Arbitrary Arrest and Detention of Human Rights Defenders in Iran: Subduing the Voices Demanding Rights

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Abstract

Arbitrary arrest and detention, oftentimes used to curtail the freedom of opinion and expression, as well as the right to association and peaceful assembly, has continued to characterize Iranian regimes since the 1979 Islamic Revolution. Such arrest and detention of human rights defenders (HRD)–who individually or with others act to protect and promote human rights—has demonstrated the repressive nature of the Iranian regime. Human rights lawyers, civil society representatives, journalists, and women's rights movements and trade union activists are among the most commonly targeted HRD.

Keywords

Human rights, Iran, Arbitrary arrest and detention, Universal Declaration of Human Rights (UDHR), Civil rights, Political rights

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Introduction

Arbitrary arrest and detention, oftentimes used to curtail the freedom of opinion and expression, as well as the right to association and peaceful assembly, has continued to characterize Iranian regimes since the 1979 Islamic Revolution. Such arrest and detention of human rights defenders (HRD)–who individually or with others act to protect and promote human rights—has demonstrated the repressive nature of the Iranian regime. Human rights lawyers, civil society representatives, journalists, and women's rights movements and trade union activists are among the most commonly targeted HRD.

Under customary international law, an arrest and detention is arbitrary if not in accordance with legal procedures. The Iranian authorities, by arbitrarily arresting and detaining HRD, violate three major internationally guaranteed rights of detainees: freedom from arbitrary arrest and detention, liberty and security of the person and humane and dignified treatment by the detaining authorities. The involvement of volunteer paramilitary groups like 'Basij Militia' in the arrest of HRD adds to the arbitrary nature of the Iranian regime since legally, only the police are authorized to arrest people.

The right against arbitrary arrest and detention is guaranteed by Article 9 of both the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a party. Article 32 of the Constitution of Iran defends this right. The rising numbers of arbitrary arrests and detentions of HRD are alarming in that they signal attempts to intimidate and subdue the voices that uphold human rights, so that multiple forms of repression can continue unabated.

Arbitrary Arrests and Detention of Human Rights Defenders in Iran

The Iranian government frequently uses fear tactics to discourage public debate on human rights violations and to discourage secular political opinion. Reports from human rights organizations reveal the theocratic nature of arbitrarily arrests, detains and ill-treats HRD and political dissenters.

Reported cases reveal that the majority of HRD are charged with security offenses, as articulated in the 'Offenses Against National and International Security of the Country' from the *Islamic Penal Code,* which is based on Sha'ria law. Human Rights Watch has recorded vaguely worded charges like planning 'psychological warfare,' 'cyber warfare,' 'velvet revolution,' 'soft coup,' and 'attempts against national security,' against the arrested HRD. When Nobel laureate and human rights lawyer Shirin Ibadi was arrested for videotaping a witness' testimony in the year 2000, she was charged with 'propaganda against the regime.' The witness was a member of the government sponsored 'Basij Militia' who broke into the student dormitories in 1999, killing a number of students.

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Ample international attention has been directed towards the arbitrary arrest and detention of HRD in Iran. In the seventh session of the Universal Periodic Review (UPR) of the United Nations Human Rights Council and in the United Nations General Assembly resolution 64/176 on Iran, arbitrary arrest and detention of HRD was highlighted. In March 2010, UN Human Rights Chief Navanethum Pillay expressed concern over the repression faced by political dissenters and human rights activists in Iran. Yet when confronted with questions on their poor human rights conduct, the Iranian regime responds by citing human rights provisions in the Iranian Constitution. Taking a cultural relativist stance, they accuse the West of politicizing human rights and claim that Western standards are inappropriate to judge the human rights situation of non-Western countries.

Contradictions within the Iranian Legal System

The Iranian legal system is based on Sha'ria law, which preceded the concept of due process. HRD who voice opposition against its provisions are targeted as opposing the religion and security of the nation. A cursory look at the articles of the Iranian Constitution shows the possibility of multiple interpretations of the provisions, some of which befit repressive intent. The constitution of Iran, enforced in 1979, lists many internationally recognized human rights as 'rights of the people,' particularly in part three (articles 19 to 42). The paradox is that most of the provisions also have 'religious' provisos that provide a wide space for maneuvering and repressing these fundamental rights.

Contradictions between Constitutional provisions and other laws obfuscate their implementation. Article 32 of the Iranian Constitution, which guarantees the right against arbitrary arrest and detention, requires that the charges must be communicated to the accused within 24 hours of arrest. In sharp contradiction, Article 32 of the *Code of the Criminal Procedure* states that a judge may issue temporary detention orders in security cases. This provision has often been used to detain HRD under security offenses for over 24 hours, without charges. The Constitution has strong provisions regarding the right to legal recourse (Art. 34) and the right to legal counsel (Art.35), but the Code of Criminal Procedure (Art. 128) states that in sensitive cases, the judge has the discretionary authority to exclude counsel from the hearing of sentencing.

There are also instances when law is disregarded in practice. The Iranian constitution states that any testimony, confession or oath obtained under duress is devoid of value and credence (Art. 38). However, cases involving arbitrary arrest, detention and torture of HRD exhibit that torturing people into self-incrimination, in a clear violation of their basic due process rights, is common.

Contradictory provisions within Iranian laws, as well as contradiction in existing laws and their implementation, explain Iran's failure to uphold human rights. Many Iranian laws contradict with customary international law. Ratification of international conventions entails that they supersede the contradicting national laws to the extent of the contradiction. Ruling out such contradictions may mitigate ambiguity in their interpretation and implementation.

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Iranian Sociopolitical Situation: Naturalization of Suppression

The Islamic Republic of Iran, constituted after the 1979 Islamic Revolution, is a theocracy, with Shi'ism as its national religion. The development of its political regime has been characterized by the conflict between the competing tendencies within Shi'ism. The secular line attempts to reconcile Islam with modern rationalism, democracy and rule of law but the radical line disparages democracy and rationalism as Western diseases. Inspired by the figure of Ayatollah Khomeni, the unelected divine right patron who presides over the democratically elected government, radicals have used the state religion to dominate the state apparatus, silence the voices of dissent and repress human rights.

The penalization of HRD, and repressing them into silence, is the manifestation of the theocracy's intolerance of 'criticism'—considered the work of people who are either 'anti-Islam' or 'counter revolutionaries.' The state is the principal protector and the major violator of human rights. As such, the task of HRDs is to expose and criticize state violations of individual rights. This makes them targets for suppression.

However, rising levels of education and the continuous proliferation of information characterizing globalization have led to the growth of a secular and reformist attitude among the urban middle class. The theocracy faces increasing criticism at home and abroad for its failure to uphold international human rights standards. The spontaneous protests following the presidential elections in June 2009, also known as the 'Twitter Revolution' are therefore heralded as the beginning of a strong civil society and the social impetus that Iran was awaiting in order to transform its society in favor of democracy, human rights and secularism.

Conclusions

The main methods applied by the international community to hold repressive governments accountable for their human rights violations are exerting pressure by placing economic sanctions and/or shaming states that violate the rights of its citizens. In Iran, both methods have backfired and led to further alienation of the Iranian government and worsening domestic public opinion from the West. The government continues to repress human rights by arbitrarily arresting, detaining, ill-treating and maintaining the terror of arrest among the HRD community.

Religious demagogy and historical evidence, like American involvement in the Iranian coup in 1953, have been instrumental in the demonization of the United States and the West and in swaying the common citizen's opinion against human rights as a Western value, ill-suited for the Islamic republic. HRD are arbitrarily arrested and detained under charges of threats to national security and many human rights organizations are shut down for being the 'agents of the West.'

The Iran conundrum is a complex one. The violation of the fundamental right to liberty of HRD under allegations of national security ties the hands of the international community. The Iranian government remains utterly uncooperative with international human rights mechanisms. Furthermore, the issue of nuclearization overshadows human rights concerns in Iran's relationship with the West. However, Iran's recent filing of candidacy for membership on the UN human rights council and its ultimate withdrawal, in the face of mounting criticism and exposure of its violations,

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can be interpreted as a tacit recognition of its poor human rights record. This may be the right time to mount pressure for accountability on Iran.

Arbitrary arrest and detention of HRD is symptomatic of more systematic violations. It has to be understood as a deliberate political attempt at silencing the voices, which demand civil and political rights so that totalitarian control can be maintained. The Islamic Republic of Iran has to be made accountable for its repression of HRD to prevent a full-blown human rights crisis.

Annotations

Abou El Fadl, Khaled. 2003. "Islam and the Challenge of Democracy." *Boston Review*. Available online: http://www.iranrights.org/english/document-138.php.

Annotation: In this very well argued essay, Abou El Fadl provides an Islamic interpretation of democracy, individual rights and justice. The author argues that democracy and human rights are not necessarily incompatible with the Islamic concept of the sovereignty of God as opposed to the sovereignty of the individual or the public. He gives an interesting analysis of the consequences of supremacy of the Sha'riah and its impact on human rights. Drawing his examples from the Quran, he sets out to examine how religious fundamentalists, in permitting judges to interpret the divine version of law, have been practicing exactly what they preach against. His argument asks how a human interpreter can claim with certainty that the determination he reached is identical to God's. He concludes that 'if the majority insists on turning away from God but still respects the fundamental rights of the individuals, those individuals who constituted the majority will still have to answer, in the hereafter, to God.' Fadl is trying to deconstruct the fundamentalist stance to shine the light on the compatibility of Islam, democracy and human rights.

Afshari, Reza. 2009. "A Historic Moment in Iran." *Human Rights Quarterly* 31 (4): 839-55. Available online: http://muse.jhu.edu/journals/human_rights_quarterly/summary/v031/31.4.afshari.html.

Annotation: The article furnishes an in-depth analysis of the reasons why the political uprising in theocratic, repressive Iran following the presidential elections in June 2009 was possible. It explains how repressive regimes have continued in Iran, where the democratically elected government has to report to the religious supreme leader and his 'Guardian Council,' who exploit the masses by religious fundamentalism and 'unbridled bellicose rhetoric.' The article then explores the development of the urban middle class, who imbibe a secular perspective and believe in democracy independent of the handpicked demagogues who preside over the democratically elected government. The protests following the presidential elections in 2009 have been portrayed as a historic moment because they were spontaneous and not organized by any political parties. Also known as the 'Twitter Revolution,' the protests have been seen as a harbinger for the development of a politically active Iranian civil society, developing separately from the theocratic political parties of the past.

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———. 2001. <u>Human Rights in Iran: The Abuse of Cultural Relativism</u>. Philadelphia: University of Pennsylvania Press.

Annotation: The secularist author provides a critical evaluation of how cultural relativism has had an impact on the human rights discourse in Iran. Using UN reports and prison memoirs of many influential prisoners of conscience, he analyzes the religiopolitical causes behind the human rights record of Iran. He explores the role of the Shi'ite theocracy in bringing about the violation of human rights in the country. The chapters are divided into different rights and their violations, and cover the period of the 1980s and 1990s. His explanation of the repression of the UN Special Representative in Iran to report on the violations is complemented by the prison memoirs. The book can be an excellent analytical tool to understand the socio-political situation in a country that permits human rights violations.

Amnesty, International. 2008. "Challenging Repression, Human Rights Defenders in the Middle East and North Africa." London: Amnesty International, 2008. Available online: http://www.amnesty.org/en/library/asset/MDE01/001/2009/en/3fe5c240-d77d-4e15-8957-5928387d1093/mde010012009eng.pdf.

Annotation: This extensively researched and detailed report, prepared by one of the leading international human rights organizations, elaborates on the repression faced by the human rights defenders in the Middle East and North Africa. A number of emblematic cases are spread throughout the report as examples of the forms of repression. The report also furnishes a multidimensional analysis of the problems faced by the human rights defenders in their work under repressive regimes. It provides an overview of the political context of the regions and lists the oppressive laws in practice, patterns of repression and the categories of human rights defenders at particular risk, which include journalists, women's rights defenders and lawyers. It ends with a list of recommendations for governments, the Arab League, the European Union, human rights defenders and the NGOs.

———. 2010. "Iran : Submission to the Un Universal Periodic Review. Seventh Session of the UPR Working Group of the Human Rights Council.". Available online: http://www.amnesty.org/en/library/asset/MDE13/009/2009/en/f52fc1a8-ee8f-4de1-916d-967c5c04a6a1/mde130092009eng.pdf.

Annotation: The UPR shadow report prepared by Amnesty International does not tackle the issue of arbitrary arrest and detention directly, but covers them through other issues that these practices raise. It highlights the opposition to the vaguely worded reservation the Iraninan government has made against the rights of the child and child execution. It also touches upon the issue of arbitrary arrest and incommunicado detention while talking about the restriction upon the freedom of expression, association and assembly, unfair trials, torture and among other ill treatment.

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Azimi, Fakhreddin. 2008. The Quest for Democracy in Iran: A Century of Struggle against Authoritarian Rule. Massachusetts: Harvard University Press.

Annotation: Azimi provides a democratic history of Iran in the 20th century. Critically examining the history of the country, the author sheds light on how the identity of the national community was constituted in the first half of the 20th century and continues through to the rise of the authoritarian supremacy, its consolidation and ultimate collapse in 1979. He then goes on to cover the rise of clerical rule leading to the eclipse of popular sovereignty since 1979. He concludes with an analysis of the predicaments and prospects of such a situation on the perpetuation of nepotism, exhibited in appointing bureaucrats on the basis of religious credentials, the repression of reformers' objectives and above all, the degeneration of human rights under regressive judicial activism. However, the author ends with a positive note as he heralds the embracing of modernism by educated, middle class Iranians, whose numbers are on the rise. He also points to the successful work of Iranian civil society, which has continued to function despite numerous attempts to silence them. The book is a very useful source for understanding the Iranian movement for democracy in the last century.

Boroumand, Ladan and Roya Boroumand. 2000. "Is Iran Democratizing? Reform at an Impasse." *Journal of Democracy* 11(4). Available online: http://www.iranrights.org/english/attachments/doc_441.pdf.

Annotation: This article provides an excellent analysis of the political reality of Iran, where an electoral victory for the reformists is often translated into political defeat. Set in the immediate aftermath of the Iranian parliamentary elections on February 18, 2000, the article gives an overview of the unique political system in Iran, 'a theocracy founded on the political privileges of a clerical oligarchy.' It details how the supreme religious leader is above the constitution, enjoys privileges like appointing the members of the 'Guardian Council,' comprised of six theologians and six jurists nominated by the parliament under the recommendation of the Head of the Judiciary, who himself is nominated by the supreme leader. It also explains that the Guardian Council oversees matters of the state and can veto all laws, election to the presidency, the Assembly of Experts who choose the Supreme leader and approves the candidates who can run in the election. The article very interestingly lays down how a prospective candidate has to go through different screening processes to be considered eligible to run. It is a very useful tool to understanding the unique totalitarian political system in Iran and how it has a crucial impact upon the human rights situation in the country.

———. 2002. "Terror, Islam and Democracy." *Journal of Democracy* 13 (2). Available online: http://www.iranrights.org/english/attachments/doc_442.pdf.

Annotation: This critical piece questions the idea of terrorism as an ideological and moral challenge to liberal democracy and sets out to analyze its implications. Trying to balance their personal Islamic sensibilities with the misinterpretation of Islam by terrorists, the authors claim

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that terrorists are Islamists rather than Islamic. With examples from history and trials of terrorists, the authors elaborate on how Islam is not the sole motivator of terrorists. They trace the roots of terrorism to the 444 days long seize of the American Embassy by Iranian religious militants in 1979, the perpetrators of which were applauded as heroes rather than being apprehended and incarcerated. This planted the seeds of radical Islamist terrorism according to the Boroumand sisters. The article also presents some excerpts of speeches of Iranian leaders that clearly encourage terrorist activities. They conclude that rather than living in a state of paranoia and a perceived fear of the West, an effort on the part of the Muslim world to study the Occidentals the way they have studied the "Orientals," could pave the way towards a solution.

Clapham, Andrew and Susan Marks. 2005. "Detention" In *International Human Rights Lexicon*, 71-89. New York: Oxford University Press.

Annotation: This book has scholarly articles on various issues relating to human rights ranging from child rights, detention, the death penalty, racism and the impact of globalization and terrorism on human rights. The article on detention gives a comprehensive picture of how the rights of detainees have been at the center of human rights work. It delves into a critical overview of the international mechanisms and provisions on the protection of detainees from unlawful arrest and arbitrary detention, torture and other ill-treatment, inhumane prison conditions and death in custody. It points to the 'endless war on terror' and its implication on the possibility of 'endless incarceration.' Also included is an analysis by Loie Wacquant of the growing numbers of convicted prisoners and how it can be seen as the 'penalization of poverty' and the role of prisons 'in the production and reproduction of racial hierarchies.' The article concludes that strengthening and extending social and economic rights in addition to the strengthening of the Cicvil and political rights of the detainees may be instrumental in 'reversing the upsizing of the penal state.'

Freidman, Ari, and Maxim Kaye. 2007. "Human Rights in Iran." American Jewish Committee. Available online: http://gees.org/documentos/Documen-02168.pdf.

Annotation: Prepared by an organization that focuses on the rights of the Jews, this report outlines the ongoing human rights violations in Iran. It touches upon different human rights issues ranging from torture, capital punishment, due process, the rights of women and children, political dissent, freedom of press, religious and ethnic minorities to homosexuality. While it contains valuable references, the reportjust scratches the surface of these issues and is not an in-depth report.

Ganji, Akbar. 2005. The Road to Democracy in Iran. Translated by Abbas Milani. Massachusetts: The MIT Press.

Annotation: This book is comprised of four essays delivered in a series of lectures by the man dubbed' the most high profile political detainee' in Iran by the BBC. The essays provide a

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testimony of a former supporter of Islamic revolution in 1979, who later turned into a reformist and investigative journalist. Ganji was imprisoned for six years for his investigative report exposing the involvement of high profile Iranian bureaucrats and leaders in a series of murders of dissidents in 1998. In the essays, Ganji explains the importance of universal human rights and secular democratic evolution of Iran, the reasons to fight for human rights, 'gender apartheid' and the Islamic misinterpretations of women's rights. He points to the need for the reconciliation between Islam and the West by means of religious tolerance. The personal and informal voice of Ganji rings loud throughout the book, sometimes to the extent that the arguments sound extremely subjective. The importance of the book lies in its provision of an insider's view about the issues of concern and the difficulties in working as a human rights defender in Iran.

International Crisis Group. 2009. "US Iranian Engagement: A View from Tehran." In *Policy Briefing, Middle East Briefing No. 28*. Tehran/Brussels: International Crisis Group. Available online: http://www.crisisgroup.org/en/regions/middle-east-north-africa/iran-gulf/iran/B028-us-iranian-engagement-the-view-from-tehran.aspx.

Annotation: This policy paper provides a thorough analysis of the possibility of positive engagement between the United States and Iran as Obama and Ahmadinejad have exchanged pleasantries. It examines the historical dynamics of this bilateral relationship and accounts for the causes of bitterness so far. This paper, which provides an excellent analysis of the relationship between the United States and Iran, highlights the need for Washington to 'recalibrate the balance of power' to ensure that Iran doesn't get further alienated. It concludes that the United States' attempts to negotiate with Europe and Arab nations to employ 'crippling' sanctions against Iran, in case talks fail, along with the insistence for alliance between moderate Arab Nations and Israel to diminish Iran's regional power, cast dark shadows on Washington's intentions. It warns that the leverage that Washington is trying to acquire to make the talks successful may lead to their ultimate doom.

Human Rights Watch. 2010. "The Islamic Republic at 31: Post Election Abuses Show Serious Human Rights Crisis." Human Rights Watch. Available online: http://www.hrw.org/node/88464.

Annotation: Documenting the most recent series of arbitrary arrests, detention and ill-treatment while in detention following the presidential elections n 2009, this report calls the situation in Iran a human rights crisis. It recommends the Iranian government establish an independent fact finding commission to determine who ordered the crackdown against protestors and serious human rights violations, investigate the allegations of ill-treatment in detention, prosecute the government officials accused of involvement in such activities, compensate the victims of torture and release all those who are detained for exercising their right to freedom of opinion, expression, assembly and association.

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———. 2010. "New Coordinated Attacks on Human Rights Groups." Human Rights Watch. Available online: http://www.unhcr.org/refworld/country,,,IRN,,4bb06caac,0.html.

Annotation: In this report, Human Rights Watch lists the most recent crackdowns against human rights activists and groups in Iran, which were coordinated by Iran's state owned media, judiciary and security forces. The crackdowns have led to the arbitrary arrest of 30 human rights activists, closure of human rights organizations and the shutting down of websites run by human rights groups under the allegation that they were members of the covert group 'Iran Proxy' and plotting to launch cyber warfare for 'regime change' in collaboration with the CIA. The arrested defenders remain under detention without any formal charges brought against them though the prosecutor's office has accused them of being involved in 'psychological warfare' and 'espionage.' The 'passwords' for the websites of the organizations received by torturing the arrestees, and the information accessed as a result, is being used as evidence to solidify the allegations.

———. 2009. "Universal Periodic Review, Iran 2009.". Available online: http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/IR/HRW_UPR_IRN-S07_2010_HumanRighstWatch.pdf.

Annotation: This is a shadow report sent by Human Rights Watch (HRW) to the Universal Periodic Review (UPR) at the 7th Session of the Working Group of Human Rights Council. It sheds light on the ongoing violation of human rights in Iran. It raises the issues of restrictions on freedom of assembly and association, freedom of expression and access to information, freedom of religion, arbitrary detention and ill-treatment in custody, interference in private life, especially in the case of homosexuals, executions and the juvenile death penalty. Its recommendations include prosecution of government officials responsible for violations, amendment of laws that permit violations, including 'Offenses against the National and International Security of the Country,' which is the most commonly cited law to bring charges against political dissenters and human rights activists.

———. 2010. "World Report 2010: Abusers Target Human Rights Messengers." Available online: http://www.hrw.org/en/world-report-2010/news-release.

Annotation: This press release, accompanying Human Rights Watch World Report 2010, posits that abusive governments around the world are targeting human rights defenders in many different countries, including Iran. On the basis of the findings of their investigations, they claim that government tactics range from murder, threats, intimidation, arbitrary arrest and detention and closing down of human rights organizations. The report urges rights-protecting governments to prioritize human rights in bilateral relations and demand real change by abusive governments through diplomacy.

———. 2008. "You Can Detain Anyone for Anything." Human Rights Watch. Available online: http://www.hrw.org/en/reports/2008/01/06/you-can-detain-anyone-anything-0.

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Annotation: This report focuses on arbitrary arrest and detention of people charged with vaguely worded security offences—a common phenomenon in Iran. It provides a thorough analysis of the legal loopholes in the Iranian penal code, because of which, commitments expressed in the ratification of international human rights treaties can be flouted. It points to the women rights campaigners, trade union activists, students, independent journalists, scholars and activists as the categories of people who are the targets of such treatment. The report also highlights the kind of ill-treatment meted out to the people arrested and makes recommendations to the Iranian government to change such practices. The recommendation to the United States government is that it engages with Iranian civil society to implement projects that are less prone to government repression.

Ibadi, Shirin. Iran Awakening. First ed. New York: Random House, 2006.

Annotation: This autobiography of Nobel laureate human rights lawyer Shirin Ibadi is an odyssey through the human rights history of Iran. The book is an impassioned narrative by one of the most prominent Iranian human rights defenders about the challenges involved in living and working as a human rights defender in Iran through the different phases of Iranian history. Ibadi has defended the majority of high profile cases of human rights violations in the country and suffered attacks against herself and the human rights organizations she founded. She was imprisoned in solitary confinement at the Evin prison for her human rights work in June 2000. Being an autobiography, it is highly subjective and some of the names of the victims she worked with have been changed for security reasons. The value of the book lies in orienting us to the human rights situation as experienced firsthand by one of the most prominent human right defenders in the country.

Ibrahim, Saad Eddin. 2005. "The Causes of Muslim Countries' Poor Record of Human Rights." In Shireen T. Hunter and Huma Malik (eds.), Islam and Human Rights Advancing a Us-. Washington DC: Center for Strategic and International Studies.

Annotation: This chapter elaborates on how the socioeconomic and political development of a country correlates with its human rights records. After establishing that the human rights records of Islamic nations vary, it explores the causes behind the human rights divide. Better understanding and implementation of human rights are attributed to countries gradually moving towards democratic governments, like Jordan, Morocco and Qatar. The modern contextual interpretation of the Qur'an, as opposed to the traditional textual interpretation, and the victory of leaders with Islamist agendas, like in Turkey in 2003, have been identified as contributing to better human rights implementation as people have begun to see that Islam, democracy and human rights are not mutually exclusive. However, the Western hegemonization and the after effects of the 9/11 terrorists attacks have been seen as hurdles in the development of human rights and democracy.

Government of Iran. 1979. "The Constitution of the Islamic Republic of Iran." Available online: http://www.iranchamber.com/government/laws/constitution_ch03.php.

Annotation: Chapter 3, Articles 19 to 42 of the Constitution list the 'rights of the people' of Iran. Internationally recognized fundamental human rights like the rights against discrimination, rights of women, right to freedom of association and assembly, right to privacy, right to work of one's will, right to freedom of expression, etc., have been guaranteed in those articles. However, every right has a proviso that requires these rights to conform to Islam or the provision of the law. The provisos often cut through the heart of the rights.

Katouzian, Homa Katouzian and Hossein Sahidi, ed. 2008. Iran in the 21st Century Politics, Economics and Conflict. New York: Routledge.

Annotation: A compilation of a series of academic essays on politics, economics and conflict in Iran, the book provides a very good knowledge base for people who are interested in the country. Since it covers many different topics, it furnishes a holistic understanding of the situation in the country on issues of conflicts over national identity, ethnic minorities, democracy and human rights, political and personal freedoms, women's rights, youth culture, the economy and the widening gaps between the rich and the poor. It also delves into the issues of Iran's relations and problems within the region and the antagonism it faces from the West owing to its nuclear ambitions. The book is a very good source with a lot of analytical insights into all these issues of pivotal importance.

Kar, Mehrangiz. 2010. "Constitutional Obstacles: Human Rights and Democracy in Iran." Connecticut: Iran Human Rights Documentation Center. Available online: http://www.iranhrdc.org/httpdocs/English/pdfs/Legalcom/Constitutional%20Obstacles.pdf.

Annotation: Kar, with the help of 'Scholars at Risk,' provides a detailed analysis of the constitutional provisions of Iran that are instrumental for the stymied growth of democracy and human rights. In a thorough analysis, the author details how absolutism and traditionalism has affected the reform movement. He also advocates that the clerics should be more involved in the development of moral values rather than vying for political power. He explores the absence of freedom, owing to which the practice self-censorship is common. He further navigates through the provisions of the constitution to examine how they pose obstacles for the development of human rights and democracy. He concludes in favor of constitutional reform pursuant to article 177 of the constitution, so as to remove the conflict and contradictions within and advocates in favor of structural and functional changes in the rights of the 'Guardian's Council.

Maki, Linda J. 1980. "General Principle of Human Rights Law Recognized by All Nations : Freedom from Arbitrary Arrest and Detention." *California Western, International Law Journal* 10 Cal.Int'l. L.J.

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Available online:
http://heinonline.org/HOL/Page?handle=hein.journals/calwi10&div=17&g_sent=1#317.

Annotation: This article focuses on how general principles of law recognized by all nations are sources of international law. The study is based on the delineation of principles that are common in different municipal laws, which can be seen as the source of general law. The emblematic law at hand is the law against arbitrary arrest and detention. The author analyses the comments made by different nations present at the UN Human Rights Committee discussing the law against arbitrary arrest and detention and contends that if the general principles of human rights law recognized by all nations can be defined, they can be enforced and can be the starting point for a more realistic development of human rights.

Marcoux, Laurent Jr. 1985. "Protection from Arbitrary Arrest and Detention in International Law." *Boston College International and Comparative Law Review* V (2)2: 345 -76. Available online: http://heinonline.org/HOL/Page?handle=hein.journals/bcic5&div=17&g_sent=1#352.

Annotation: This article aims to clarify the concept of 'arbitrary arrest and detention.' The thesis is that the UDHR and the ICCPR have established a standard of freedom from arbitrary arrest and detention and that national laws should comply with these standards. The writer proposes a methodology to determine whether or not a person is arbitrarily arrested and detained. There are also some proposed guidelines for drafting legislation and regulations to ensure maximum individual personal liberty.

Mohnsipouri, Mahmood. 2004. "Exploring the Dynamics of Human Rights and Reform : Iran, Pakistan and Turkey." In Shale Horowitz and Albrecht Schanbel (eds.), Human Rights and Societies in Transition. New York: United Nations University Press.

Annotation: This chapter offers a critical analysis of the political, economic and social circumstances in Iran, Pakistan and Turkey owing to which human rights face challenges. The chapter elaborates on how the practice of violent coercion by leaders, the absence of institutionalized means and processes of democratization, lack of accountable political order, unbalanced state society relations, poor liberalization strategies, the absence of an independent judiciary and the continuing military intervention in politics all combine to lead to human rights violations.

Nelson, Steven C. 1989. "Section Recommendations and Reports." *The International Lawyer* 24 (2): 607-14.

Annotation: Prepared by the American Bar Association, this article takes a critical view on the prevailing human rights situation in Iran in the late 1980's. It makes recommendations to the American Bar Association to adopt a proposed resolution against Iran. Listed violations include

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torture and ill-treatment of political prisoners, mass executions, extreme persecution of minority religious communities, especially the Ba'hais, and complete denial of internationally recognized due processes for political prisoners. It refers to shocking comments made by the then-Chief Justice of Iran, who publicly flouted the right to a fair trial. The article shows that the kind of violations that exist in Iran today have being occurring for the last two decades.

UN General Assembly, 53rd Session. 1998. *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, (A/RES/53/144). Available online: http://www2.ohchr.org/english/issues/defenders/docs/declaration/declaration.pdf.

Annotation: This is the first UN document declaring the rights of human rights defenders. It is not legally binding and lists the rights and protections afforded to the human rights defenders, the role of the state and role of everyone in the protection and promotion of human rights, as well as the role of national law. It is a useful tool that sheds light on the rights of those who defend the right of others.

UN General Assembly, 61st Session. Third Committee. 2006. *Situation of Human Rights in the Islamic Republic of Iran,* (A/C.3/61/L.41) . Available online: http://www.unwatch.org/atf/cf/%7B6DEB65DA-BE5B-4CAE-8056-8BF0BEDF4D17%7D/Third_committee_Iran_resolution.pdf.

Annotation: Under the agenda item of protection and promotion on human rights situations and reports of special rapporteurs and representatives, this document welcomes the few improvements in the human rights stance expressed by the different government bodies of Iran. On the other hand, it highlights all the alleged human rights violations ongoing in the country. The issue of threats, intimidation, arbitrary arrest and detention of the human rights defenders is raised with prominence.

UN Office of the High Commissioner for Human Rights. "Human Rights Defenders: Protecting the Right to Defend Human Rights." Geneva: United Nations. Available online: http://www.reliefweb.int/rw/lib.nsf/db900SID/PANA-7DHDHD?OpenDocument.

Annotation: The Fact Sheet compiled and published by the UNOHCHR enlists the different categories of people who are considered to be human rights defenders. It elaborates on how the work of people in defense of human rights gives them this status. Based on empirical facts, it generalizes the different kinds of threats and challenges that the defenders face and the UN, international and national mechanisms for their protection. It also makes recommendation as to the ways they can be protected and defended in their work.

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UN Special Rapporteur on Human Rights Defenders. 2009. "Summaries of Individual Cases Raised by the Sr and Summaries of Government Responses, 2009." United Nations.

Annotation: This report provides an extensive summary of individual cases raised by the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, with different countries. It also includes the responses by governments to these cases. The report on the Islamic Republic of Iran lists high profile cases involving well-known human rights defenders like Shirin Ibadi and numerous people arbitrarily arrested and detained from July 2009 onwards. It is an extensive list of incidents and provides an in depth understanding into the magnitude of the issues concerning human rights defenders in Iran.

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