**Maat’s Report to The Expert Mechanism on the Rights of Indigenous Peoples on "Right to Land under the UN Declaration on the Rights of Indigenous Peoples: A Human Rights focus"**

**Submitted to**: The Expert Mechanism on the Rights of Indigenous Peoples

**Submitted by**: Maat for Peace, Development and Human Rights (a non- governmental organization having the Consultative Status with the United Nations Economic and Social Council).

**Preamble:**

Maat for Peace, Development and Human Rights is deeply concerned about the persistent violations of human rights, in general, and the rights of indigenous peoples to access justice and fair remedies, in particular, in the Islamic Republic of Iran. The violations against indigenous people is clearly reflected in the way in which the Iranian authorities deal with "Ahwazi Arab people”. It is also noted that all the victims belonging to Iranian minorities, whose rights have been violated in Iran, including“ Al-Ahwaz ”, are unable to complain about the violations of their human right in an international arena as a result of Iran’s reservation to the first Optional Protocol of the International Covenant on Civil and Political Rights, which allows individuals to bring human rights violations committed against them by the state to the attention of the Council. It is a fact that Iran is a signatory to the International Covenant on Civil and Political Rights, however, reality shows that the Iranian authorities don't show the slightest respect or commitment to the articles provided for in the Covenant, especially when it comes to dealing with indigenous peoples, “Al-Ahwaz” in particular, who are subjected to various systematic violations and discrimination, almost on daily basis, as well as their permanent inability to file their complaints, claim their rights, or rehabilitate their victims.

Maat for Peace would like to generally point out that, in addition to the brutal oppression Iranian minorities are subjected to, the authorities consider them second-class citizens, and are deprived of the right to education in their mother tongue, as well as denial of employment, and many other opportunities available to Iranian Persians, in addition to Iran's policies of forced assimilation of minorities, such as recognizing Farsi as the state’s official language in schools, and preventing people from wearing traditional clothing in public places such as schools, and destroying their historical monuments.

In the light of all the above-mentioned considerations, and with reference to the importance of civil society organizations in advocating for the rights of indigenous minorities, Maat for Peace, in the belief of its responsibilities, submits this report to the Working Group on the Situation of Indigenous Peoples, in an attempt to shed some light on the numerous violations committed against the indigenous population in Iran, especially Al-Ahwaz, particularly those related to violating the right to access justice and fair remedies.

Therefore, Maat for Peace calls once more upon the Working Group on the Situation of Indigenous Peoples to include the issues of “Al-Ahwaz” and the acts of persecution and discrimination they are subjected to by Iranian security services in its coming report, and also to be alarmed and give due attention to this worsening situation, for the danger it poses to the lives of an already-endangered species, thanks to the liquidation policies, forced displacement, and the consistent use of repression by the Iranian authorities. Moreover, Maat stresses the importance of the urgent intervention in order to stop carrying out such brutal operations against the Iranian, non-Persian minorities of Al-Ahwaz, Arabs, Baluch, Kurds, and Turkmen.

**REPORTING METHODS**

Maat for Peace has submitted its report to the Working Group on Indigenous Populations to Access Justice, due to the increasing Iranian violations against Al-Ahwaz, which calls for an urgent intervention in order to put an end to their worsening crises, and provide finance compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms. Based mainly on a number of human rights documents and reports on the status of Al-Ahwaz as an Iranian ethnic minority, and guided by a number of its local and international partners, Maat has prepared this report in order to develop an updated view of the Iranian minority’s current situation, especially Al-Ahwaz. The report mainly aims to:

* Draw the attention of the Working Group on Indigenous Populations to the deteriorating human rights situation in Iran, the brutal discrimination against indigenous peoples there, and their inability to seek and obtain fair remedies.
* Call upon the Working Group on Indigenous Populations to place “Al-Ahwaz” within its scope of interest, and include their human rights situation, as an indigenous people getting subjected to coercive policies, in their next report.
* Send a message to the United Nation System and its Organs, asking them to support the rights of the oppressed in their country, such as the Iranian minorities of Al-Ahwaz.
* Try to provide, through Maat, a “human rights platform” for Al-Ahwaz, and establish a mechanism developed by the United Nations and its organs, which will be more effective in dealing with the problems of ethnic minorities, namely those existing in Iran. Iran contains about six ethnic minorities, all of which are exposed to all kinds of repression, especially "Al-Ahwaz".

**International Standards on the Indigenous Peoples Right to Access Justice**

A number of international covenants and agreements, as well as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), referred to the ability of indigenous peoples to ensure the sustainability and development of their own administration of justice systems, which is an integral part of their right to self-government, self-determination, and access to justice under International Human Rights Instruments. Article 4 of the UNDRIP affirms Indigenous peoples’ right “to autonomy or self-government in matters relating to their internal and local affairs,” and Article 5 protects their right “to maintain and strengthen their distinct political, legal, economic, social and cultural institutions.” while Article 34 emphasizes that indigenous peoples have the right to promote, develop and maintain their institutional structures, including their judicial systems or customs, in accordance with international human rights standards.[[1]](#footnote-1)

In the same context, Article (39) of the Declaration states the right of indigenous peoples to access financial and technical assistance from States, and through international cooperation, for the enjoyment of the rights contained in the Declaration. The International Labor Organization (ILO) Convention 169 on Indigenous and Tribal Peoples, 1979, provides for recognizing the indigenous people’s justice systems, as Article 8 of the Convention provides for recognizing the customs of indigenous peoples, their customary laws and institutions, and Article (9) stipulates that: to the extent compatible with the national legal system and internationally recognized by human rights, the methods customarily practiced by the peoples concerned for dealing with offences committed by their members shall be respected. Additionally, the American Declaration on the Rights of Indigenous Populations, contains provisions relating to the law of indigenous peoples and their jurisdiction, as paragraph (1) of Article (22) stipulates the right of indigenous peoples to strengthen, develop and preserve their institutional structures, customs, procedures, practices, and systems or distinguished legal traditions, in accordance with international human rights standards.[[2]](#footnote-2)

Furthermore, the Inter-American Court of Human Rights has guaranteed the obligation of States to ensure the right of indigenous peoples to judicial protection, taking into account their specificities, economic and social advantages, in addition to the fact that the right to obtain a fair trial was enshrined in Article 14 of the International Covenant on Civil and Political Rights. It stipulates that all people are equal before the judiciary, and everyone has the right to have his case examined in a fair and public manner by a competent, independent and impartial court; to be considered innocent until proven guilty; to be tried without undue delay; to have legal assistance; and to have the assistance of an interpreter in case he does not understand or speak the language used in court.[[3]](#footnote-3)

**Violations against Al-Ahwaz, obstacles on Access to Justice**

While the Iranian authorities are targeting all opponents in Iran, the non-Persian indigenous minorities are subjected to much greater persecution. In addition to the authoritarian oppression practiced by the authorities, the non-Persian peoples are treated as second-class citizens, and the Iranian authorities also practice a number of policies that are characterized by being Intransigence against indigenous peoples in general and Al-Ahwaz in particular.

**1. A General Background on the Relationship between the Iranian Authorities and Al-Ahwaz:**

Iranian People, generally speaking, are undoubtedly suffering due to the current deteriorating social, political, and economic conditions; however, their situation can't be any worse than that of the country's ethnic minorities. According to human rights reports, members of religious and ethnic minorities are reported to constitute the majority of prisoners, precisely one third. Ethnic minorities have been marginalized and deprived of their most basic rights and necessities required to lead a moderate life such as education and health care. Contrary to expectation, reports indicate that such deprived minorities are living in provinces rich in natural resources, such as Al-Ahwaz, the capital of Khuzestan, one of the richest provinces in Iran when it comes to Oil and natural gas. It is also said that Khuzestan produces between 85 to 90 percent of Iran's oil and is the mainstay of the country's economy and government revenues.

Iranian regions inhibited by non-Persian ethnic minorities, especially the Al-Ahwaz region, have witnessed regular, almost continuous, protests against racism and abuses by the Iranian regime towards the Arab minority on State television (where the authorities control all media). The Iranian government has also marginalized Ahwazi people by forcibly expropriating lands and diverting rivers from Al-Ahwaz to Persian regions, leading to a huge cut down in the amount of water available to the Al-Ahwaz people, and discriminatory employment practices that deprive Ahwaz of getting jobs. On the other hand, citizens of Persian ethnicity, are favored, notably through getting jobs, financial incentives and housing. Following each demonstration against these grievances, both the police and paramilitary Basij militia in Iran carry out raids on Ahwazi houses, arresting hundreds of them and sentencing them to long prison terms, on false charges.[[4]](#footnote-4)

The Iranian authorities continue to pursue arbitrary policies against their ethnic minorities, especially “Al-Ahwaz”, in a systematic and continuous manner. In April 2018, hundreds of Ahwazi Arabs were arrested in connection with the protests waged after the State television broadcasted a children programming that excluded Arabs from a map showing the geographical locations of ethnic minorities in Iran. And in October 2018, the authorities launched a comprehensive crackdown against the Ahwazi Arabs in Khuzestan province, one month after the killing of at least 24 people in the deadly armed attack on a military parade in Al-Ahwaz, and among the victims were viewers of the show. Ahwazi Arab activists outside Iran reported that around 700 people, including minority rights activists, were arrested and detained in isolation from the outside world, and that 22 people had been executed behind closed doors.[[5]](#footnote-5)

**2. Violations Committed against Al-Ahwazi People in Detention Centers and during Trials**

Iran signed the International Covenant on Civil and Political Rights more than four decades ago, which, in its preamble, affirmed that " recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”. The terms of the Covenant is legally binding all Signatory States and Parties to the Convention to protect the rights of all peoples, take positive steps to incorporate the relevant privileges into domestic law, and ensure that citizens enjoy their rights freely without prejudice. In theory, the Iranian state has incorporated most of these inherent rights in its criminal and civil law. However, in practice, these obligations have never been enforced. Successive Iranian governments continued to supervise the systematic violations committed by the security forces and the judicial system against indigenous peoples. The victims of these violations including Al-Ahwazi people, have been denied the right to file criminal cases against the relevant officials in the local courts, whereas the attackers associated with government bodies were enjoying Impunity from any prosecution or punishment.[[6]](#footnote-6)

The Iranian authorities do not take into account the humanitarian, social, and cultural situation of the people of Al-Ahwaz, especially inside Iranian prisons, where the detained Al-Ahwaz live in detention centers under exceptional health conditions, and are subjected to systematic physical and psychological torture methods, in addition to that, the medical clinics in Iranian prisons and detention centers lack the minimum basic health services, necessary medical equipment and medication, and specializing doctors, and it must be noted that the health violations practiced by the Iranian prison administration towards detainees. All this adds to the policy of deliberate medical neglect, procrastination in the provision of treatment, and medical crimes, such as performing surgical operations to many cases and injuries inconsistent with the ethics of medicine, causing the death of many sick and injured Ahwazi prisoners in Iranian prisons.[[7]](#footnote-7)

The United Nations Human Rights Committee has also expressed its deep concern about the widespread use of torture and cruel, inhumane or degrading treatment in Iranian detention facilities, particularly against persons arrested on charges related to, notably national security or those being tried in revolutionary courts. Many prisoners couldn’t endure such cruelty and died. Torture is used to extract false confessions that are going to be used against detained in court as primary evidence of conviction for crimes, regardless of the fact they are obtained under severe torture and are not based on a legal investigation. Al-Ahwazi activists, political prisoners and other individuals in the revolutionary courts of the Iranian authorities have always complained about these unlawful forced confessions, on the basis of which, long prison terms or even death sentences are handed down. Unfortunately, innocent people are often executed in the authorities' infamous prison network, and according to the International Covenant on Civil and Political Rights and International Law, the Iranian authorities are obligated to provide real and adequate compensation to the victims of these inhuman violations.[[8]](#footnote-8)

**3. The Absence of Remedies for Indigenous Peoples**

All Iranians, including indigenous peoples from Al-Ahwaz, suffer from severe restrictions on their ability to submit any legal action to the United Nations Human Rights Committee against the Iranian authorities; this is due to the Iranian government's reservations on the first Optional Protocol to the International Covenant on Civil and political Rights. This protocol allows individuals, subject to the state’s jurisdiction, who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant, to submit communications and complaints to be considered by the committee. In addition, victims of human rights violations cannot really seek any compensation or reparation theoretically specified under the current criminal lawv for several reasons, including "fear of intimidation, harassment, the difficulty of obtaining evidence because of the lack of access to medical examinations in a timely manner, the lack of evidence provided through criminal investigations, and the lack of independence of the judiciary."[[9]](#footnote-9)

**Recommendations**

The Iranian authorities should respect and fulfill the human rights of all Iranian people, particularly that of indigenous peoples, by providing the necessary conditions for the Ahwazi people to use their language in schools, allowing Arab periodicals and newspapers to operate and practice their work without restrictions, participating in public life, and obtaining effective compensation as a result of human rights violations. In the light of the above, Maat for Peace, Development and Human Rights recommends the following:

**The United Nations and its Relevant bodies Should:**

* Demonstrate pressure on the Iranian authorities to enhance the guarantee and sustainability of the right of the Al-Ahwazi people to have all their usurped rights restored.
* Demonstrate pressure on the Iranian authorities to urge them to fulfill their international obligations regarding the rights of indigenous peoples, as mentioned in the International Covenant on Civil and Political Rights, which Iran is bound by its provisions as having signed it.
* Establish an independent UN fact-finding mechanism, and present the results to the international community concerning Al-Ahwazi outstanding issues.
* Hold specialized campaigns and provide the necessary assistance to ensure that Al-Ahwazi people receive appropriate compensation for the systematic violations they have been subjected to by the Iranian authorities.
* Act as an observer to ensure that offenders, who abuse the power and endanger Al-Ahwaz's life, are brought to trial.

**Recommends the Iranian authorities to**:

* Withdraw the reservation to the first Optional Protocol to the International Covenant on Civil and Political Rights, which allows individuals to file complaints to the Human Rights Council on state violations of their rights.
* to release all Ahwazi detainees from prisons.
* Carry out independent investigations on the torture and forced integration practiced by Iranian officials against people of Al-Ahwaz.
* Ensure that there is no impunity by bringing those responsible for committing violations against Al-Ahwaz people to justice, and sentencing them to adequate punishment.
* Stress the importance of rehabilitating victims, providing necessary services and health care to those in need, and reparating victims morally and financially.

1. للإطلاع على المزيد بشأن إعلان الأمم المتحدة بشأن حقوق الشعوب الأصلية، راجع الرابط التالى: <https://www.ohchr.org/Documents/Publications/Declaration_indigenous_ar.pdf> [↑](#footnote-ref-1)
2. للإطلاع على المزيد من نصوص الاتفاقية رقم 169 بشان الشعوب الأصلية والقبلية فى البلدان المستقلة، يرجى الرجوع إلى الرابط التالى: <http://hrlibrary.umn.edu/arab/b063.html> [↑](#footnote-ref-2)
3. للإطلاع على المزيد من نصوص العهد الدولى الخاص بالحقوق المدنية والسياسية، يرجى الرجوع إلى الرابط التالى: <http://hrlibrary.umn.edu/arab/b003.html> [↑](#footnote-ref-3)
4. معهد واشنطن، الأقليات القومية في إيران تجد أصواتها الخاصة – بإمكان أمريكا أن تساعد، متاح على: <https://www.washingtoninstitute.org/ar/fikraforum/view/irans-minorities-are-finding-their-own-voicesamerica-can-help> [↑](#footnote-ref-4)
5. AI, IRAN 2018, Available at: <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/> [↑](#footnote-ref-5)
6. إيران تنتهك حقوق الأحواز: ملاحظات ختامية للجنة المعنية بحقوق الإنسان التابعة للأمم المتحدة، فبراير 2018، متاح على: <https://www.dusc.org/ar/article/1350> [↑](#footnote-ref-6)
7. الأوضاع الصحية للأسرى فى سجون الاحتلال الايرانى، مركز حقوق بشر أحواز، متاح على: <http://acfh.info/ar/?p=2392> [↑](#footnote-ref-7)
8. يران تنتهك حقوق الأحواز: ملاحظات ختامية للجنة المعنية بحقوق الإنسان التابعة للأمم المتحدة، فبراير 2018، متاح على: <https://www.dusc.org/ar/article/1350> [↑](#footnote-ref-8)
9. نفس المصدر السابق. [↑](#footnote-ref-9)