres. Les membres du personnel de renseignement *Basij*, présents dans les 4 000 « districts *Basij* » répartis sur le territoire, agissent comme les yeux et les oreilles du régime en surveillant les activités des citoyen-ne-s et en gardant des fichiers sur les activistes locaux (*Washington institute*, 5 janvier 2018). Le nombre exact de membres *Basij* reste incertain. Dans un article précédent, *Saeid Golkar*, citant la propagande officielle iranienne, parlait d'environ 15 millions de membres (*Golkar*, décembre 2012). Dans un rapport de 2013, l'OSAR soulignait qu'il existait d'importantes variations entre les chiffres cités par différents experts : d'environ quatre millions (trois millions de membres réguliers, 800 000 membres actifs et 200 000 membres spéciaux) à un million et demi (dont environ un million, 300 000 et 90 000 membres réguliers et actifs) (OSAR, 25 janvier 2013).

5 Sources

ACCORD, juillet 2018 :

« *The Amnesty International Report 2017/2018 states that “[d]ozens of environmental activists were summoned for interrogation, detained and prosecuted for participating in peaceful protests against air pollution, disappearing lakes, river diversion projects and dumping practices.” In a February 2018 article Radio Free Europe/Radio Liberty (RFE/RL) reports that seven environmentalists were taken in custody. The detained had worked together with Iranian-Canadian environmentalist Kavous Seyed-Emami, who died in Evin prison. (RFE/RL, 12 February 2018). [...]*

In a March 2018 report to the UN Human Rights Council (HRC), the UN Special Rapporteur on human rights in Iran referred to the situation of detained persons of Kurdish ethnicity as follow: “The Special Rapporteur is [...] deeply concerned by reports of individuals from the Kurdish community having been persecuted, arrested, and sentenced to death for their political affiliation or beliefs. According to information received, as of 31 October 2017, 1,828 Kurds had been detained by the authorities on charges related to various activities such as environmental activism, eating in public during the month of Ramadan, working as border couriers engaged in smuggling illicit goods, or for celebrating the results of the referendum held in neighbouring Iraqi Kurdistan. Information received indicates that 114 of these detainees were charged with political or security-related crimes, often for engaging in civic activism or because of their membership in Kurdish political parties. Some face long prison sentences, lashes and/or heavy financial penalties. Among these prisoners, there are individuals who are workers, teachers, kulbars (border couriers), artists, and human rights activists. In 2017, information received indicates that at least 64 Kurdish prisoners were executed by the authorities, and at least 16 Kurdish political prisoners were re-

¹ Saeid Golkar est professeur adjoint invité au Département de science politique et de service public de l'Université du Tennessee et expert de l'organisation *Basij*.

portedly subjected to torture or ill-treatment, with 31 going on hunger strikes to protest the circumstances surrounding their arrest and detention. 15 were denied basic rights such as visitation by their family members, and 15 others were deprived of adequate medical care. [...]

An August 2017 report of the UN Special Rapporteur on the situation of human rights in Iran states that: **"The Special Rapporteur received detailed information about the reported persecution of the Arab ethnic minority in the Islamic Republic of Iran known as the Ahwazi Arabs, which included allegations of a change in the ethnic composition of the region through the confiscation of land and the establishment of settlements. Information about 45 cases involving the arrest and detention of Ahwazi Arabs was transmitted during the reporting period. Most of the cases seem to have taken place after participation in cultural and traditional events or protests against environmental degradation. [...]**

In terms of **recent cases of abuses and mistreatment in Iranian prisons**, in May 2018 Amnesty International (AI) reports on the situation of female prisoners of conscience from Iran's Gonabadi Dervish religious community, who had to face "verbal abuse, including sexual slurs, and denied proper medical treatment by doctors" at Shahr-e Rey prison (AI, 25 May 2018). In June 2018 AI called for urgent action in the case of Zeynab Jalalian, an Iranian Kurdish woman whom the authorities denied access to "specialized medical care, despite her deteriorating health in Khoy prison." (AI, 15 June 2018). **The Center for Human Rights in Iran (CHRI) reported in June 2018 on three environmentalists who have been detained without charge for the past five months in Tehran's Evin Prison and were subjected to torture during interrogations: "Sam Rajabi's nose has been injured and Taher Bagherian's front teeth have been broken and Niloufar Bayani was brought blindfolded to a meeting with her family by an agent who told her mother that Niloufar should cooperate [with her interrogators], a source close to the detainees' families told the Center for Human Rights in Iran (CHRI) on June 26, 2018." (CHRI, 28 June 2018)** » Source: Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), Iran: COI Compilation, juillet 2018, p.97; 148; 203:
www.ecoi.net/en/file/local/1441174/1226_1534925790_iran-coi-compilation-july-2018-final.pdf.

ACCORD, 12 juin 2017:

« *Meanwhile, a recent article by the Center for Human Rights in Iran (CHRI), a New York-based non-profit organization, published in March 2017, notes **that since late 2016/early 2017, the MOI has "increasingly targeted civil and women's rights advocates, journalists, dual nationals, ethnic and religious minorities, environmentalists, the administrators of social media pages, and relatives of protesters.*** » Source: Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), Query response on Iran: Procedural and legal information about arrest and detention procedures by different security organs [a-10097], 12 juin 2017: www.ecoi.net/en/document/1402686.html.

AI, 2011:

« **Urging the authorities to cease harassing and arresting civil society activists, including students' and women's rights activists, environmentalists, journalists, human rights defenders and members of professional associations, such as the Teachers' Trade Associa-**

tions.» Source: Amnesty International (AI), Further information on Urgent Action: 106/11 [MDE 13/045/2011], 15 April 2011: www.amnesty.de/urgent-action/ua-106-2011-1/abstimmung-ueber-ngo-gesetz-vertagt?destination=node%2F5309%3Fsupport_type%3D%26node_type%3D%26country%3D52%26topic%3D%26from_month%3D0%26from_year%3D%26to_month%3D0%26to_year%3D%26submit_x%3D46%26submit_y.

ANF News, janvier 2019 :

« *During the past week, at least 12 civil and environmental activists were arrested in the cities of Sine (Sanandaj), Kamyaran and Baneh in Rojhilat, East Kurdistan. Security forces have transferred the detainees to Sanandaj city Information Detention Center.*

Kaveh Kermashani, a spokesman for the Kurdistan Human Rights Network (KHRN), said that pressure has increased on environmental activists in eastern Kurdistan, and Iran's intelligence covered the detainees' head with black sacks during raids. He added that the prisoners were beaten by security forces and have not been allowed to visit their lawyers or their families. » Source: ANF News, Iran arrested 12 Kurdish civil activists in one week, 9 janvier 2019: <https://anfenglish.com/kurdistan/iran-arrested-12-kurdish-civil-activists-in-one-week-32004>.

DRC/DIS, 23 février 2018:

« **Kurds asserting their ethnic and religious identity are a target, as well as Kurds engaging in or associated with political activities. Further, Kurds promoting or perceived to be promoting separatism are also a target.** Families, individuals or tribes who are affiliated with women rights are also a target. (...) Middle East Consultancy Services stated that Iranian Kurds are free to celebrate cultural occasions such as Norooz. However, cultural events becoming political are an issue. Middle East Consultancy Services mentioned as examples shouting political statements or carrying political iconography during the celebrations. **Other activities that may trigger the attention of the authorities are gatherings of more than a few people. The authorities might interrogate the gathered people and arrest or question them without further prosecution, or with subsequent prosecution.** This type of interference is intended to discourage people from gathering and to send a signal that the authorities are keeping individuals and groups under surveillance, Amnesty International said. Furthermore, it is reasonable to assume that people active on the social media are under some kind of monitoring by the authorities, an associate professor noted.[...]

Regarding the presence of the Iranian authorities in the Kurdish areas, Amnesty International stated the Ministry of Intelligence is present, and to some degree the Revolutionary Guard, too. The situation is different in Tehran, where the Revolutionary Guard is more present than the Ministry of Intelligence. **The source added that the presence of police increased in Kurdistan in connection with the Iraqi Kurdistan independence referendum of 25 September 2017, due to rallies and gatherings held by people supporting the voting in the neighbouring country. 19. According to the source, even when peaceful cultural activities remain purely cultural without a political aspect to them, the authorities can decide to intervene, including intervening in the name of protecting Islam or public decency.** Cultural rights of minorities are routinely violated, contrary to Iran's international obligations. Amnesty International added Iran is sensitive with regard to activities related to separatism

and autonomy, including peaceful activities; the source underscored, however, it is difficult to say when the line is crossed, and why the authorities interfere in specific activities. 20. Gatherings of more than a few people will trigger the authorities' attention. The authorities might further interrogate the gathered people and arrest or question them without further prosecution, or with subsequent prosecution. **This type of interference is intended to discourage the ability to peacefully exercise the right to freedom of assembly, and to send a signal that the authorities are keeping individuals and groups under constant surveillance.** Generally, people in Iran, and not only Kurds, know they might be monitored by the authorities. 21. The source assumed that more men than women were targeted by the authorities. [...]

Meeting with an anonymous source, Tehran, 15 September 2017 [...] Presence and activities of the Iranian authorities in the Kurdish areas in Iran 34. **The source stated the Iranian General Security Forces do conduct surveillance in the Kurdish areas. The security forces do not only monitor activities and movements among the Kurdish activists but also their families.** When the General Security Forces notice unusual movements, the involved persons will be summoned and interrogated. The source informed the General Security Forces might make investigations on persons whose family members have strong links with former prominent Kurdish activists. The interrogation will be about affiliation with certain people, travel patterns through the border etc. Sometimes the interrogation will take place just to intimidate people and sometimes it will be to get specific information. If the person interrogated is not high profiled he will probably just be warned and released, but still monitored to see whom he meets with. » Source: Danish Refugee Council (DRC) et Danish Immigration Service (DIS), Iran: Issues concerning persons of ethnic minorities, including Kurds and Ahwazi Arabs, 23 février 2018 : www.ecoi.net/en/file/local/1426253/1788_1520517984_issues-concerningpersons-of-ethnic-minorities-including-kurds-and-ahwazi-arabs.pdf.

DIS, 23 juin 2014 :

« When asked what consequences a convert faces in relation to his family or social network, **an international organisation in Turkey considered that a convert may be threatened by family members for example in the instance that a member of his family holds a higher ranking official position.** This person may force him or her to stop his Christian activities.

Regarding the risks of maltreatment from actors other than the authorities, **the AIIS considered that the question of whether risks could emanate from family, would very much depend on how religious the family was or whether it had close ties to the authorities.** As an example, it was explained that a member of the family who holds a government position for example, may be asking themselves whether they could be risking their position by having a convert in the family. Depending on such factors, **it was considered that there is a possibility that a family member may report on a convert.** [...]

Some Christian converts may risk maltreatment from their own family members and relatives but mostly, Christian converts are facing persecution at the hands of the state, according to Mansour Borji. The source found that it could happen that family members would report on their own family if somebody has converted to Christianity, often with good intentions hoping that an encounter with the authorities will have a 'deterrent' effect on them and make them forget about conversion. **It could also happen that neighbors report**

on a convert, however, the source considered that the threat of persecution stemmed mainly from the authorities. » Source: Danish Immigration Service (DIS), Update on the Situation for Christian Converts in Iran; Report from the Danish Immigration Service's fact-finding mission to Istanbul and Ankara, Turkey and London, United Kingdom, 23 juin 2014: www.ecoi.net/file_upload/1226_1403600474_rapportiranffm10062014ii.pdf.

DIS, 2013:

« **The Iran scholar pointed out that a new generation of Kurds who considers the old parties such as KDPI and their ideology to be outdated and old-fashioned, is coming up in Iran. This new generation would rather be active through grassroots organizations, human rights groups, environment NGO's etc., and do not want to be bound in their activities by the old parties. [...]**

Asked about the Iranian authorities' reaction towards non-political activities, such as NGOs working on the environment, conditions for women etc. in the Kurdish area of Iran, analyst Ziryan Roj Helaty (Tanupo Magazine) explained that the regime wants control of everything that is going on and that it is not possible to be active as an NGO unless the regime is informed. However, some NGOs are a cover for political activities, particularly human rights NGOs which have sometimes been affiliated with Kurdish political parties. Even if these NGOs do not have a political purpose they will be under surveillance by the regime, and some NGOs will even work for the regime. During the reform period under president Khatami there were some independent organizations in the Kurdish area of Iran but they could not continue their activities when Ahmedinejad came to power. Analyst Ziryan Roj Helaty (Tanupo Magazine) informed the delegation that the presence of the Kurdish Iranian opposition parties in Iran is based on sympathizers rather than real members. In this respect, it would not be possible for KDPI and Komala to be active via NGOs. When asked whether non-political organizations and NGOs are targeted by the Iranian regime, Fazel Hawramy, a Kurdish journalist and blogger, informed the delegation that he knew of people in Mariwan city who worked as environmentalists and who were targeted by the regime. Fazel Hawramy added that arrest of NGO activists are often based on political charges, such as having connections to family members who are members of KDPI or Komala or PJAK. According to Fazel Hawramy, the Iranian law says that an accused person cannot be punished if there is no evidence against him, but the authorities tend to press and torture people to make them confess and in this way finds an excuse to punish them. Chief editor Sardar Mohammad and Chairman of the board of directors Asos Hardi (Awene Newspaper) believe that people working with environmental issues in the Kurdish region of Iran are not targeted by the Iranian regime. However, if an issue is considered political, the persons involved might face problems. From their own line of work, Sardar Mohammad and Asos Hardi (Awene Newspaper) knew of organizers of literature and poetry events who have been subjected to investigations by the authorities in Iran. According to the source, the Iranian regime in general tends to consider all Kurdish cultural activities as being political, particularly activities within the field of literature. [...]

According to an NGO working with asylum seekers and refugees in Iraq, NGOs working with issues such as youth, literature, or music do not face difficulties, but those working with human rights, democracy, women or other political issues should expect problems. According to the source, anybody talking about human rights in Iran is at risk. **Environmental issues can**

also be seen as political by the regime and activists working with these issues are thus targeted. [...]

Reza Menuchehri (KMMK) provided information about an environmental organisation in the Kurdish areas of Iran. This organisation worked for the preservation of nature and wildlife and was active in fire fighting in forests. The authorities dissolved the organisation and five of the most active members, who were all university students, were detained for two and half months during which they were subjected to torture. They were arrested due to security charges and accusations of being in contact with foreign media. They were recently released on bail, but two of them were upon release displaced to universities in faraway cities. These five together with other activists were warned by the authorities not to pursue their prior activities and to stay away from any activities related to the upcoming elections (in June 2013). Regarding the less active members, the source stated that these were also at high risk, and imprisonment could happen any time. However, the strategy of the regime was, according to the source, that by getting to the most active members first, the organisation would be dissolved by itself. During imprisonment, the parents of the five environmental activists were denied access to see them and told not to mention the imprisonment under any circumstances. This was all done orally. The families were also contacted by third persons sent by officials and told that it would be better for their detained children if the families kept quiet. Reza Menuchehri (KMMK) added that this environmental organization was both highly informative and very efficient and was for instance able to gather tens of persons by text-messages in a short time in order to extinguish fires in forests. All in all, hundreds were active in this organisation. Activists were not formal members but were simply called upon when for instance a fire broke out. [...]

**According to Reza Menuchehri (KMMK) the government of Iran tries to monitor everything, including small organisations and groups as well as individual activities. However, it was emphasized that the higher the number of activists in an organization, the more sensitive the government will be. » Source: Danish Immigration Service (DIS), Iranian Kurds; On Conditions for Iranian Kurdish Parties in Iran and KRI, Activities in the Kurdish Area of Iran, Conditions in Border Area and Situation of Returnees from KRI to Iran; 30 May to 9 June 2013, 30 septembre 2013, p. 9-10; 58-60:
www.ecoi.net/en/file/local/1133789/1226_1380796700_fact-finding-iranian-kurds-2013.pdf.**

DRC/DIS, février 2018 :

« Neighbours, who have become aware of unusual activities around a house, can cause a house church to be revealed for the authorities. A foreigner interacting with Christians in Iran added that otherwise, the authorities do not have the possibility to know about the house church as members are discrete about it. It is unlikely that a family member will report to the authorities on a converted family member. However, it occurs in cases where the family member is a government employee or whose professional and/or social status is affected by the Christian family member. One source added that many families are loyal to the regime and have a Basij member within the family. If there are children in the family, they could also inform their teachers about activities in their homes, at school. [...]

Converts who tell their family about their conversion risk getting into trouble; they risk

exclusion and threats from the family who might think that the converted family members will create a problem for them. According to one source many converts do not tell their families about the conversion. » Source: Danish Refugee Council (DRC) et Danish Immigration Service (DIS), Iran: House Churches and Converts, février 2018:

www.ecoi.net/en/file/local/1426255/1788_1520517773_house-churches-and-converts.pdf.

Golkar Saeid, décembre 2012:

« In addition to religious training, Basij members must pass many political courses in order to strengthen their political loyalty to the Islamic regime and to the Supreme Leader in particular. These courses teach that the doctrine of jurist guardianship is not only a religious idea: it is the best form of government. In this form of government, a wise and pure person becomes the leader. This contrasts with the governments in other countries that enable corrupt politicians to rule. Moreover, the Islamic regime has dual legitimacy according to these trainings: religious legitimacy and popular legitimacy.

Another significant topic in the Basij IPT courses is 'knowing the enemy' [doshman shenasi]. The enemy is comprised of the individuals, groups, organizations, and countries that want to overthrow the glorious Islamic Republic through methods such as war, coup, riots, colour revolutions, and cultural invasions.

The number of Basiji members remains uncertain. The Islamic Republic's propaganda states that more than 15 million of Iran's inhabitants are members of this organization. However, according to one estimate, currently only about four million people are members (three million regular members, 800,000 active members, and 200,000 special members). » Source: Saeid Golkar, Organization of the Oppressed or Organization for Oppressing: Analysing the Role of the Basij Militia of Iran, décembre 2012, p.458-459:

https://www.researchgate.net/profile/Saeid_Golkar/publication/271626027_Organization_of_the_Oppressed_or_Organization_for_Oppressing_Analysing_the_Role_of_the_Basij_Militia_of_Iran/links/5b2cf3e30f7e9b0df5bbba3f/Organization-of-the-Oppressed-or-Organization-for-Oppressing-Analysing-the-Role-of-the-Basij-Militia-of-Iran.pdf.

Guardian, 28 février 2019 :

« In early 2018, nine environmental experts and activists from the Persian Wildlife Heritage Foundation (PWHF) were arrested in Iran. Disregarding their international reputation for tireless efforts to protect Iran's endangered Asiatic cheetahs, the country's Islamic Revolutionary Guard Corps (IRGC) accused them of being agents of the CIA, Mossad and MI6. The IRGC, which acts as an alternative, hardline centre of power in Iran, claimed that PWHF was using environmental activism as a cover for a mission to disrupt national security. It accused them of collecting "sensitive" environmental information and using camera traps to monitor Iran's ballistic missile programme.

*A few weeks later, one of them, Kavous Seyed Emami, died suspiciously in an alleged suicide at Tehran's notorious Evin prison. His grieving wife, Maryam Mombeini, is still banned from leaving the country to join her two sons in Canada. The rest of the group are still in "temporary detention". Four of them have been charged with "spreading corruption on the earth", a crime that can carry the death penalty. The rest face serious security charges for "cooperation with hostile governments" and "acts against national security". **Their 300-page***

indictment was finally disclosed to them in a trial behind closed doors that began a few weeks ago.

*While the country's civilian ministry of intelligence has stated it believes the activists are innocent, the IRGC is determined to trumpet the discovery of another spy network. This heartrending story is yet more evidence of what I know from personal experience to be a trend: **a move by security forces to start policing the environmental sector in Iran.** [...]*

*Environmental problems recognise no borders and have the power to unite people regardless of their beliefs, cultures, ethnicities, and socio-economic status. Precisely this power, however, makes the environmental sector vulnerable to the attention of authoritarian elements. **For years it was a safe space for activism in Iran, but the combination of general environmental awareness and increasing public anger at the government for a range of grave environmental problems has convinced some that this space is now a threat to national security.***

*The loss of hope is destructive for any environmental movement. Faced with this kind of persecution, **Iran's environmental community has become scared and confused.** » Source: The Guardian, The environment was once a safe space for activism in Iran. No longer, 28 février 2018: www.theguardian.com/commentisfree/2019/feb/28/environment-safe-space-activism-iran-hardline-forces.*

HRW, 5 février 2019 :

« Iran's judicial authorities are violating fair trial standards in the case of eight environmentalists who have been detained for over a year, Human Rights Watch said today. Authorities should immediately open an impartial and transparent investigation into the torture allegations the accused have raised during the trial.

*On January 30, 2019, Houman Jokar, Sepideh Kashani, Niloufar Bayani, Amirhossein Khaleghi, Sam Rajabi, Taher Ghadirian, Abdoreza Kouhpayeh, and Morad Tahbaz, members of a local environmental group, the Persian Wildlife Heritage Foundation, appeared in court for the opening of the **trial on accusations of spying. Branch 15 of Tehran's revolutionary court, which is overseeing the trial, did not allow the defendants' lawyers to review the indictment prior to the session. Judge Abdolghassem Salavati of Branch 15 also restricted the defendants' choices for lawyers to a list approved by the judiciary. During the trial, one of the detainees interrupted the session, claiming that they were tortured and coerced into making false confessions, a source confirmed to Human Rights Watch.***

“The gravity of due process violations against these activists over the past year, and the recent allegation of torture and forced confessions, has reinforced the reality that the judiciary is a tool of repression and a symbol of injustice,” said Michael Page, deputy Middle East director at Human Rights Watch. “The highest-ranking authorities should immediately investigate this allegation of torture, immediately call for the release of these activists, and end the grave abuses against them.”

*On January 30, Mohammad Hossein Aghasi, a lawyer Rajabi has chosen to represent him, tweeted that he had **not been allowed to represent his client in the court. Two sources***

who asked not to be named due to the risk of reprisal, said that the 300-page indictment against the environmentalists is solely based on a forced confession in detention.

During the second trial session, on February 2, Bayani stood up, said that she rejected the accusation of spying, and described abuse she said she had experienced in detention. "If you were being **threatened with a needle of hallucinogenic drugs [hovering] above your arm**, you would also confess to whatever they wanted you to confess," Bayani told the court on February 2, a source with close knowledge of the case confirmed.

The Revolutionary Guards' Intelligence Organization arrested seven of the defendants on January 24 and 25, 2018, as well as Kavous Seyed Emami, an Iranian-Canadian university professor. The authorities arrested another environmentalist, Abdoreza Kouhpayeh, on February 25, who is being tried with seven other activists.

On October 24, 2018, Abbas Jafari Dolatabadi, the Tehran prosecutor, said at a news conference that the authorities had finalized indictments for the activists. He said that **four face the charge of "sowing corruption on earth," which includes the risk of the death penalty, claiming that the activists were "seeking proximity to military sites with the cover of the environmental projects and obtaining military information from them."** On January 30, the Islamic Republic News Agency reported that **three others are charged with spying and one person is charged with assembly and collusion against national security.**

Several senior Iranian government officials have said that they did not find any evidence to suggest that the detained activists are spies. On May 22, the Iranian Student News Agency (ISNA) reported that Issa Kalantari, the head of Iran's Environmental Institution, said during a speech at a biodiversity conference that the government had formed **a committee consisting of the ministers of intelligence, interior, and justice and the president's legal deputy, and that they had concluded there was no evidence to suggest those detained are spies.** On February 3, Mahmoud Sadeghi, a member of Parliament from Tehran, tweeted that according to the information he has received, the National Security Council headed by President Hassan Rouhani also did not deem their activities of the detained conservation activists to be spying.

In January, two labor rights activists, Ismael Bakhshi and Sepideh Gholian, also alleged that they had been tortured when the authorities detained them in November. Instead of conducting a transparent investigation of their allegations, the authorities arrested both activists shortly after in what appears to be an act of reprisal.[..]

"If President Rouhani wants anyone to believe he does not agree that detainees are being routinely tortured in Iran, now is the time to act," Page said. "The president should directly intervene as the head of the national security council, and order a transparent investigation." »

Source: HRW, Iran: Environmentalists' Flawed Trial, 5 février 2019:

www.ecoi.net/en/document/1457603.html.

HRW, 7 décembre 2018 :

« Two academics with ties to Australian universities are among those arrested or required to go to a police station to face questioning in Iran during a weeks-long crackdown. **The Iranian**

authorities claim those arrested used scientific projects as a cover to infiltrate Iran and create obstacles for the country's plans to increase its birth rate. The accusation is another use by Iranian authorities of the vaguely defined word 'infiltration,' a word the authorities have repeatedly used to justify the detention of academics and environmentalists. [...]

The phrase "infiltration" became the watchword for Iranian intelligence agencies for domestic enemies they claimed were national security "threats." Since then, dozens of dual and foreign nationals, as well as Iranian citizens, have been arrested by Iran's Islamic Revolutionary Guard Corps (IRGC) Intelligence Organization and accused of being part of the Western "infiltration" network.

The detained dual and foreign nationals come from all walks of life, but the cases have in common a near-total absence of due process. Officials use smear campaigns against them and lack concrete evidence of any crime. Iranian authorities should ensure the rights of these detainees and grant them fair trials to end this grave injustice. » Source: HRW, Family Planning Scholar Arrested on Vague Accusations in Tehran, 7 décembre 2018: www.ecoi.net/en/document/1454437.html.

HRW, 26 octobre 2018 :

« Iranian authorities have issued indictments against eight detained environmental activists that could lead to the death penalty, Human Rights Watch said today. Iranian authorities should immediately release these activists who have been arbitrarily detained for nine months unless they can produce evidence to justify the charges against them and guarantee a fair trial. [...]

Under article 286 of Iran's penal code, "Any person, who extensively commits a serious crime against people's physical safety, offenses against internal or international security of the state, spreading lies, disruption of the economic system of the state, arson and destruction of properties" can be considered among the "corrupt on earth" and sentenced to death if the court finds "the intention to cause extensive disruption in the public order, or creating insecurity, or causing vast damage or spreading corruption and prostitution in a large scale, or the knowledge of effectiveness of the acts committed." Otherwise, the sentence can be between six months and five years. » Source: HRW, Iran: Environmentalists Face Capital Charges, 26 octobre 2018: www.ecoi.net/de/dokument/1447933.html.

HRW, 3 août 2018 :

« Iranian authorities should immediately release eight environmental activists detained for six months unless they can immediately charge them with recognizable crimes and produce evidence to justify their continued detention, Human Rights Watch said today. Iran's Islamic Revolutionary Guard Corps (IRGC) intelligence organization has arrested at least 50 environmental activists across the country since January 2018. [...]

On January 24 and 25, the IRGC intelligence organization arrested several members of a local environmental group, the Persian Wildlife Heritage Foundation, accusing them of using environmental projects as a cover to collect classified strategic information. It is unclear what classified strategic information these individuals could potentially collect, as

the foundation works to conserve and protect Iran's flora and fauna, including the Asiatic Cheetah, an endangered species found in the country. On February 10, the family of **Kavous Seyed Emami, a well-known environmentalist and professor arrested as part of this crackdown, reported he had died in detention under unknown circumstances.** Iranian authorities have claimed Seyed Emami committed suicide, but they have not conducted an impartial investigation into his death.

On July 31, Mohammad Hossein Aghasi, a lawyer for the detained sons of the Rajabi and Ghadirian families, told Human Rights Watch the prosecutor has not allowed him to represent his clients and has not given him a chance to read their cases. » Source: Human Rights Watch (HRW) – Human Rights Watch: Iran: Environmentalists Face Arbitrary Detention, 3 août 2018: www.ecoi.net/en/document/1439893.html.

OSAR, 7 juin 2018:

« **Dénonciation par des membres de la famille ou des voisins. Selon Amnesty International (AI, cité par DIS, juin 2014), pour une personne convertie, le risque d'être dénoncée par la famille dépend de son degré de religiosité et de ses liens avec les autorités.** Il est possible qu'une personne convertie soit dénoncée par un membre de sa famille ou par des voisin-e-s (AI ; Mansour Borji, tous deux cités par DIS, juin 2014). Diverses sources citées dans le rapport de DRC/DIS estiment qu'il est peu probable que les membres de la famille dénoncent aux autorités une personne convertie (DRC/DIS, 23 février 2018). Cependant, **cela peut se produire lorsque le proche travaille pour le gouvernement** ou lorsque son statut est affecté par la conversion (Middle East Concern, cité par DRC/DIS, février 2018). De nombreuses familles sont fidèles au régime et comptent parmi elles des membres des Basij. **Le risque existe également que les enfants informent les enseignant-e-s à l'école des activités qui se déroulent chez elles/eux** (information transmise par une source anonyme à DRC/DIS, février 2018). » Source : Organisation suisse d'aide aux réfugiés (OSAR), Iran : menaces pesant sur les personnes converties, 7 juin 2018, p.14 : www.osar.ch/assets/herkunftslander/mittlerer-osten-zentralasien/iran/180607-irn-konvertierte-fr.pdf.

OSAR, 25 janvier 2013:

« **Mitgliederzahl. Die genaue Zahl der Mitglieder der Basij bleibt unklar. Die offizielle iranische Propaganda spricht von rund 15 Millionen Mitgliedern.22 Schätzungen von Experten gehen weit auseinander: Von rund vier Millionen (drei Millionen reguläre, 800'000 aktive und 200'000 Spezialmitglieder) bis zu anderthalb Millionen (davon rund eine Million reguläre, 300'000 aktive und 90'000 Spezialmitglieder).** » Source: OSAR, Iran: Ausstieg aus der Basij, 25 janvier 2013, p.3: www.osar.ch/assets/herkunftslander/mittlerer-osten-zentralasien/iran/iran-retrait-du-basij.pdf.

UK Home Office, janvier 2019 :

« 10.5.5 The FFM report also stated: '...Asked how the regime treats the family of someone who has been caught with a flyer, UNHCR Erbil answered that the family will be harassed until the wanted person shows up. The regime will sometimes detain a family member and interrogate him for a few hours and then release him; or the regime will

hold one of the family members in detention. When asked in which cases family members will be harshly or mildly punished, UNHCR Erbil answered that there is no basis in the Iranian law to detain a family member to a person whom the authorities has failed to arrest. However, in practice once the authorities find out that a person who has actively been working against the government has escaped from them, they would interrogate the family members and sometimes detain them for a while and use torture to make them confess about the whereabouts of the wanted person. 'As regards pressure on the families of Kurdish political activists and Kurdish political party members, a Western diplomat and expert on Iran informed the delegation that the Iranian authorities put the families under pressure. This can be done by removing them from their positions in the public sector, frequently calling them in and asking them questions, calling the families to threaten them with imprisonment and with depriving them of access to higher education or employment in public positions, investigating their computers, etc.' » Source: UK Home Office, Iran: Kurds and Kurdish political groups, janvier 2019, p.36: www.ecoi.net/en/file/local/2002538/CPIN - IRN - Kurds and Kurdish pol groups.pdf.

UNGA, 8 février 2019 :

« Le Secrétaire général est préoccupé par les informations faisant état de l'intimidation, de l'arrestation et du placement en détention de défenseurs de l'environnement. Selon les informations reçues, 43 défenseurs de l'environnement ont été arrêtés depuis mars 2018 et seulement huit d'entre eux ont été remis en liberté. En décembre 2018, on ignorait toujours ce qu'il était advenu des autres défenseurs arrêtés et où ils se trouvaient.

En janvier, Kavous Seyed Emami, directeur de la Persian Wildlife Heritage Foundation, et huit autres membres de la fondation ont été arrêtés. Ils étaient accusés d'avoir recueilli des informations classifiées sous couvert de projets environnementaux.

Kavous Seyed Emami est décédé en garde à vue et son épouse est sous le coup d'une interdiction de voyager. Le 21 février, plusieurs titulaires de mandat au titre des procédures spéciales ont exprimé publiquement leur préoccupation quant à sa mort et à l'arrestation d'autres défenseurs des droits de l'homme liés à l'environnement. Le Gouvernement n'a pas encore fourni d'informations indiquant si une enquête indépendante et impartiale a été menée sur les circonstances de la mort de Kavous Seyed Emami. Dans ses observations, il a déclaré que l'enquête et un examen médico-légal avaient confirmé la thèse du suicide.

Selon des témoignages émanant notamment des autorités iraniennes, le comité gouvernemental chargé d'enquêter sur les activités des défenseurs de l'environnement détenus a conclu à l'absence de preuve d'espionnage. Cependant, le 24 octobre, le Procureur de Téhéran a confirmé que les intéressés avaient été inculpés pour « corruption sur terre », un crime passible de la peine de mort. Il ressort des informations reçues par le HCDH que les défenseurs se sont vu refuser l'accès à un avocat de leur choix et qu'ils ont été privés de soins médicaux et de contacts réguliers avec leur famille. [...]

D'une manière générale, la situation en République islamique d'Iran a été marquée par l'incidence des difficultés économiques et financières du pays sur l'exercice de divers droits par les Iraniens. L'accès au travail, à la nourriture, à l'eau, aux soins de santé et à d'autres biens de première nécessité s'est de ce fait révélé difficile pour de nombreux Iraniens, mal-

gré les mesures prises par les autorités pour résoudre ces difficultés. **Les effets conjugués d'un mécontentement de longue date lié aux problèmes économiques et d'une aggravation de la situation du fait du rétablissement des sanctions unilatérales depuis août 2018 ont conduit à des manifestations sporadiques dans l'ensemble du pays. Les autorités ont réagi en proposant des réformes, mais aussi en exerçant une répression essentiellement dirigée contre les défenseurs des droits de l'homme et les avocats spécialistes des droits de l'homme, les défenseurs des droits des travailleurs, les utilisateurs des réseaux sociaux et les défenseurs de l'environnement. Les cas d'application de la peine capitale, y compris à des mineurs délinquants, sont restés nombreux, malgré une diminution globale du nombre d'exécutions depuis la modification de la loi sur le trafic de stupéfiants. Des cas de torture, de détention arbitraire et de procès non conformes aux normes internationales ont continué d'être signalés, ainsi qu'une discrimination persistante à l'égard des femmes et des membres des minorités ethniques et religieuses. »**

Source: Assemblée Générale des Nations unies (UNGA), Situation des droits de l'homme en République islamique d'Iran; Rapport du Secrétaire général [A/HRC/40/24], 8 février 2019, p.11,19:

[https://documents-dds-](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/028/78/PDF/G1902878.pdf?OpenElement)

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UNHRC, 12 mars 2018:

*« The situation of Mohammad Ali Taheri, the founder of a spiritual movement, writer and practitioner of alternative medicine theories, who was sentenced to death, is also of concern. His trial took place amidst serious due process concerns, and a number of his followers were arrested and reportedly coerced into giving confessions. His appeal was heard before the Supreme Court, which overturned the death penalty sentence, and reportedly remanded the case back to the trial court. **However, no written or formal decision is available. It is understood that the verdict would only be made available to a lawyer who is approved by the head of the judiciary, and that he was told to appoint an approved lawyer.** The Special Rapporteur reiterates the call made by the High Commissioner for Human Rights for the withdrawal of charges against him and his release. [...]*

Right to a fair trial.

In many of the cases described in the present report, and on the basis of the consistent reports which continue to be received, the Special Rapporteur is struck by the pattern of reported violations related to due process and fair trial in the Islamic Republic of Iran in particular with respect to human rights defenders, trade unionists, journalists, political prisoners and prisoners of conscience, and members of opposition, minority and religious groups, foreign and dual nationals.

The pattern is often characterised by an arbitrary arrest; prolonged solitary confinement; interrogation; denial of access to a lawyer of choice, in particular during the investigative phase; short trials after which the verdict is rarely published or provided in written form; and the issuance of long prison or death penalty sentences based on charges related to espionage or national security. In many cases, such patterns occur within the context of revolutionary courts, which are reported to be responsible for the majority of death sentences on the basis of available data. In a number of cases, the prosecution case has rested upon confessions extracted through reported psychologi-

cal coercion or torture or other ill treatment, with no investigation carried out after such allegations have been made.

In the course of her missions, individuals that the Special Rapporteur met described similar patterns. A number also described how defendants had been put under extreme pressure by judges to change their lawyers. It is further recalled that defendants accused of national security, political, capital, or press crimes, and those accused of such offences that carry life sentences are obligated to select legal counsel from an official pool of lawyers chosen by the head of the judiciary during the pre-trial stage. In 2015, the Bar Association reportedly called for this to be reconsidered, however the Special Rapporteur regrettably notes that no changes have been made. In previously provided responses, the Government has maintained that the Revolutionary Courts are no different from other courts; trials are conducted in accordance with the law, with all rights of the accused guaranteed; and that verdicts must be well reasoned out and documented.

Further underpinning the concerns outlined, the Special Rapporteur continued to receive information concerning the **ongoing harassment of lawyers and judges**. In one case reported to the Special Rapporteur, a lawyer was beaten and detained for being late to a court session. **The Special Rapporteur also heard accounts of lawyers being disbarred or rejected for membership to the bar association after having represented certain defendants.** In previous responses the Government has indicated that according to the Constitution, the Judiciary is independent. [...]

The Special Rapporteur is [...] **deeply concerned by reports of individuals from the Kurdish community having been persecuted, arrested, and sentenced to death for their political affiliation or beliefs.** According to information received, as of 31 October 2017, 1,828 Kurds had been detained by the authorities on charges related to various activities such as environmental activism, eating in public during the month of Ramadan, working as border couriers engaged in smuggling illicit goods, or for celebrating the results of the referendum held in neighbouring Iraqi Kurdistan. Information received indicates that 114 of these detainees were charged with political or security - related crimes, often for engaging in civic activism or because of their membership in Kurdish political parties. **Some face long prison sentences, lashes and/or heavy financial penalties. Among these prisoners, there are individuals who are workers, teachers, kulbars (border couriers), artists, and human rights activists.** In 2017, information received indicates that at least 64 Kurdish prisoners were executed by the authorities, and at least 16 Kurdish political prisoners were reportedly subjected to torture or ill-treatment, with 31 going on hunger strikes to protest the circumstances surrounding their arrest and detention. 15 were denied basic rights such as visitation by their family members, and 15 others were deprived of adequate medical care. [...]

The health situation of Zeynab Jalalian in this regard is of continuing concern. She has been on medicinal strike since February 2017 to protest the lack of adequate medical care afforded to her. She is serving a life sentence following her arrest in 2007 for alleged membership of a prohibited group. » Source: UN Human Rights Council (UNHRC), Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran [A/HRC/37/68], 12 mars 2018, p.11-12; 14, 16-17:
www.ecoi.net/en/file/local/1443624/1930_1537276852_g1806060.pdf.

USDOS, 13 mars 2019 :

«According to HRW, since January the IRGC's intelligence organization had arbitrarily arrested at least 50 environmental activists across the country and imprisoned them without bringing formal charges or evidence. These included several environmentalists affiliated with the Persian Wildlife Heritage Foundation who were arrested in January for espionage. They were accused of using environmental projects as a cover to collect classified information. In July family members of Houman Jokar, Sepideh Kashani, Niloufar Bayani, Amirhossein Khaleghi, Sam Rajabi, Taher Ghadirian, Abdolreza Kouhpayeh, and Morad Tahbaz demanded their release in a published open letter, saying the environmentalists had been imprisoned for six months without a "shred of evidence." [...]

Another widespread complaint among ethnic minority groups during the year, particularly among Ahwazis, Azeris and Lors, was that the government diverted and mismanaged natural resources, primarily water, often for the benefit of IRGC-affiliated contractors. According to reports from international media and human rights groups, these practices had devastated the local environment on which farmers and others depended for their livelihoods and well-being, resulting in forced migration and further marginalization of these communities. Throughout the year the government forcefully cracked down on environment-related protests that were largely centered in these ethnic minority communities. According to international media reports, in July the government forcefully suppressed protests over the scarcity of clean water in Khorramshahr, Khuzestan Province. Hundreds were arrested and at least four protesters were reported killed after security forces opened fire on the crowd.[...]

Authorities suppressed legitimate activities of Kurdish NGOs by denying them registration permits or bringing security charges against persons working with such organizations. Authorities did not prohibit the use of the Kurdish language in general. » Source: US Department of State (USDOS), Country Report on Human Rights Practices 2018 - Iran, 13 mars 2019: www.state.gov/j/drl/rls/hrrpt/2018/nea/289205.htm.

Washington institute, 5 janvier 2018:

« As for the Basij, it has become the largest civil militia organization in the world, with around five million members spread among twenty-four branches and divided into four main rankings: regular, active, cadre, and special. They form a cluster network consisting of Basij bases, districts, and regions. Although the bases are the lowest organizational level, their high visibility (50,000 locations throughout Iran) makes them the Basij's true grassroots backbone. Each Basij resistance district controls ten to fifteen bases and is home to local security and military forces. These districts are in turn controlled by IRGC regional branches. Depending on size, some cities have more than one IRGC region (e.g., Tehran). (...) Iran has more than seventeen different security organizations, with three main bodies involved in internal intelligence: the Ministry of Intelligence, the IRGC Intelligence Organization (IRGC-IO), and the Intelligence and Public Security Police (PAVA), a branch of the NAJA. All of them are directly or indirectly overseen by the Supreme Leader. Despite ongoing power conflicts between these bodies, they typically work hand-in-hand in to protect the regime.

These organizations have penetrated Iranian society through two main networks, the Herasat and IRGC-IO. The Intelligence Ministry has established Herasat branches in every civilian organization and university in the country, tasking them with identifying

potential security threats. Herasat officials reportedly surveil employees (e.g., by monitoring their communications), act as informants, and influence hiring and firing practices.

The IRGC-IO also has its own broad social network, the Basij intelligence staff (stead-e khaberi-e Basij), whose members are present throughout Iran's estimated 4,000 Basij districts. Much like the Herasat, Basij intelligence officers act as the regime's eyes and ears by monitoring citizen activities and keeping files on local activists.

PAVA is responsible for gathering intelligence in neighborhoods and penetrating Iran's guilds, arresting any workers who are deemed too subversive. To do so, it runs a network of local informers (mokhber mahali) to collect news and rumors. PAVA has also been tasked with conducting religious activities and ferreting out homes used for Christian worship. »

Source: The Washington Institute, Iran's Coercive Apparatus: Capacity and Desire, 5 janvier 2018: www.washingtoninstitute.org/policy-analysis/view/irans-coercive-apparatus-capacity-and-desire.

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