



# DEFENDERS

Spring&Summer 2014

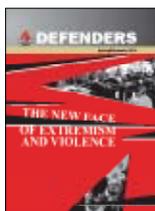


## THE NEW FACE OF EXTREMISM AND VIOLENCE



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# DEFENDERS

Spring&Summer 2014 - price:4 €

## C o n t e n t s

Opening Ceremony  
of ODVV Representative  
Office in  
Geneva-Switzerland



4



14

International Criminal  
Court Should  
Investigate Israel's  
War Crimes

World Against  
Violence  
and Extremism



6



18

ISIS: The New  
Face of Extremism

Maintaining the  
Unlawful Siege of  
Gaza is a Crime  
against Humanity



8



22

ODVV Statements for  
the 25th Session of  
Human Right Council

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## Editor's Note

2013 ended with the adoption of the World Against Violence and Extremism Resolution, and everyone hoped that perhaps 2014 the world would not witness violence and human rights violations.

But unfortunately in spite of this Resolution, the fundamental rights of many continue to be violated, particularly in the Middle East region, by extremist terror groups.

The slaughter of defenseless people in Gaza, especially women and children, are clear violations of human rights. The catastrophe in Gaza is to such an extent that UN High Commissioner for Human Rights, NaviPellay said regarding Israel's attack against the people of Gaza: "I have never seen human rights violations to this extent. Attacking civilians is horrendous and this can be seen as war crimes."

The situation of Syrian refugee women and girls is very dire. Syrian girl refugees are willing to marry for very little amounts. This is seen as form of human trade.

The refugee camps in Turkey cannot respond to refugees, and for this reason refugees have flooded into Turkish towns and cities, something that has caused problems for the local population. Many Syrian women outside refugee camps are subjected to rape and sexual abuse.

Until mid-August this year, more than 30,000 Iraqi families have become refugees, fleeing their homes because of the terrorization of ISIS as it advances. They fled their towns and cities in Talafar, Sinjan, and Al Anbar and Diala provinces and went to Najaf. Most of the victims are Shia, but as time went by we witnessed attacks against other groups, such as Sunnis, Christians, Yezidis and other ethnic minorities in Iraq.

The crisis has reached a point where recently over 100 Iraqi children died due to lack of water and harsh weather conditions, because of being surrounded and trapped by ISIS. It is absolutely clear that this terror group only commits the most brutal of crimes. Noam Chomsky believes that ISIS is against the true spirit of Islam, and it is the duty of Islamic scholars and clergies to condemn these attacks without hesitation.

Furthermore, in a report Amnesty International states that there is evidence that indicate the Nigerian military has committed war crimes such as extrajudicial executions, and other examples of serious human rights violations in the north-eastern regions of the country, on the pretext of fighting the Boku Haram terror group and other armed groups.

In spite of all these, extremist groups continue carrying out inhuman crimes in the shadows of the silence of international human rights defending organizations. The fundamental point that is embedded in the mentality of these extremists is that the leaders of these groups and their supporters will do anything to reach their goals, by resorting to any means such as the blatant and systematic violation of the fundamental rights of mankind, denial of religious observations, and disregard to all human dignity and morality.

In this issue of defenders, as a civil institution active in human rights, the ODVV tries to shed light on extremism and violence and its damaging repercussions, because the ODVV firmly believes extremism is a terminal cancer to peaceful coexistence.

Editorial



## Opening Ceremony of ODVV Representative Office in Geneva-Switzerland

For the purpose of further expansion of its international activities and facilitation of its expanded participation in international conferences, in March 2014, the ODVV opened its Representative Office in Geneva, close to the European offices of the United Nations.

This Office is situated in the regional and international center in Geneva where dozens of nongovernmental organizations are working. To this aim, the opening ceremony of the Representative Office took place on 12 March, 2014 with the presence of representatives from international organizations that included technical bodies of the UN, various departments from the OHCHR in Geneva, a number of NGOs based in Geneva, Iranian NGOs and also representatives from Iranian Permanent Representative Office in Geneva.

The welcoming speech of ODVV director Mr. SiavashRahpeik kicked off the ceremony. While welcoming all the guests, he gave a brief report about the ODVV and its activities. He explained that with relying on the ability of its staff, the ODVV always tries to take steps towards the advancement of its pre-set objectives,

keep itself up-to-date, increase its capacities in line with daily advancements, and in view of the society and addressees needs the ODVV has set some priorities for itself and conducts its activities accordingly. He said one of the most important objectives of the ODVV is effective presence in decision makings.

While explaining about the history of the ODVV's cooperation and partnership with international human rights organizations, in its extensive area of work, Mr. Rahpeik said that through its Raha Counseling and Rehabilitation Centre, the ODVV provides assistance to victims of violence, and tries to increase public awareness of human rights through publication of books and magazines.

Closing his speech, the ODVV director announced the Organization's readiness to cooperate with other international organizations towards the promotion of human rights, and added that the ODVV extends its hand of cooperation towards other organizations.

Continuing the ceremony's program a visual report of the ODVV's activities was shown for further effectiveness



and better understanding of actions taken.

Some segments of the Isar Symphony, the work of maestro Majid Nezami was displayed and in a part of the opening ceremony poetry from Rumi and Hafez was recited to the tunes of a flute being played.

Then, some of the guests made speeches and congratulated the ODVV on the opening of its Representative Office in Geneva and welcomed the Organization's presence in Geneva. While thanking the ODVV for the opportunities that it has provided for NGOs, Dr. Shahsavand said that on the brink of Nowruz (Persian New Year) we declare that the Iranian people's message is that of universal friendship and expressed hope that international organizations can cooperate with the ODVV for the spreading of peace and friendship, eradication of poverty, support for refugees, and women and children.

Dr. Onder Ozkalipci from the International Committee of the Red Cross while expressing pleasure in having the opportunity to be introduced to the ODVV and its activities, wished the Organization the best of success and saw the commencing of the operations of the Representative Office in Geneva an opportunity for further interaction, something that both the Iranian people and others would benefit from.

Mr. Cyril Ritchie the president of CONGO expressed hope that the opening of Representative Office in Geneva will result in expansion of bilateral cooperation, and also NGOs can through cooperation with each other promote human rights in all cultures and countries.

Professor William O. Beeman an anthropologist from University of Minnesota and Stanford congratulated the ODVV for the activities that it has conducted. He believed that the importance of ODVV's activities was not only because of its support for victims of violence, but it was also due to researches that it carries out to identify the basis and roots of violence. He said that the ODVV's activities range of work is extended and has attained addressees outside of Europe and in America.

Representative of the UNHCR from the Asia and Oceania section welcomed the presence of the ODVV in Geneva and added that she was familiar with the ODVV, and the Organization has worked with the Agency in the field of Afghan refugees. She expressed hope for ODVV's partnership with the Agency will continue towards the improvement of the conditions of refugees.

An organization working to reduce GBV, in cooperation

**Representative of the UNHCR from the Asia and Oceania section welcomed the presence of the ODVV in Geneva and added that she was familiar with the ODVV, and the Organization has worked with the Agency in the field of Afghan refugees.**



with 67 other organizations, welcomed ODVV's presence in Geneva, and expressed hope to have further links with the ODVV.

Dr. Pelissier Professor from Toulouse University in France said when there's talk of violence everyone thinks of physical violence, whereas mental violence also exists, and when we talk of peace usually we tend to think about parts of the world where there is peace, such as Europe and America. He expressed hope that Iran would export peace as one of its cultural products to the rest of the world.

Head of the psychiatrists group of the ICRC Dr. Pierre Bastin said: that like other organizations he had the opportunity to be introduced to the activities of the organization in Iran. He added that the mental and social problems as well as physical problems must be taken into consideration when rehabilitating victims of violence, and this is why the ICRC cooperates with the ODVV. As with the rest of the guest's speakers he also congratulated the opening of the ODVV Representative Office in Geneva.

It must be said that the first official meeting of the ODVV in Geneva, was a scientific meeting to organize and coordinate the speakers of the sidelines panels of the 25th Session of the Human Rights Council, which we saw as a good omen and we hope that our Geneva Office becomes a centre of scientific and fundamental services.



# World Against Violence and Extremism

Gholamali Khoshroo  
Senior Editor of the Encyclopedia of Contemporary Islam

The United Nations General Assembly recently adopted through consensus a resolution based on proposals offered by the Iranian President Hassan Rouhani who called for a World Against Violence and Extremism. During his first address to [the 68th annual session of the UN] General Assembly, Rouhani warned the world against various risks arising from the spread of war and extremism. He added that new horizons should be opened to humanity in order to help peace overcome war, justice prevail over injustice, freedom overcome dictatorship and progress get ahead of backwardness. In order to help the world achieve these remarkable goals, he proposed that the General Assembly should take practical measures against violence and extremism. As a result, the General Assembly adopted a resolution on December 18, 2013, which was considered a suitable response to the warning and call of the Iranian president. After the UN General Assembly adopted a resolution on the basis of Iran's proposal for the promotion of dialog among civilizations – as a result of which the year 2001 was named the year of dialog among civilizations – this was the second time that the world body has adopted

a resolution proposed by an Iranian president. This time around, however, the theme is to promote a global fight against violence and extremism. A careful review of the world history will reveal that war and violence have been regular associates of human societies and there have been many occasions when conflicts and bloodshed have pushed human life to the brink of annihilation and doom. Divine prophets as well as great philosophers and thinkers have endeavored a lot throughout the human history to eradicate aggression and tyranny. Despite those efforts, human thirst for power and shortsighted benefits has regularly caused human societies to fall prey to the nightmare of destructive wars.

Peace is the opposite of war. It has its roots in respect for human rights and attention to their dignity and freedom. Therefore, for the peace to establish, tolerance and patience in addition to interaction, friendship and mutual respect are considered as requisites. To let other people's voices be heard, and engaging in constructive and equal dialog are among prerequisites for the establishment of global peace. Differences and variations are necessities of human life.

However, the important point is respectful interaction and promotion of dialog among human beings through which the existing differences will give birth to blessings, instead of being sources of conflict and differences. The aforesaid General Assembly resolution has paid special attention to four main topics:

**1. To renounce and condemn all measures which originate from the culture of tyranny, dictatorship and extremism. Such measures, inter alia, include:**

- a. The use or threat of force against territorial integrity and political independence of nations;
- b. Condemnation of any form of assault against cultural and religious places and the massacre of civilians, including women and children;
- c. Condemnation of any effort made to foster ethnic, racial and religious hatred, which will lead to discrimination, hostility and violence;
- d. Condemnation of all types of terrorist activities and violent behavior in any form and under any excuse.

**2. Strengthening and support for measures taken to control violence and protect dignity and freedom of mankind. As a result, the General Assembly resolution, which is based on Iran's proposals:**

- a. Reaffirms the need for taking steps to pave the way for the promotion of dialog among civilizations, religions and groups while showing respect for freedom of speech;
- b. Stresses the importance of tolerance in cultural and social life of humans and the necessity of understanding each other and promoting bilateral respect;
- c. Stresses the importance of fighting all forms of discrimination against women and providing support for women's rights in all areas, and preventing discrimination and injustice against them;
- d. Highlights the necessity of promoting a culture of reform and moderation in the areas of social and political relations; and
- e. Underlines the necessity of protecting basic human rights at all levels and forms, especially the human right to live in peace and dignity.

**3. The resolution has also considered mechanisms for the achievement of the aforesaid goals, which include:**

- a. Taking a comprehensive and nonselective approach to all human societies and adopting non-discriminatory measures toward different cultures, religions and communities;
- b. Promoting dialog among people on the basic factors that promote extremism as well as on the cultural and economic causes of violence;
- c. Promoting public awareness and dissemination of general information on the importance of tolerance and human rights in the political and social life of humans; and
- d. Eradication of poverty, reduction of inequalities, and paying more attention to economic and social developments.

**4. In addition to highlighting the role of states and international organizations in fighting extremism and**



**The adoption of this resolution is important in that despite efforts made by warmongering extremists, it will help the name of Iran to shine again as a country whose main goal is to promote friendship and fight violence and extremism across the world.**



**violence, the resolution has also put special emphasis on the unique role of the civil society and nongovernmental organizations.**

In addition, it stresses role of the mass media in depicting the true picture of cultures, nations and religions as being of special importance. The Secretary-General of the United Nations [Ban Ki-moon] has been required to present a report on the implementation of this resolution to the next annual meeting of the General Assembly and also to help countries achieve the goals specified in the resolution.

The adoption of this resolution is important in that despite efforts made by warmongering extremists, it will help the name of Iran to shine again as a country whose main goal is to promote friendship and fight violence and extremism across the world. Promotion of peace and achievement of sustainable development as well as bolstering Iran's international standing and protecting the rights of its people call for the creation of a suitable international atmosphere. To do this, Iran should introduce itself as a practical supporter of tolerance and dialog and a pioneer in fighting extremism and violence. The conflagration caused by ethnic violence is raging through the Middle East region. Therefore, Iran shoulders a heavy responsibility in this regard as it should play a constructive and effective part in putting out this devastating blaze.

**Key Words:** World, Violence and Extremism, United Nations General Assembly, Hassan Rouhani, Tyranny, Dictatorship, Freedom of Mankind, Middle East Region

**Two Interview with  
Two ex- Special  
Rapporteurs of  
Occupied Palestine**



## **Maintaining the Unlawful Siege of Gaza is a Crime against Humanity**

Iran Review's Exclusive Interview with Richard Falk  
By: Kourosh Ziabari

As the dust surrounding Israel's one-month aggressive incursion into the beleaguered Gaza Strip begins to settle, the international law experts, UN officials, scholars and intellectuals are reviewing and examining the different aspects of the massive onslaught in which some 1,900 Palestinians were killed and thousands of others became homeless and dispossessed.

A high-ranking UN official believes that Israeli policies in the Occupied Palestinian Territories and the Gaza Strip are discriminatory and criminal according to the principles of international law.

As noted by Prof. Richard Falk, Israel's policies and practices against the subjugated nation of Palestine are overtly apartheid and should be condemned by

the International Criminal Court.

Maintaining that "apartheid is authoritatively considered one form of crime against humanity," Prof. Falk said that apartheid policies don't necessarily need to resemble the system of racial segregation and discrimination that existed in South Africa from 1948 to 1999, but "what is necessary for the crime to be committed is systematic discrimination against a specific group identified by reference to ethnicity, race, religion, and encoded into its governing structure."

Prof. Falk believes that "the maintenance of the unlawful blockade of goods to and from Gaza is well established as a form of collective punishment of the occupied civilian population of Gaza, and a flagrant



On the recent massive military operations into the Gaza Strip by Israel which was coded “Operation Protective Edge”, Iran Review spoke to Prof. Richard Falk, a professor emeritus of international law at Princeton University and the UN Special Rapporteur on Palestine. The following is the text of the interview.

violation of the most fundamental obligation of the Geneva Conventions and international humanitarian law.”

Richard Falk is a world-renowned professor of international law and the United Nations Special Rapporteur on the situation of human rights in the occupied Palestinian territories. He was appointed to the position in 2008 and replaced Prof. John Dugard, with whom Iran Review conducted an exclusive interview last week. For his outspoken criticism of Israel and its treatment of the Palestinian people, Falk was harshly criticized by the UN Secretary General Ban Ki-moon.

Falk started his teaching career at Ohio State University and Harvard in the late 1950s. He moved to Princeton University in 1961 and became the Albert G. Milbank Professor of International Law and Practice there. In 1985, he was made a Guggenheim Fellow and retired from teaching in 2001.

On the recent massive military operations into the Gaza Strip by Israel which was coded "Operation Protective Edge", Iran Review spoke to Prof. Richard Falk, a professor emeritus of international law at Princeton University and the UN Special Rapporteur on Palestine. The following is the text of the interview.

**Q: A number of political commentators and legal experts have argued that the policies of Israel in the Occupied Territories resemble those of apartheid, violate the 1966 Convention on the Elimination of all forms of Racial Discrimination and are in breach of the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid. Do you agree with this analogy? Can we trace the footsteps of apartheid in the policies and practices of the Israeli government?**

A: By the 1973 Convention and the Rome Treaty establishing the International Criminal Court, apartheid is authoritatively considered one form of ‘crime against humanity.’ It does not depend on establishing a ‘resemblance’ to the racist structure that existed in South Africa during its apartheid period. What is necessary for the crime to be committed is systematic discrimination against a specific group identified by reference to ethnicity, race, religion, and encoded into its governing structure. This discrimination is multi-faceted in the West Bank as between Israeli settlers who enjoy civil rights and the rule of law and the indigenous Palestinians who are without rights and the rule of law, and have been subject to an oppressive military administration

that has endured for more than 47 years in the West Bank and East Jerusalem. Settler only roads, the separation wall, checkpoints, and insecure residence permits, especially in Jerusalem are some of the expressions of this overtly discriminatory regime that would seem to qualify as a massive instance of the international crime of apartheid. The multiple Israeli laws discriminating against the Palestinian minority of 1.5 million living in pre-1967 Israel has also been described by some as 'apartheid,' but the case is not as clear.

**Q: The United States and its European allies usually justify Israel's military operations in the Occupied Territories and its time-to-time**

well, the maintenance of the unlawful blockade of goods to and from Gaza is well established as a form of collective punishment of the occupied civilian population of Gaza, and a flagrant violation of the most fundamental obligation of the Geneva Conventions and international humanitarian law. As such, it is a continuing provocation of the people of Gaza and its governing authority. The reliance on indiscriminate rockets is a violation of the law of war, despite the very limited damage being caused. Taken in isolation, such threats to Israeli security could justify defensive measures in response, but would also require Israel to seek non-military means to uphold their security.

Hamas has indicated its readiness for a permanent truce if Israel lifts the blockade and negotiates withdrawal from occupied Palestine, and it has done its part in the past to maintain several temporary ceasefire arrangements, which have been broken by Israeli acts of aggression. Leaving these concerns aside, it is also clear that the three major Israeli assaults on Gaza have each been grossly disproportionate in the scale of violence and indiscriminate in their scope of destructiveness or worse, targeting forbidden structures, including residences, hospitals, mosques, schools, UN facilities. In effect, Israel has no legitimate claim of defensive force, and the force



**incursions into the Gaza Strip as "self-defense", claiming that Israel simply responds to the rockets fired into the Israeli cities by Hamas. They never talks of the necessity for Israel to adhere to the principles of proportionality and distinction. Is the massive killing of civilians, mostly children and women, police officers, who by the virtue of international law are considered as civilians in the wartime, and other non-combatants justifiable as a practice of self-defense?**

A: First of all, an unbiased timeline of the three major Israeli military attacks on Gaza in 2008-09, 2012, and 2014 were each provoked by Israeli acts calculated to induce Hamas retaliatory rockets. As

that it has deployed violates international criminal law. Additionally, Hamas has a right of resistance, but must exercise this right in accordance with international humanitarian law, and its requirement that force be limited to military targets.

**Q: The United Nations Fact Finding Mission on the Gaza Conflict in 2009 concluded that Israel had committed war crimes and possibly crimes against humanity in the 22-day incursion into the Gaza Strip, or what the IDF had called the Operation Cast Lead, in which around 1,400 Palestinian citizens were massacred. It called on Israel and Hamas to conduct investigations into their conduct during the conflict, and demanded**

**the Security Council to refer the case to the International Criminal Court in The Hague if the belligerents failed to investigate the war crime allegations. However, Israel refused to comply with the Goldstone Report, and then no international legal institution took action to hold Israel accountable. Does it mean that the international law is so frail and unbinding that Israel can ignore it ostentatiously and maintain its past policies?**

A: It is correct that the Human Rights Council via the Goldstone Report established convincingly that Israel had been seemingly guilty of serious forms of criminality in the course of the military operation in 2008-09, but that its recommendations were not implemented. This does reveal a weakness in the implementation of international law, and its vulnerability to what might be called a geopolitical veto. If geopolitics is differently aligned as it was in relation to Libya in 2011 or in relations to the sanctions imposed on Iran, and more recently Russia, international law will be 'enforced' even when the basis for law enforcement does not exist.

Outside commercial and routine international relations, the effectiveness of international law is dependent on the political climate. The Palestinian claims to be protected under international humanitarian law are tragically put aside in deference to these political factors that assure Israel and its leaders of de facto impunity for the crimes it commits. At the same time, there is a growing responsiveness of people throughout the world to Palestinian grievances and victimization, and the Goldstone Report was influential in increasing grassroots support around the world for BDS campaign, and it would be helpful to have Goldstone II, of course, without Goldstone, even though it is highly unlikely that the UN would be able to implement its findings, but it might embarrass the ICC, and even an investigation by the ICC would be a symbolic setback for Israel in the ongoing

'legitimacy war.'

It is important to keep in mind that the outcome of wars in the last 75 years has been controlled not by the side that has the more powerful military capabilities but by the side that seizes and holds the high moral and legal ground. Israel controlled these symbolic heights, at least in the West, until a decade ago, but the Palestinians started to reverse those realities in the 2006 Lebanon War, and that process has now gone much further during the massacre and devastation in this latest Israeli onslaught against the Gazan essentially encaged within the crowded confines of the Gaza Strip.

**Q: What do you think about the international**



**community's response to the recent Israeli offensive into the Gaza Strip, which as I talk to you, has cost the lives of around 1,800 Palestinians? Why is President Obama so silent and indifferent towards this outright carnage? Is this a conduct which one may expect of a Nobel Peace Prize laureate?**

A: The international response, including by the UN, has both been shockingly feeble, even calls for a ceasefire have been met by defiant refusal on the part of Israel. The theme articulated in the West that Israel 'has the right to defend itself,' first in response to the rockets, and later the tunnels, fails to take any account of the degree to which Israel launched a



**These governments, besides being subject to American influence, are primarily expressing their hatred and fear of political Islam as associated with the Muslim Brotherhood, of which Hamas is seen as offshoot.**

vicious anti-Hamas campaign after the kidnapping incident on the West Bank on June 12, accusing Hamas with no evidence, arresting as many as 500 Palestinians suspected of links with Hamas, house demolitions, nighttime raids on family dwellings, lockdowns of towns and villages, air strikes in Gaza. On the basis of past experience it is clear that Israel was expecting rockets to be fired in response, and intending to launch a major military operation for a variety of goals, including the punishment of Palestinians for forming a unity government in early June that brought the Palestinian Authority and Hamas together for the first time and a show of force intended to make Palestinians, including in the West Bank and East Jerusalem accept the permanence of Israeli occupation. President Obama should be ashamed of lending support to such indiscriminate and disproportionate uses of force, resulting in such devastation of an already impoverished and stressed Gaza. Perhaps, most shocking of all, has been the pro-Israeli posture struck by Egypt and Saudi Arabia, as well as other Arab governments with the notable exception of Qatar.

These governments, besides being subject to American influence, are primarily expressing their hatred and fear of political Islam as associated with the Muslim Brotherhood, of which Hamas is seen

as offshoot. This opposition to political Islam is stronger than is the opposition to Israel, which is regarded as a fixed reality in the region in any event. Israel is also aligned with Saudi Arabia, UAE, and other regional actors in the sectarian tensions that relate to Iran.

Q: In one of your recent articles, you criticized BBC for its lopsided coverage of the developments in Gaza and that producers from the British broadcaster called you several times to feature you on their shows about the Gaza war, but retreated from their invitation abruptly and without any clear explanation. Is there any pressure on BBC and other mainstream media outlets by the interest groups and foreign lobbies to adopt certain editorial policies, notably in favor of Israel to justify its massive military operation in the besieged Gaza Strip?

A: Yes, it has been troubling, although not surprising, that the mainstream media has by and large avoided allowing critics of Israel to express their views. My experience with the BBC has also been repeated with the American media. It is a failure of democracy when on an issue of this sort the public debate is limited to the side favored by the government and powerful lobbies. The society itself is more divided. But Washington and the media act as if there is unified support for Israel, and there are many attempts by Zionist groups to discipline university professors and journalists who step out of line. It is a sad commentary on the way a free society is supposed to operate.

**Q: In November 2012, the UN General Assembly overwhelmingly voted to grant Palestine non-member observer State status and recognize Palestine as one of the serious candidates of permanent UN membership. How much do you consider it as important for Palestine to be recognized in the international organizations officially and establish formal diplomatic relations with the different world countries? Palestine currently has diplomatic relations with some 130 world countries, and the approval of its membership in UNESCO in 2011 and its non-member observer state membership in the UN General Assembly infuriated Israelis a great deal. Why do you think the Israelis have been so angry at these developments?**

A: It is difficult to understand Israel's motivation. It seems related to their expansionist vision of Israel, which depends on a Palestinian state never coming into existence. Now that Palestine has been acknowledged



as a state by the General Assembly, it creates a clear point of antagonism with this effort by Israel to occupy permanently or to incorporate formally at least most of the West Bank. It has already acted unilaterally to annex East Jerusalem in defiance of the UN. Palestinian statehood also carries the potential of recourse to the International Criminal Court, which would be treated by Israel as a virtual act of war. Any use of international law to challenge Israeli policies and practices is perceived as a greater threat to Israeli ambitions than is Palestinian armed resistance, and is demeaned by the epithet of ‘lawfare.’

**Q: What’s your perspective on the continued settlement constructions by Israel on the Palestinian lands? The settlements have been a major sticking point in the peace talks and even the United States government as the largest military and financial benefactor of Israel has voiced its concern over the settlements which are preceded by the destruction of Palestinian homes and the evacuation of Palestinian citizens from their cities and homes. Are the settlement constructions legal and permissible according to the principles of international law?**

A: The Israeli settlement phenomenon has been almost universally condemned as a violation of Article 49(6) of the 4th Geneva Convention, which

forbids the transfer of population from the Occupying Power to that of occupied society. Israel has continually flaunted the international consensus that has viewed settlements as unlawful encroachments on Palestinian territory that also makes the idea of a negotiated settlement of the conflict increasingly unrealistic. There more than 500,000 settlers in over 100 settlements. The collapse of the negotiations in April of 2014 after months of fruitless effort signals the end of the road for the idea that diplomacy could solve the conflict in a framework where the most partisan state pretended to serve as intermediary.

The Gaza massacre once again achieving no political victory for Israel should also signal the end of the road for those favoring a military solution. What is left? The combination of Palestinian resistance, possibly a third intifada, perhaps generalized to become the first global intifada, together with the militant tactics of nonviolent solidarity with the Palestine national movement, and dedicated to the goals and methods of the BDS (boycott, divestment, and sanctions) campaign reinforced by calls for an arms embargo on sales to or from Israel.

Key Words: Unlawful Siege of Gaza, Crime against Humanity, Israeli Policies, Apartheid, Collective Punishment, International Criminal Court, Hamas, US, UN General Assembly, Palestinian Lands, Falk



# International Criminal Court Should Investigate Israel's War Crimes

Iran Review's Exclusive Interview with John Dugard



A humanitarian tragedy is playing out in the Gaza Strip these days; a coastal enclave of about 360 km<sup>2</sup> besieged from land and sea where more than 1.8 million people are living under the direst conditions. Israel is creating the most heinous and repugnant scenes in the beleaguered territory. So far, nearly 1,900 people have been massacred amidst the deafening silence of the international organizations and the world powers, around 30,000 homes have been destroyed and the mosques, schools, universities and UN facilities have sustained damages which seem to be irretrievable in the short-run. Electricity access is virtually cut off. The hospitals have no

empty rooms to receive the injured, and access to food, water, shelter and medicine is deteriorating on a daily basis.

This is a brief description of how the people of Gaza, accustomed to the rainfall of rockets and bombs on their homes and cities on an hourly basis, have been living for about one month. Aren't those who have been inflicting such pains on the subjugated people of the densely populated coastal sliver for some 7 years war criminals? It's not too difficult to draw a just conclusion; it just demands a little bit of courage to enable one to stand up and speak out against the atrocities that are taking place and being condoned and rationalized by the biggest benefactor of Israel, the United States of America.

One of the prominent scholars and former UN officials who have outspokenly protested at Israel's treatment of the Palestinian citizens in Gaza, West Bank and East Jerusalem is Prof. John Dugard.

Dugard is a South African professor of international law. In 1998, he was appointed Chair in Public International Law at Leiden University,



Evidence of violations of Palestinian rights has been extensively documented by human rights organizations and UN monitoring bodies, and is readily available

the Netherlands. He has taught at major American universities such as the Princeton University, Duke University, UC Berkeley and University of Pennsylvania. In late 2000, John Dugard was appointed as Chairman of a UN Commission on Human Rights inquiry commission on the situation of human rights in the Palestinian territories. Since 2008, he has been serving as a Judge ad hoc on the International Court of Justice at The Hague.

Prof. Dugard is known for his hard-hitting criticism of Israel's policies and practices which have provoked the fierce anger and fury of the Israeli lobby in the United States. He has academically argued that Israel has constantly violated the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid and should be held accountable.

To discuss the legal aspects of the Israeli brutalization of the Palestinian people in the Gaza Strip and the necessity for it to be tried in a criminal court, Iran Review did an exclusive interview with Prof. John Dugard, the prominent international law professor and former UN diplomat. What follows is

the text of the interview.

**Q: In a 2007 report to the United Nations, you stated that the policies of Israel resemble those of apartheid, violate the 1966 Convention on the Elimination of all forms of Racial Discrimination and are in breach of the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid. Many other scholars and researchers studying the Israeli-Palestinian conflict have also drawn the Israel-apartheid analogy. Would you please name some of the major Israeli policies and practices that have the characteristics of an apartheid system? Why don't the Israeli officials accept this legal argument and try to address it logically?**

A: Apartheid is a loaded term, saturated with history and emotion. It instantly conjures up images and memories of discrimination, oppression, and brutality; indulgence, privilege, and pretension; racism, resistance, and, ultimately, emancipation. All of these images come to us, of course, through the history of apartheid in South Africa.

The UN treaty-monitoring body for the International Convention on the Suppression and Punishment of the Crime of Apartheid, known as the Group of Three, asserted at the time that ‘thus far there is no claim by any State party that apartheid, as defined by the Convention, exists anywhere else than in southern Africa’.

However, following isolated suggestions of apartheid in Israel/Palestine in the 1980s–1990s, the narrative of ‘Israeli apartheid’ gained prolificacy in the wake of the outbreak of the second Palestinian intifada in 2000.

Evidence of violations of Palestinian rights has been extensively documented by human rights organizations and UN monitoring bodies, and is

militants to be killed while at the same time allowing Israel to proclaim proudly that it does not practice the death penalty. Certainly apartheid South Africa did not practice systematic extrajudicial killings openly and with the public authorization of senior security and political officials as is done by Israel.

The right to life is also violated by Israel in the course of the Israeli military’s regular raids into Palestinian territory during which militants and innocent civilians are often killed. Excessive and disproportionate force against civilian demonstrators, frequently resulting in death, is an unexceptional occurrence in Palestine.

**Q: In November 2012, the UN General Assembly overwhelmingly voted to grant Palestine non-member observer State status. How much do you consider it as important for Palestine to be recognized in the international organizations officially and establish formal diplomatic relations with the different world countries?**

A: Israel does not want an independent Palestine. It prefers an occupied Palestine whose land it can steal by means of the Wall and settlements. Also it fears that an independent Palestine in the UN will make life difficult for Israel.

**Q: The United States and its European allies usually justify Israel's military operations in the Occupied Territories and its time-to-time incursions into the Gaza Strip as "self-defense", claiming that Israel simply responds to the rockers fired into the Israeli cities by Hamas. Is the massive killing of civilians, mostly children and women, police officers, who by the virtue of international law are considered as civilians in the wartime, and other non-combatants justifiable as a practice of self-defense?**

A: Israel is not acting in self-defense. Gaza is an occupied territory as Israel retains effective control over its borders, sea-space and airspace. Israel’s present offensive aims to maintain the occupation. It is enforcement action to maintain occupation and not self-defense. But such enforcement action must comply with international humanitarian law.

**Q: From a legal point of view, is the continued siege of the Gaza Strip permissible and lawful? For about 7 years, Israel hasn't allowed the vital medicine, medical equipment, foodstuff and even construction materials to be imported into the Gaza Strip. What's your take on that?**

A: Israel will not lift siege of Gaza until it is



**The right to life is also violated by Israel in the course of the Israeli military’s regular raids into Palestinian territory during which militants and innocent civilians are often killed. Excessive and disproportionate force against civilian demonstrators, frequently resulting in death, is an unexceptional occurrence in Palestine.**

readily available. The available evidence suggests that Israel is responsible for committing inhuman acts within the meaning of Article 2(a), (c), (d), and (f) of the Apartheid Convention. Israel’s policies and practices in the West Bank include denial of the right to life through state-sanctioned extra-judicial killings of Palestinians opposed to the occupation, including the targeting of political leaders and militants at times when they were not participating in hostilities and were thus protected by international humanitarian law. To aggravate matters, such targeted killings have often resulted in the killing of innocent bystanders as ‘collateral damage’. Arguably, South Africa’s judicially approved execution of militants was more forthright than Israel’s extrajudicial executions, which allow

threatened by the international community to do so. This is why action on part of ICC is important.

**Q: What's your perspective on the continued settlement constructions by Israel on the Palestinian lands? The settlements have been a major sticking point in the peace talks. Are the settlement constructions legal and permissible according to the principles of international law?**

A: Settlements are unlawful under international law because Article 49(6) of the Fourth Geneva Convention to which Israel is a party makes the transfer of citizens of an occupying power into the territory of an occupied state unlawful. Customary international law also prohibits such transfers and settlements.

**Q: Since 1948, the UN Security Council has issued 226 resolutions concerning Israel, the majority of which have condemned Israel for its violations of international law and the globally-recognized conventions which Israel is a signatory thereof. As of 2013, Israel has been condemned in 45 resolutions by the United Nations Human Rights Council. These resolutions make up around half of all country-specific resolutions passed by the Council. Despite all of these condemnations, Israel has never changed its attitude, and never felt obligated to respect the legally binding resolutions. Why has Israel become so lawless and anarchic? If the UNSC resolutions cannot bring Israel to its senses, then it would be virtually impossible to prevent it from constantly breaking the international law. Do you agree?**

A: I agree that Israel is a lawless state. It manages to avoid accountability because it is protected by the USA. One cannot expect any action against Israel from the Security Council, the only effective body of the UN, because the US will veto it.

The only hope lies with the International Criminal Court. It can open an investigation into Israel's criminal conduct without the support of the USA. In law the US, which is not a member of the ICC, cannot veto any action by the ICC.

In 2009 the Palestinian Authority made a declaration to the ICC under Article 12(3) of the Rome Statute accepting the jurisdiction of the ICC in respect of crimes committed in Palestine. In April 2012 the Prosecutor decided that because Palestine was not recognized as a state by the UN General Assembly it could not invoke the ICC. In November 2012 the General Assembly resolved that Palestine is a state.

This means that the ICC is now competent to investigate Israel's crimes. Last week the Minister of Justice of the Palestine Authority confirmed that its declaration of 2009 is still valid and asked the ICC to start investigating Israel's crimes.

In law the Prosecutor of the ICC is obliged to start an investigation. However, she insists that Palestine



must first become a full member of the ICC. This is clearly desirable. But Abbas is restrained from doing so by the US. The Prosecutor of the ICC knows this. Also she knows that she will be criticized by the US and European states in the ICC if she opens an investigation. So, under pressure from the US and Europeans she does nothing.

Pressure should be brought to bear on the ICC Prosecutor to investigate Israel's crimes. This is the only way to hold Israel accountable.

Key Words: International Criminal Court, Israel's War Crimes, Gaza Strip, United Nations, Racial Discrimination, Israeli-Palestinian Conflict, Self-Defense, United Nations Human Rights Council, Dugard

# ISIS: The New Face of Extremism

By :Haroot Azarian

The so-called Arab Spring which quickly engulfed parts of North Africa and the Middle East started from Tunisia. On 17 December 2010, Twenty-six-year-old Mohamed Bouazizi had been the sole income earner in his extended family of eight. He operated a vegetable cart for seven years in SidiBouزيد 190 miles (300 km) south of Tunis. On that fateful, a policewoman confiscated his cart and produce. Bouazizi, who had such an event happen to him before, tried to pay the 10-dinar fine (a day's wages, equivalent to 7USD). In response the policewoman insulted his deceased father and slapped him. The policewoman, Faïda Hamdi, tells a markedly different story. A humiliated Bouazizi then went to the provincial headquarters in an attempt to complain to local municipality officials and to have his produce returned. He was refused an audience. Without alerting his family, at 11:30 am and within an hour of the initial confrontation, Bouazizi returned to the headquarters, doused himself with a flammable liquid and set himself on fire. Public outrage quickly grew over the incident, leading to protests. This immolation and the subsequent heavy-handed response by the police to peaceful marchers caused riots the next day in SidiBouزيد that went largely unnoticed, although social media sites such as Facebook and



YouTube featured images of police dispersing youths who attacked shop windows and damaged cars. Bouazizi was subsequently transferred to a hospital near Tunis. In an attempt to quell the unrest President Zine el Abidine Ben Ali visited Bouazizi in hospital on 28 December 2010. Bouazizi died on 4 January 2011.

The subsequent protests that erupted in Tunisia led to the ousting of Ben Ali in what became known as the Jasmine Revolution. With the age of social media such as Facebook and Twitter, protests quickly spread to Egypt, Libya and Algeria. In Egypt a popular uprising the focal point of which was Tahrir Square, finally saw the ousting of Hosni Mubarak after more than three decades at the seat of power.

In Libya things turned out different. The protests were brutally cracked down by Gadaffi's security forces. The people gradually took up arms and fought back. The UN Security Council convened and unanimously voted a resolution (1970) imposing a no-fly zone "authorizing all Member States... to take all necessary measures... to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory..."



Violence and unrest also spread to Syria. The difference with Syria was that very soon regional and international countries became directly or indirectly involved, and so-called rebels started getting armed and trained by various parties. First to form was the so-called Free Syria Army which was made up of deserter officers - some high ranking - and soldiers of the Syrian military.

(Article 4).

Thus, NATO took it upon itself to monitor the skies over Libya, and the French Air Force was first to start bombing targets in the country. Gradually the balance shifted to the rebels and ultimately a Gadaffi on the run was captured by rebels and killed, and the four decade rule of terror of Gadaffi was over. In Algeria, fearing a similar fate as the other three North African countries, the president lifted the 19 year old state of emergency.

The unrests reached the Persian Gulf, where in Bahrain, the majority Shia population began peaceful protests against the ruling minority Sunni population. The protests were brutally cracked down, with countless deaths and hundreds of arrests. Saudi Arabia sent in forces to help the Bahraini security services in quelling down the unrests. An independent investigation commission was set up by the king, and the king promised to adhere to the commission's findings and implement reforms. But to this day, nothing worth noting has taken place in this regard, and it seems the entire world has forgotten the plight of the Shia majority in the country.

Violence and unrest also spread to Syria. The difference with Syria was that very soon regional and international countries became directly or

indirectly involved, and so-called rebels started getting armed and trained by various parties. First to form was the so-called Free Syria Army which was made up of deserter officers - some high ranking - and soldiers of the Syrian military. As it had in Iraq during the US led occupation, Al Qaeda also gained ground and support in Syria and fought the Assad government. And other Islamist rebels, some moderate and some extremist like Al Nussrah (backed by Saudi Arabia) joined the fighting, bringing with them volunteers from around the region and the world.

The Islamic State of Iraq and Levant, or the Islamic State of Iraq and Sham, which from hereon in we shall refer to as ISIS, was the more hardline extremist branch of Al-Qaeda. The group, in its original form, was composed of and supported by a variety of Sunni insurgent groups, including its predecessor organizations, the Mujahideen Shura Council, the Islamic State of Iraq (ISI) and Al-Qaeda in Iraq (AQI), the insurgent groups Jaysh al-Fatiheen, Jund al-Sahaba, Katbiyan Ansar Al-Tawhid wal Sunnah and Jeish al-Taiifa al-Mansoura, and a number of Iraqi tribes that profess Sunni Islam

ISIS grew significantly as an organization owing to its participation in the Syrian Civil War and the



strength of its leader, Abu Bakr al-Baghdadi. Very soon with the aid of regional foreign powers ISIS became a formidable well equipped force among the various anti-Assad fighting factions, and rapidly began to gain ground.

It soon became evident that wherever ISIS occupied, almost immediately it imposed strict Islamic Sharia Law (as interpreted by the group). The situation in Syria got so bad with the atrocities committed against the Alwaites, Shia, Christians and even Sunni opponents of ISIS, that Al-Qaeda denounced and condemned the brutal methods of the group.

Gaining confidence and consolidating strength, earlier this year, ISIS launched an offensive in Iraq and at surprising speed gained territory. Although it is believed that some of the local Sunni tribal leaders gave the green light to ISIS, and in many instances the Iraqi Army just withdrew from towns and cities, leaving them defenseless and easily overrun by ISIS.

This terrorist group's interpretation of Islam is so extreme that as well as targeting Alwaites and Shias and Christians and their places of worship and shrines, they also target places holy to Sunnis. The destruction of the Tomb of Jonah is a clear example of these attacks.

The city of Mosul which fell to ISIS boasted one of the oldest Christian communities in the Middle East region outside of Israel. But very soon the ISIS leaders who incidentally renamed the regions under their occupation in Syria and Iraq, to the Islamic Caliphate and declared Al-Baghdadi as

the Caliph, gave Christians an ultimatum, three choices: convert to Islam, pay Jazia (tax paid by non-Muslims to Muslim rulers), or die! But most of them opted a fourth choice, and thus the exodus of Christians from Mosul began in fear for their lives. They alongside Muslims fleeing Mosul were given refuge in the autonomous region of Kurdistan.

More than three years of bloodshed in Syria, and as quite accurately predicted by President Assad, the spread of the Syrian conflict to neighboring countries, has practically gone unnoticed.

Countries like Turkey and Qatar, have their own agenda and back certain so-called Syrian opposition abroad, who gather once in a while in Turkey and hold meetings and never seem to reach a consensus to what to do to end the bloody conflict in Syria. Clearly Russia and America are on the opposite sides of the scales. After what happened in Libya, the Russians vowed to not let themselves fall into a trap and that is why they along the Chinese have continued to veto almost all UN Security Council Resolutions against Syria. Because the Russians believe the Libya 1970 resolution was written in such way that would allow foreign intervention and eventual indirect assistance for the overthrow of the regime. This is something the drew Russia's anger and it was determined not to be trapped in the same trap when it came to it's only regional friend Assad. After all Russia's only access to the Mediterranean is its Naval Fleet in Syria, and there is no way that Russia will let itself lose it's only access to the Sea.

So what is the end game going to be? With the current Gaza crisis and conflict the spotlight has been shifted from Syria and Iraq to Israel and Gaza. The international mass media is spending most of its time covering the new conflict and hardly any mention of the ongoing carnage and devastation that is going on in Syria and Iraq.

It is patently obvious to all actors, even moderate to extremist groups that ISIS has turned into a serious threat to the whole of the Middle East region. And if one adds the Boku Haram and Al Shabab in North Africa to the equation, the extent of this new unacceptable extremism becomes alarming. Adding to this the thousands of second and even third generation European Muslims joining ISIS to fight for their interpretation of Islam is also another alarm bell which again Bashar Al-Assad correctly

predicted. He did predict that the same so-called freedom fighters fighting his forces in his country would return to Europe and wreak havoc on the continent.

All along Assad has insisted that he is ready and willing to hold talks with the opposition that is not taking part in the conflict and has no blood on its hands and he does not recognize the Turkish based Syrian Council true representatives of unarmed opposition.

The United States tried to galvanize its allies to launch an air attack against Syrian forces on the pretext of the alleged use of chemical weapons by Assad's forces on civilians. President Obama said that he would use his executive powers and not seek Congress permission, and only "consultation", because it looked pretty obvious that if it was left to Congress, he would not get permission to launch an attack. Across the other side of the Atlantic, with the growing opposition voices, British Prime Minister David Cameron had no alternative but put the proposal to vote in the House of Commons, which overwhelmingly rejected British involvement in Obama's plan.

In the eleventh hour, thanks to the mediation of Russians, Assad agreed to unilaterally hand over all his chemical weapons arsenal to be destroyed. Thus a military intervention which would catastrophically shift the balance in favor of extremist groups such as ISIS was avoided very narrowly.

The United States and Europe know full well that the removal of Assad is not the correct solution to the problem. What needs to be done is for all parties concerned, including Russia and most importantly the domestic Syrian opposition and outside opposition that have no connections with any of the militant groups to get together and reach an agreement where both sides save faces. Perhaps reach an agreement where over a fixed period of time, all militants disarm, the military return to their barracks and bases, a special transitional council is formed with Assad still president, and priority given to the reconstruction of the country, followed by a comprehensive and transparent referendum, to determine the future political structure of the country.

The human rights and humanitarian conditions in the conflict zones are very dire to say the least. Ordinary citizens, women, children, and the elderly



All along Assad has insisted that he is ready and willing to hold talks with the opposition that is not taking part in the conflict and has no blood on its hands and he does not recognize the Turkish based Syrian Council true representatives of unarmed opposition

are suffering and their fundamental rights are gravely violated, rights such as, the right to life, right to security, freedom of religion and belief, right to education, right to health, and many more instances as stated in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Geneva Four Conventions and Protocols and all other international conventions and treaties. The United Nations Human Rights Council has held several emergency sessions on the situation of human rights in Syria, Iraq and the Palestinian Occupied Territories. But unfortunately the whole of international community has its hands tied due to vigorous political and diplomatic battles that take place behind closed doors between superpowers.

The bitter fact remains that the longer the conflict drags on, the more innocent civilians will lose their lives and suffer, both in Syria and in neighboring Iraq.

# ODVV Statements for the 25th Session of Human Right Council

## **Item 3: Promotion and Protection of all Human Rights, Civil, Political,**

Economic, Social and Cultural Rights, including the right to development.

Imposing unilateral coercive measures and their impacts on human rights, has drawn the attention of UN Member States, human rights bodies and mechanisms including Special Procedures, academics and civil society organizations.

The Vienna Declaration and Programme of Action calls upon States to “refrain from any unilateral measure that impede the full realization of human rights, in particular the rights of everyone to a standard of living adequate for their health and well-being, including food and medical care, housing and the necessary social services.”

According to a resolution adopted by The Third Committee of the General Assembly on 21 November 2013, the General Assembly is to urge all States to cease the adoption or implementation of unilateral measures not in accordance with international laws.

In its resolution 66/156, the General Assembly requested the Secretary General to collect the views of all Member States on the negative effects of unilateral coercive measures on their populations.

Many member states strongly believe that the measures are contrary to international law, international humanitarian law, the Charter of the United Nations and therefore constitute a flagrant violation of the international laws.

The sanctions imposed on the Iranian people have had significant effects on the general population, including an escalation in inflation, a rise in commodities and energy costs, an increase in the rate of unemployment and a shortage of necessary items, including medicine. They violate human rights including the rights to life and independence, sovereignty and the right to development.

Sanctions often cause significant disruption in the distribution of food and medicine, jeopardized the availability of clean drinking water, interfere with the functioning of basic health and education systems.

Condemning the inhuman sanctions, ODVV recommends the Human Right Council on actions aimed at ending such measures that violate human rights and undermine the aims of this council to promote human rights.

## **Item 4: Human rights situations that require the Council’s attention**

The coincidence of the ratification of first and second generations of human rights treaties



shows its equal importance for the international community. The third generation also confirms that lack of a balanced right to development, right to enjoyment of a healthy environment, and right to peace destroy the basis for the expansion of other rights.

Although there is a lot of concentration on the first generation of human rights in Mr. Shaheed's report, but attention to the other two generations is very little. We are also in the same belief as the Special Rapporteur that the Iranian government must take further steps towards improvement of human rights; but at the same time we believe the report has not dealt with subjects the extensive violations of which have affected a vast number of people.

Mr. Special Rapporteur, a large number of patients have died over the recent years solely due to untargeted unilateral and unjustified sanctions. That is proportionately higher than the total statistics which has mentioned in Dr.

Shaheed's report regarding the violation of the civil and political rights of the Iranian people. The way in which Special Rapporteur deals with the subject of sanctions, unfortunately are not in proportion with the sheer volume of negative consequences on the Iranians.

If Dr. Shaheed who travelled to European countries, the United States and Canada to hear about the human rights violations claims by expatriates Iranians, had at least put a questionnaire on his website and called for the participation of individuals and NGOs inside Iran in reflecting the problems caused by sanctions in daily lives and right to life, health, education and decent living for Iranian citizens, with certainty this report would have been a more balanced narrative of the real meaning of human rights for the people of Iran.

**Item 4: Human rights situations that require the Council's attention.**

In the Universal Declaration of Human Rights, the right to religion and belief is a fundamental right. This is while Shia minorities in many countries are not only deprived of their rights, but also they are faced with numerous problems and abuses.

For example, in Saudi Arabia, the Shia minority have continuously been under pressure and deprived of their fundamental rights. They suffer from discrimination both in law and practice, are prevented from publicly holding their religious customs and rituals, and cannot demand political participation in the country.

In Bahrain, Shia are the majority, but politically they are deemed a minority. The government prevents the Shia from any political activities. Over the years, whenever the Shia have tried to remove the existing discrimination through peaceful and legitimate moves, they are strongly cracked down.

In Pakistan, at least 320 Shia minorities have been killed through targeted attacks in 2013 and this trends continues unabated.

In Malaysia the Shia minority are prevented from freely holding their religious rituals and customs, in such an extent that 200 members of the Shia community were arrested while holding their religious rituals and unfairly tried



and sentenced.

The abovementioned is only a fleeting glance at the violation of the Shia minorities around the world which demands the attention of international organizations.

International mechanisms designed to protect minorities' rights have seen a lot of improvements. This NGO welcomes the efforts made by the Special Rapporteur on Minorities, and calls for other Human Rights Council mandate holders such as the Special Rapporteur on freedom of expression, peaceful assemblies, and freedom of religion and belief, to seriously pursue the rights of Shia minorities around the world.

#### **Item 4: Necessity for further attention of international mechanisms to rights of Shia minorities**

Religious beliefs have been enshrined in the Universal Declaration of Human Rights where respect for religious diversity promotes societal harmony and enhances world peace. Yet the Shia minorities all over the world have been subjected to the lot of repressive and inhumane atrocities.

In some countries, as example: Bahrain, Pakistan, Saudi Arabia, the Shia minorities are being discriminated against in housing, employment, education and health service and deprived from any meaningful political participation.

During the last year, in many parts of the world, the Shia minority faced on the different kinds of discriminations and sufferings. Recently, being the disturbing news of the openly convened meeting of the Indonesian Anti-Shia Alliance where some participants wearing ski masks and the phrase "heresy Hunters" printed on their t-shirts calling for violence and sectarian purging.

Article 1 of the declaration on the right of persons belonging to national or ethnic and linguistic minorities, requires states to protect the existence and identity of minorities within their territories. The ICCPR stipulates that states shall not deny their religious minorities the right to practice their beliefs.

Unfortunately, the Shia minorities in Indonesia

and Malaysia are neither protected nor allowed to exercise their religious rights.

In 2009, at this very place, Saudi Arabia promised to uphold rule of law and due process and respect as well as protect the right of the Shia minority, but as has been reported they have not only failed to implement any of their promises but in fact extended the persecution of Shia minority and ratcheted up their repressions and arbitrary arrests and unfair trials and ill-treatments.

This NGO believes that it is the duty of the international community to hold these states to account and appeal to this Council to employ all the available human rights instruments in the protection of Shia minorities all over the world.

#### **Item 5: Human Rights Bodies and Mechanisms**

According to human rights, religious and cultural freedoms must be respected and article 27 of the International Covenant on Civil and Political Rights is a confirmation of this claim. The rights of different religious minority groups are particularly linked to equality and elimination of discrimination. In other words the logic of the minorities rights (including religious) can be seen as the guarantee of the protection of the right to life and freedom without any form of discrimination, and the free expression of beliefs and full enjoyment of civil and political rights.

In spite of the existence of such determinations at the international level, today, we witness not only the violation of the identity of the rights of the Shia minority in the world, but most Shia minorities are faced with grave violations of their fundamental rights such as the right to life.

Violence against Shia minorities in Islamic countries take place with propaganda campaigns on the ideological differences and the highlighting of religious differences by extremist groups, and with the fatwas of extremist religious leaders, such as encouraging the killing of Shia minorities, enslaving Shia women, imposing restrictions on the Shia minorities education, are all escalating, the results of which is not only the massacre and violation of the rights of the Shia community and prevention of activities related to their religious

identity in many Muslim countries in Asia and the Middle East including Saudi Arabia, Iraq, Syria, Bahrain, Egypt and other countries, but also the beginning of extremist and terrorist activities.

Our NGO believes that with the elimination of existing problems and disputes regarding the protection of religious minorities, particularly Shia minorities around the world, also the defense of the belief of individuals and respect of differences in thought, great steps can be taken towards the reduction of potential damages from violence against Shia minorities, and also the rising phobias towards different religions and beliefs around the world.

**Item 5: Human Rights Bodies and Mechanisms**

International peace and security has repeatedly been put to challenge in today’s world due to ethnic conflicts. More than one hundred wars have taken place in the world since the end of the Second World War, most of which have been ethnic conflicts.

Although in recent years the idea of the protection of minorities as a specific item have appeared in human rights studies and recorded in conventions and resolutions, but the way in which a general principle is reached for the protection of the rights of minorities is a question that has not been answered.

One of the most important existing problems in the way of solving minorities’ issues is the exploitation of political groups from the position of defending minorities’ rights, where in most instances on the pretext of defending minorities rights will resort to extremist acts such as assassinations, spreading fear and committing violent acts.

While emphasizing on the minority rights, we believe that the defense of the rights of minorities must not become a tool for extremist groups for their political objectives, and while this NGO deems violence against minorities as a violation of human rights, it stresses that any form of acts of terrorism and violence on the pretext of defending minorities rights will not only spread hatred among different groups of society but will cause further violation of the

rights of minorities.

We believe that efforts to identify extremist and opportunist groups from the real defenders of minorities’ rights can be a first step in the reduction of violence and an effort towards the protection of the rights of minorities.

**Item 6: Universal Periodic Review.**

Alongside many positive characteristics of the UPR ,there are some weak points which undermine its objectives. Those are as follows:

1. Many countries use a selective method for mentioning the human right issues of the country under review.
2. The number of recommendations in the UPR sessions is gravely increasing. This can put quantity ahead of quality. Also, repetition of a recommendation by several States, reduces the opportunity for an all sided review of the target country.
- 3.Rejection of recommendations is also a weak point because a number of recommendations which can make fundamental changes in human rights mandate of the countries are rejected by them.
4. To-date no suitable mechanisms have been considered regarding assessment of the implementation of the recommendations.
5. Finally, a number of countries where the human rights situations are crucial, do not have much political will to participate in UPR which weakens the UPR mechanism.

For example Israel’s initial refusal to participate in the second round of the UPR was a hefty blow to the universality and non-selectivity and accountability of the other states to this mechanism. Israel’s disregard of UPR cannot be easily overlooked.

This Organization believes that the Council must set a penalty for these sorts of actions so that countries get deterred to do similar things.

Ultimately we believe that it is the time to deal with the weak points of UPR mechanism.

My NGO hopes that the lessons learned from the first round of the UPR, alongside with the will of states for distancing from politicizing the mechanism, create the opportunity for real improvement of human rights in the second cycle.

## **Item 6: Universal Periodic Review.**

### **Saudi Arabia**

Unfortunately, there has been systematic discrimination and hostility against religious minorities especially Shia citizens by the Kingdom in Saudi Arabia. Shia minorities are banned from performing their religious rituals and are criminalized if they do so.

According to religious provisions of public courts, Shia are not given the right to make an appeal. Also, the Shia face serious restrictions for job opportunities and government positions. This is while Saudi accepted UPR recommendations to protect religious minority rights in the first cycle.

The kingdom has ratified a new counter terrorism law that criminalizes any speech critical of the government or any attempts to make reforms or fight against corruption and discrimination. The new law puts more restrictions on the freedom of speech and grants the police force extensive powers for arbitrary arrests of human right activists without being monitored by the judiciary.

Organization for Defending Victims of Violence (ODVV) expresses serious concerns over suppression and restriction of religious minorities especially the Shia by Saudi as a member of The United Nations. ODVV calls on all international human right organizations to react toward the violence against the Shia minority and political prisoners.

ODVV also calls on Saudi to investigate the methods of eliminating discrimination against the Shia minority and to promote and protect interfaith dialogue.

### **Item 6: The UPR mechanism**

While reminding that the weak, little effective performance, and the double standards of the “Commission on Human Rights” which ultimately led to its dissolution. It was an impetus for the Human Rights Council and the UPR mechanism to preserve its legitimacy and status among countries.

With the aim of monitoring, promotion and protection of human rights in all countries, through the equal treatment of all countries, the Human Rights Council set up the UPR mechanism as



one of its most important monitoring tools.

The foundation stone of this mechanism was its universality, according to which the human rights commitments of all 193 countries of the world are reviewed and assessed through an interactive and mutual dialogue with the international community. This was the essence of the UPR mechanism. But the thing that is damaging the universality of this mechanism is Israel’s failure to effectively participate in this process.

In the 25th Session of the Council in March, Israel’s review turns to be moved around in the Council’s programs.

This sort of behavior not only challenges the universality of the UPR, but it is also worrying that it might turn into a dangerous trend and model for others to behave similarly. This issue seriously threatens the performance of the Council and brings back memories of the Commission on Human Rights in the minds of the public, while the rights of other countries are violated within the most important human rights body in the world.

While expressing grave concern over this adopted trend, this NGO calls upon the Human Rights Council and the UPR mechanism to



foresee more effective implementation guarantees for the equal participation of countries in this mechanism for the preservation of its credibility and respect of the rights of other countries.

**Item 7: Violation of human rights in occupied territories**

The city of Beit-ul-Moqaddas (Jerusalem) is one of the most historical and holiest places respected by all Abrahamic religions like Christian, Jews and especially Muslims. The holy Al-Aqsa mosque has been witness to numerous rounds of destructions and desecrations especially since the occupation of the mosque by the Israel forces in recent years.

In 1980, Knesset passed the Jerusalem Law, which declared that “Jerusalem, complete and united, is the capital of Israel”. This declaration was determined to be “null and void” by United Nations Security Council Resolution 478.

Some of the other main violations of Israel in Beit-ul-Moqaddas are as follows:

- **Economy:** UNCTAD report In May 2013, criticized the Israeli occupation for neglect and economic isolation of the non-Jewish communities in the area. It highlighted a 77% in the number of households living below the

poverty line in non-Jewish households.

- **Housing:** According to a UN report in 25 Sep 2013, during the first half of 2013 there were 1,277 ‘building starts’ of housing units in West Bank settlements, excluding East Jerusalem which is 110 percent increase compared to the equivalent period in 2012 and a record high for the past seven years.

The establishment and expansion of settlements violates the 1949 Fourth Geneva Convention.

- **Health Service:** 25 mother-and-baby medical centres exist in West Beit-ul-Moqaddas compared to only 4 in East Beit-ul-Moqaddas; 80%-85% of the adults and 90% of the minors in need of health services do not receive needed support.

Our NGO rejects the U.S new plan of replacing international forces instead of Jordan for controlling of Eastern Beit-ul-Moqaddas. Instead, we recommend the Mandate of an Islamic countries union on Eastern Beit-ul-Moqaddas by the presidential of Palestine.

**Item 7: Violation of human rights in occupied territories**

According to the Fourth Geneva Convention, the construction of Israeli settlements in the occupied territories of West Bank, Eastern Quds, and in the Golan Heights is illegal. Convention prohibits “an Occupying Power from transferring its civilian population into an occupied territory and it could be considered a war crime falling under the jurisdiction of the International Criminal Court”.

Also the UN High Commissioner for Human Rights acknowledged on March 2014 that the construction of illegal settlements and settlers’ attacks against Palestinians are the major source of human rights violations in the occupied West Bank and East al-Quds.

More than half a million persons live in over 120 illegal settlements built since Israel’s occupation of the Palestinian territories in 1967. We believe that Israel governments consider human settlers as human shield in their militaristic approach to peripheral environment and that is against human dignity.

Despite all efforts by international community,

but still we witness indifference of Israel to international will, especially on halting illegal construction of settlements.

The condemnation of ominous process of settlements is one of the rare issues among all other issues in occupied territories of Palestine that created international consensus even between some Israel supporters.

Our NGO is worry about Palestinian conditions in the said areas. We want UN and international community to behave on a more active and concrete approach to solve this long lasting problem. If someone looks carefully, he finds out that the way Israel is behaving is the root cause of the most of today's Middle East problems.



**Item 9: Racism, racial discrimination, xenophobia and related**

forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action.

Cultural diversity is based on the differences of individuals in ethnicity and religion. Lack of respect for this diversity can be the basis of discrimination, injustice and promotion of xenophobia. We believe that recognition for

cultural diversity of Muslim minorities can play a constructive role in elimination of xenophobia which is an obstacle in the way of development, threatens peace, security and human rights.

What we witness today being committed against Muslim minorities is based on Islam phobia and xenophobia. In some countries Hijab is banned, and in most societies Muslims are still demanding to have a representative in legislative bodies.

We believe that adoption of preventive, even strict measures by member states of international community towards islamophobia, is effective in the fight against the growth of xenophobia. Therefore we offer the following recommendations:

- 1 –Religious discrimination must be deemed unlawful just as racial discrimination.
- 2 – Social services and employers must provide necessary facilities for Muslims to be able to conduct their religious duties at work place. Awareness should be raised on instances that might hurt the feelings of Muslims.
- 3 – At schools, Attention must be paid to religious and cultural needs of students.
- 4 – Schools staff, services centers and employers must be fully aware of the importance of Islamic clothing for Muslim girl and women students.
- 5 – The mass media should be provided with necessary guidelines and education on how to prepare and publish reports and news regarding religious minorities and Muslims.
- 6 – Policy makers and authorities must introduce Islamophobia as unlawful and contrary to human rights.

**ITEM 9:Necessity to Combat Discrimination, Islamophobiaand Xenophobia against Muslim Minorities**

The Vienna and Durban Declarations comprehensively condemn and call for elimination of all forms of discrimination , xenophobia and islamophobia .but despite the efforts undertaken by the international community ,islamophobia and xenophobia is raging (persisting) around the world unabated and with impunity ,resulting in extreme violence and discrimination , in violation of the most

basic human rights principles ,and negating the purpose of the Charter of the United Nation .

The negative consequences of islamophobia and xenophobia is contributing to abject and de-humanizing conditions of extreme poverty and everyday occurrence of violence whipped (not just by the extreme right groups but in fact) by the established political parties and governments and their media organizations, diverting their political impotency into criminalizing Muslims and immigrants .

Whereas interaction reduces prejudice and boosts tolerance, governments now are silencing speech and increasing social divisions and creating sense of crisis in which they can thrive in, and openly calling for the rolling back of the human rights to the extent of the claim that human rights are luxury they cannot afford anymore.

We call upon this council to condemn all criminals masquerading as politicians from (Canada/UK to Australia ) to stop using islamophobia and xenophobia as means to get to office , and call upon their governments that human rights are not a luxury but is an obligation that they must adhere to and stop giving legal recognition to bigotry and passing discriminatory laws against Muslim minorities And their law enforcement agencies cannot and should not concoct evidence and harass with impunity.

We call upon this council , in the strongest of terms , to remind those states of their human rights obligations to the Muslim communities (and stop hiding behind the veil of immigration control argument) , and urge this council as a matter of highest priority to combat this scourge - by all the appropriate and available means at its disposal

**The ODVV's Statement for:**

**Workshop on the impact of the application of unilateral coercive measures on the enjoyment of human rights**

Madam Chairman,

We condemn all wars. Unilateral coercive measures are pre-cursors to wars and conflicts. Suffice to mention Iraq, Afghanistan, Yugoslavia, and so many others, the best

present case to illustrate the point is Iran. Since 1979, the USA has imposed various unilateral coercive measures on Iran, as a political tool to further their foreign policy objectives, against all the prevailing international instruments that prohibits such use. The oil embargoes and asset freezes were extended to a ban over a variety of basic goods and necessities under the pretext of “dual-use items”. The hardship was exacerbated by the ban on investment and trade particularly that of the oil industry sector where the livelihood of millions of workers were depended upon and were pushed to a life of poverty against the most basic of all human rights principles and at a time when the eradication of poverty was a goal to be achieved by 2015. Punishing third parties that deal with Iran, together with the prohibition on the gasoline import, stifled basic economic activities and contravened the human right to development as well as disrupting transportation of food and pushing the prices up and many into unemployment. The worldwide restrictions on financial transactions , severely hindered the purchasing of medicine and surgical appliances , placing millions of people at risk and causing directly or indirectly death of many against the provisions of the UN charters and against all cherished rights to life and good health and food and housing and freedom from poverty and starvation as stipulated in the universal declaration of human rights , the Vienna declaration , the international convention on civil and political life , and the international convention on economic ,social ,and cultural rights . The latest justification for these illegal unilateral coercive measures is the nuclear programme where no evidence was presented to counter the total compliance of Iran with the non-proliferation treaty. The USA's intelligence report of 2007 clearly triggers the legal principle of estoppels which bars them from relying on such justifications. The discriminatory nature of the actions falls within the jus cogens violation under article 53 of the Vienna Convention. These illegal coercive measures coupled with the intention to change the policies of the country, are in violation of the principle of non-intervention and we would strongly recommend the lifting of these measures.

# Human Rights News

## Hasmy: More needs to be done on human rights in Malaysia

April, 2014



**K**UALA LUMPUR: There is still room for improvement in the field of human rights in Malaysia, says Human Rights Commission of Malaysia (Suhakam) chairman Tan Sri Hasmy Agam (pic). “We are doing good. But we can do better. Our state of human rights is patchy and not uniform.

“We really need to step up and put emphasis on what is best for the nation,” he said at the launch of Suhakam’s 2013 annual report on Friday.

Hasmy said Malaysia had a poor record in acceding to the core international human rights treaties – having done so for only three out of nine UN instruments.

He said Suhakam sees the need for the process to be expedited. The Government, he added, should begin with the four treaties to which it committed to accede during the 2013 Universal Periodic Review (UPR) which was released last month.

They are the International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; International Convention on the Elimination of All Forms of Racial Discrimination; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. He also said Malaysia had accepted 150 recommendations given by United Nations member countries during the UPR. “If we look at the bulk of

recommendations Malaysia had accepted, it is seen that we have accepted several based on economy, social and culture,” he added. He also expressed his wish for Malaysia to be placed among the ranks of developed countries in every sense of the word.

This includes putting Malaysia on par with leading countries in the area of human rights.

<http://www.thestar.com.my/News/Nation/2014/04/27/Still-room-for-improvement-Hasmy-More-needs-to-be-done-on-human-rights-in-Malaysia/>

## SOMALIA: 12,000 Somalis expelled from Saudi Arabia, HRW says

February, 2014 Somali News

**N**airobi (RBC) Saudi authorities have deported more than 12,000 people to Somalia since January 1, 2014, including hundreds of women and children, without allowing any to make refugee claims, Human Rights Watch said. Saudi Arabia should end the summary deportations, which risk violating its international obligations not to return anyone to a place where their life or freedom is threatened or where they face other serious harm.

Seven Somalis recently deported from Saudi Arabia told Human Rights Watch researchers in Mogadishu, the Somali capital, that the Saudi authorities had detained them for weeks in appalling conditions and some said Saudi security personnel beat them. None had been allowed to speak with the United Nations High Commissioner for Refugees (UNHCR) to discuss possible refugee claims before being deported. UNHCR said in mid-January that “south central Somalia is a very dangerous place.” UNHCR also said the Saudi authorities have denied its staff access to detained Somalis in the country.

“The Saudi authorities have deported thousands of men, women, and children to conflict-ridden Somalia, while denying them any chance to seek asylum,” said Gerry Simpson, senior refugee researcher at Human

Rights Watch. “Saudi Arabia should allow anyone fearing serious ill-treatment at home to claim refugee status, with help from the UN, if needed.” “The Saudi government is entitled to promote employment opportunities for its own citizens, but it needs to make sure it’s not sending people back to a life-threatening situation,” Simpson said. “Saudi Arabia has no excuse for not offering protection to some of the world’s most vulnerable people.”

<http://www.raxanreeb.com/2014/02/somalia-12000-somalis-expelled-from-saudi-arabia-hrw-says/>

## **Azerbaijan: Assembly rapporteur’s concern at situation of human rights defenders**

June, 2014 - Parliamentary Assembly

**H**uman rights protection in Azerbaijan has worsened over the past eight months, according to the Parliamentary Assembly’s Mailis Reps.

The rapporteur on ‘Strengthening the role and protection of human rights defenders in Council of Europe member States’ expressed today her fears at the “situation of human rights defenders in Azerbaijan” since her last fact-finding visit to the country in November 2013.

She added: “Fundamental freedoms are persistently breached and, appallingly, this is happening at a time when Azerbaijan holds the chairmanship of the Committee of Ministers of the Council of Europe, an organisation based on democracy, human rights and the rule of law.

“I am very worried about various intimidation measures being taken against human rights defenders, other civic activists, journalists and bloggers – such as arbitrary arrests, unfair trials on fabricated charges and even the use of torture in custody.

“This continuous crackdown on civil society and the persistent breach of fundamental values are unacceptable. I call for an immediate release of Ilgar Mammadov, Anar Mammadli and his colleagues

– Bashir Suleymanki and Elnur Mammadov, and many other ‘prisoners of conscience,’” the rapporteur concluded.

Human rights defenders in Azerbaijan today signed a letter addressed to the Council of Europe leaders detailing their worries about fundamental freedoms in the country.

The letter reads: “Twenty-nine human rights defenders, journalists, bloggers and political activists are behind bars on politically motivated charges in connection with freedom of expression.

“There are at least 19 prisoners of conscience in Azerbaijan, recognized as such by Amnesty International, imprisoned solely in connection with their attempts to peacefully exercise their right to freedom of expression, assembly and association, enshrined by Azerbaijan’s constitution and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).”

<http://www.humanrightseurope.org/2014/06/azerbaijan-assembly-rapporteurs-concern-at-situation-of-human-rights-defenders/>

## **UN human rights chief condemns Egypt’s jailing journalists, mass death sentences**

Reuters, Jun 2014



**U**nited Nations human rights chief Navi Pillay said on Monday that Egypt’s death penalty convictions and mass trials are “obscene and a complete travesty of justice”.

# Human Rights News

In a statement, Pillay said that Egypt should release three al-Jazeera reporters jailed for seven years earlier in the day after being convicted of helping a “terrorist organisation”, and she accused Egypt of “crushing” the media.

Those verdicts and the death sentences confirmed on Saturday for 183 Muslim Brotherhood members and supporters are the latest in a string of prosecutions “rife with procedural irregularities and in breach of international human rights law”, she said.

<http://english.ahram.org.eg/NewsContent/1/64/104566/Egypt/Politics-/UN-human-rights-chief-condemns-Egypt-s-jailing-jour.aspx>

## France - European Court Of Human Rights Upholds French Law Banning Veil

July, 2014



**F**rance - The European Court of Human Rights on Tuesday upheld France’s 2010 ban on full-face veils in public, dismissing a case brought by a French woman against the state for breach of religious freedom.

France has both the largest Muslim minority in Europe, estimated at 5 million, and some of the continent’s most restrictive laws about expressions of faith in public. It was the first European country to pass a law banning burqa and niqab garments that conceal the face in

public. Belgium later followed suit. Judges at Europe’s human rights court said the law did not exceed the margin of interpretation by states in implementing the European Convention on Human Rights. Its decision is definitive. Authorities passed the law under former President Nicolas Sarkozy’s administration, casting the full-faced veil as an affront to the country’s tenets of secularism as well as being degrading to women. It is also a security risk, preventing the accurate identification of individuals, officials have said. Anyone wearing the full-face veil in public is liable to a fine of 150 Euros (\$216) or lessons in French citizenship.

<http://www.vosizneias.com/169561/2014/07/01/france-european-court-of-human-rights-upholds-french-law-banning-veil/>

## In a limbo Between marriage and divorce

Saudi Gazette – July, 2014

### Saudi Gazette report

**C**ountless Saudi women who face strained marital relations are left in a limbo when their husbands simply abandon them for lengthy periods, shirking their responsibility as husbands and fathers. With no male guardian or breadwinner around, such women live in extremely desperate situations with no way to support themselves or their children and their fate hanging between marriage and divorce.

Although Islam forbids men from taking advantage of their wives in such a manner, the practice is widespread in the Kingdom.

Speaking on the topic, a number of legal experts and academics underlined the need for coordination and increased efforts on the part of the concerned authorities to address the problem. They said judicial, legislative and executive authorities must join hands to tackle the problem and put an end to the ordeal of these women,

according to a report in Al-Riyadh newspaper. Ahmad Al-Mohammed, a legal consultant and member of the National Family Security Program, said the main reason couples live separately is a lack of love and compassion or differences of opinion between them. Khaled Al-Halibi, a family counselor, disagreed. He said any man who leaves his wife in such a condition is committing a social crime. Husbands are mainly responsible for leaving their wives in such a desperate situation, harming both their physical and mental health, he added.

## **Saudi Human Rights Lawyer and Activist Jailed for 15 Years for Free Speech Under New “Anti-Terror” Law**

July, 2014

A Saudi court on Sunday sentenced prominent human rights lawyer and activist Waleed Abu Alkhair to 15 years in prison followed by an equally long travel ban on charges such as “insulting the general order of the state and its officials” and “inciting public opinion.”

Until he was arrested in April while on trial in Riyadh, Mr. Abu Alkhair, founder of the Monitor of Human Rights in Saudi Arabia (MHRSA), has been a vocal critic of the government and called for major reforms in the kingdom including a constitutional monarchy.

The organization that he founded released a statement on Sunday night saying the latest sentence against him is “the price that Waleed Abu Alkhair has been expecting as a result of his peaceful demands and defense of human rights.” The activist was convicted on charges of a new controversial antiterrorism law that was passed in February amid criticism by international human

rights groups that the new law would be used to silence peaceful dissent.

We are currently living in one of the most interesting times in human history as we witness the transformation of society away from centralized, bureaucratic structures, into decentralized, networked organization. It’s imperative that each and every one of us does everything he or she can to make this revolutionary transition as painless as possible.

<http://www.prisonplanet.com/saudi-human-rights-lawyer-and-activist-jailed-for-15-years-for-free-speech-under-new-anti-terror-law.html>

## **Human rights report takes at U.S. terrorism prosecutions, criticizes FBI tactics**

July 2014



A new human rights report offers a blistering assessment of the Justice Department’s role in the fight against terrorism, taking aim at tactics used to identify and prosecute suspects.

In a lengthy examination of U.S. terrorism prosecutions, Human Rights Watch, working with Columbia Law School’s Human Rights Institute, said the FBI and the Justice Department have created a climate of fear in some Muslim communities through the use of surveillance and informants.

# Human Rights News

The group accused the government of using sting operations, which some critics described as entrapment, to target people with mental or intellectual disabilities and said that such tactics have driven people away from mosques.

“The report clearly shows, in many respects, the American public is being sold a false bill of goods,” said Andrea Prasow, deputy Washington director at Human Rights Watch. “To be sure, the threat of terrorism is real,” she said. “But in many of the cases we documented, there was no threat until the FBI showed up and helped turn people into terrorists.”

[http://www.washingtonpost.com/world/national-security/human-rights-report-takes-at-us-terror-prosecutions-criticizes-fbi-tactics/2014/07/21/018376ce-0e88-11e4-8341-b8072b1e7348\\_story.html](http://www.washingtonpost.com/world/national-security/human-rights-report-takes-at-us-terror-prosecutions-criticizes-fbi-tactics/2014/07/21/018376ce-0e88-11e4-8341-b8072b1e7348_story.html)

## Corporate Human Rights Abuses Are Fine, United States Tells the UN

July, 2014

**G**ood news: The United Nations has recently approved the implementation of a legally binding body that can punish corporations that commit human rights abuses.

Bad news: The United States is furious and says it will refuse to abide by any repercussions this Human Rights Council-approved body should assign.

Up until now, the UN’s standards for corporate accountability have been strictly voluntarily. Resolving that waving a metaphorical finger at companies that commit human rights abuses was insufficient, in 2013, Ecuador initiated a proposal to hold international offenders

responsible for their immoral actions. More than 80 other countries signed on, agreeing that actual accountability was necessary to diminish human rights abuse. With help from South Africa, Ecuador finally convinced the HRC to vote on the issue last week; the resolution passed by a 20-14 vote.

But... “The United States will not participate in this IGWG [intergovernmental working group] and we encourage others to do the same,” said Stephen Townley, America’s HRC rep.

Why are the United States and Europe so opposed to holding corporations responsible for the human rights abuses they perpetuate? Presumably, it’s because they are the nations that most benefit from systematic injustice throughout the world. Additionally, most of the goods produced in these substandard conditions are then sold in the U.S. and Europe.

...The United States has managed to maintain a love/hate relationship with the United Nations for years now, willfully ignoring certain decrees, so perhaps it will be able to use its clout to get what it wants after all. It’s just a shame that the kind of thing the United States is willing to put its reputation on the line for is something like refusing to hold human rights abusers criminally accountable. Go figure that the same country that refuses to jail a single fraudulent banking executive preemptively has the backs of its corporate cronies for even more despicable acts. Overall, this is not an attractive look for the United States. It’s pitiful, unjustifiable stances like this one that may cause history to categorize this powerful country as one of the “bad guys.”

<http://www.care2.com/causes/corporate-human-rights-abuses-are-fine-united-states-tells-the-un.html>

# ODVV REPORT ON IRAN UPR

The Organization for Defending Victims of Violence (ODVV)

Islamic Republic of Iran

Submission to the UN Universal Periodic Review

Twentieth Session of the UPR Working Group of the UN Human Rights Council

October–November 2014

## Executive Summary:

1. This report deals with practical, monitoring and research actions of the Organization for Defending Victims of Violence in five fields namely women, children, minorities, refugees and prisoners areas from Iran's commitments to the first round of the UPR. Iranian NGOs too in this period have become very active and are working with more self-confidence and quality in these areas. With the coming into power of the new government in 2013, the developments that have taken place have cleared up the horizon of the improvements of the country's human rights challenges; although there are problems and challenges in all five aforementioned areas which the Iranian government must make more efforts to improve them.

2. ODVV presents the following recommendations for the improvement of human rights in these areas:

### Women and Children

3. The necessity for the government to further concentrate on the economic, social and cultural rights of women and children's needs.

4. The necessity for Iranian NGOs specializing in women and children to use the experiences of other countries for the promotion of the rights and status of these two groups.

5. The necessity for further and more diverse cooperation of UN agencies based in Iran with Iranian NGOs active in women and children's issues.

6. Necessity for more activities by the UN and the members of the Human Rights Council for the removal of unilateral and multilateral sanctions imposed against Iran which over the recent years have negatively affected Iranian people, especially vulnerable groups such as women and children.

### Minorities

7. The necessity for the continuation of the new

policies of the Iranian government on minorities and efforts for their promotion. Especially to give them more opportunities to perform their religious ceremonies, religious and traditional celebrations, protection of their historical monuments, promotion of cultural facilities, job opportunities and encouraging dialogue among religions.

8. Encouragement of the government to prepare a suitable basis for the establishment of NGOs active in minorities' issues and promotion of cooperation with them to better understand the needs of minority individuals.

9. The necessity for further mobility and quality activity of the Armenian, Assyrian, Jewish and Zoroastrian members of parliament.

### Refugees

10. The necessity for conducting a multilateral balanced and real research on the situation of Afghan refugees in the country with the cooperation of the government, the UNHCR, and NGOs specializing on the subject, to really understand their problems and restrictions.

11. The necessity for the government to prepare a suitable basis for the activities of NGOs specializing on refugees issues to benefit from their expertise and understanding of the refugees community.

12. The necessity for the UNCHR to concentrate further to facilitate the repatriation and reintegration of Afghan refugees and the setting up of a network of Iranian and Afghan NGOs to fight existing problems in this regard.

### Prisoners

13. The necessity for improvement and promotion of financial and income support for prisoners' families.

14. Efforts to reduce the prison population through "imprisonment alternative punishments" actions.

# ODVV REPORT ON IRAN UPR

15. Presentation and further implementation of better quality cultural programmes towards prevention of crimes taking place in society.

## Data collection method

16. To present a factual picture on five arrears which this report covers, the preparers adopted a practical method based on the findings of exclusive and field researches, thematic researches, legal monitoring and also media monitoring regarding the activities taken place on the subject.

## Advancements

### Women

a) Legislative and judicial area:

17. Amendment of the Labour Act towards the protection of women's rights and as a result making some positive changes such as:

- Prohibition of the firing of women workers during pregnancy under no circumstances

- Working from home for women heads of household with the agreement of the employer either all or some of the weekly working hours.

- Prohibition of doing dangerous, arduous and damaging work, or night work and carrying of heavy loads without using mechanical equipment for women.

- Double payment for the final month's wages by the employer in the event the contract is terminated due to reduction in physical and mental abilities due to work (according to the evaluation of the medical commission of the relevant insurance funds)

18. The amendment of the Islamic Punishment Code (2013) and positive developments regarding women, and also the removal of stoning sentence (of course only possible with the signature of the head of the Judiciary)

19. Drafting and ratification of five bills by the cabinet of ministers to create a balance in women's presence in society and their employment with consideration of family time off, particularly for working women (for example: according to this bill women can use sick leave during their child's sickness)

20. Facilitation of pregnant women's work in both the governmental and private sectors.

21. Ratification of the Family Support Act with a number of positive advancements such as:

- Article 16: the establishment of advisory centres alongside family courts, to strengthen the family institution and prevention of a rise in family disputes and divorce

- Article 43: Granting legal custody right to the mother of children whose father is deceased (previously the custody went to the immediate male relative of the deceased father)

- Clause 3 of article 47: Being entitled to child supplementary benefits, insurance and pension of survivors or parents salaries for the children, in the event of not having a husband or the child until 20 years of age and thereafter in the event of disability or unemployment or student at university.

22. Ratification of the legislation of working from home for women with children under seven and disabled husbands by the cabinet of ministers. In this ratification women will work 36 hours instead of 44, and their earnings benefits are in full.

23. Ratification of women's international activities policies on the recommendations of the Women's Cultural and Social Council by the Cultural Revolution Supreme Council.

24. A change in the approach of the omission of women judges in the justice system. On this basis currently there are 600 women judges active in the Judiciary; 118 of these have masters or doctorate degrees, and have high ranking posts.

25. Appointment of women as: Deputy President in Women's Affairs; Deputy President in the Environmental Organization; Spokesperson for the Ministry of Foreign Affairs; and members of Parliament.

26. Also the use of women in minorities dwelling provinces: the Development and Human Resources Deputy to Sistan and Baluchistan Governor General; Governor of Ghasr Ghand in Zahedan Province; Governor of Hamoon in Sistan and Baluchistan Province; Two Zahedan Education and Training Director Generals; Mayor of Kalat.

### Minorities

27. Currently, for the first time, the President of Iran has appointed a special assistant to the presidency on religious and ethnic minorities' affairs. It must be said that this position is new and previous presidents only had Sunni minority advisors.

28. Presently two towns in Fars, and Sistan and

Baluchistan provinces have Sunni mayors. As well as being a Sunni minority, the mayor of Kallat (Sistan and Baluchistan province) is also a woman; something that in the patriarchal culture of the region and the extreme deprivation of the regions, has a very symbolic effect.

29. Also for the purpose of interaction with minorities based on their beliefs in judicial procedures, from 2010 to-date, the courts of the country do not issue verdicts on religious minorities' family disputes and they are obligated to abide by verdicts of religious minority authorities.

30. In taking action towards the freedom to hold religious ceremonies recommendations, steps have also been taken, such as the holding of religious ceremony in Thaddeus Monastery (Armenian) and or provision of welfare, security and health services to Christian pilgrims to this Monastery in 2013.

31. According to the field studies of the preparers of this report, since the coming into office of the new administration in Iran (June 2013) notable developments have taken place regarding minorities in the country. Some of them are as follows:

- Resolving the Sabbath problem for the Jews: In Judaism any form of work is prohibited on the Sabbath, even attending school, and this has been one of the problems for the Jewish community in Iran, and their main request has been to close Jewish schools (four in Tehran) on Saturdays, which was accepted with the coordination of the Minister for Education and Training.

- 10 billion rials (about 400000 \$) aid to the Sepir Hospital (belonging to the Jewish community)

32. To this aim, some activities have been planned by the Office of the Special Advisor and are currently being undertaken, such as:

- Formation of a Jewish, Zoroastrian, Armenian, Assyrian, Kaldanian, Mandaeen, Sikh, new religions, Bahaiism technical working groups (technical desk) with the presence of minorities members of parliaments, one of their top religious leaders, one of the top university experts, and one of the experts specializing on religions to establish communication with religious minorities, leaders and influential figures to reach an accurate, correct and up-to-date understanding, recognition of concerns, and resolving their problems to establish a suitable basis and better interact with them

### **Children:**

33. Although Iran has taken steps towards protection of children's rights and take action towards the accepted recommendations from the first round of the UPR, but just like many other countries, it is still faced with child labor problem. Over the recent years governmental and particularly nongovernmental organizations in Iran have endeavored to support child laborers and street children and other vulnerable groups. According to the findings of the preparers of this report, activities that have taken place in support of children can be categorized as follows:

#### **a) Education:**

34. NGOs education courses for child laborers with the aim of increasing the capacity of children and their acquirement of life skills, and includes kindergarten and preschool education classes, boosting classes from primary to pre-university education, skills learning classes that include, sewing, makeup artist, computer and language lessons, family education (mothers), and holding educational-recreational camping for children. At times nongovernmental organizations have held education centers in open and public spaces to teach street children and their relationships with their families.

#### **b) Hygiene and health:**

35. Holding hygiene education and promotion for the preservation of the health of child laborers against viruses and diseases.

#### **d) Social work**

36. NGOs active in children's affairs, have conducted the following activities regarding judicial and educational social work for these children:

- Setting up social work file for children and the prioritization of their needs and their referral to competent centers and follow ups till the children's problems are solved

- Efforts for follow ups on custody and getting birth certificate books for children who do not have them

- Efforts for the improvement of children's conditions in education and welfare

- Elimination of the feeling of humiliation, inferiority complex and weakness among child laborers which are unfortunately imposed by society on them.

- f) Provision of financial aid to the children and their

# ODVV REPORT ON IRAN UPR

families

37. Holding exhibits where works and produces of children or their families are sold and also the payment of the medical treatment of children or their families' costs are some of the usual actions among Iranian NGOs active in children's issues, especially child labor.

## g) Research

38. Conducting research on child laborers, finding the roots in social problems and finding methods to combat them. It must be said that according to researches carried out by the preparers of this report, it has become clear that the Welfare Organization, City Municipality and the police are the governmental bodies responsible for the protection of children, and over the years they have carried out various projects in support of child laborers some of which are as follows:

## Education assistance

42. According to reports released by the Iranian Ministry of Education and Training, currently there are 280000 refugees students being educated in schools in Iran. Furthermore there are almost 7000 refugees studying in universities alongside their Iranian counterparts.

## Hygienic assistance

43. The Iranian Ministry of Health, provides services such as vaccinations, treatment and other emergency needs particularly regarding special care patients equally as given to Iranian citizens without any prejudice. Although in some instances shortfalls are observed which the Iranian government with the cooperation of the UNHCR is trying to bring down to the minimum. Provision of complementary medical services insurance for refugees began in 2011 and to-date is renewed annually. More than 200,000 vulnerable and special care patients are covered by this insurance.

	Project Title	Year	Project Manager
1	Equipping and launching of centers for the collection, identification and guidance of child beggars and street children project 700 covered in 2012	2011-13	Welfare Organization with the Cooperation of the Police and City Municipality
2	The identification, assessment and replacement of street children project	2011-13	Welfare Organization with the Cooperation of the Police and City Municipality
3	Organizing of street children project 5200 children alone in 2012 and the beginning of 2013 were organized	2011-13	City Municipality with the cooperation of the Police
4	Street children's health shelter project	2011-13	Welfare Organization with the cooperation of NGOs
5	Protection of child laborers project (the first stage street children laborers)	2011-13	Welfare Organization with the cooperation of NGOs
6	Protection of all children that are discharged by welfare centers project	2013	Welfare Organization

## Refugees

39. From 2010 consecutively till 2013 the ODDV signed tripartite agreements with the Interior Ministry's BAFIA and the UNHCR for 4 education-capacity building projects for Shahr-e-Rey, Semnan and Kan regions for Afghan refugees.

40. Concentrating on the training of peers, in total this project has trained 7020 Afghan refugees on prevention of violence, promotion of life skills, strengthening of the family and the promotion of the mental-social health.

41. Based on this experience and the field studies of the preparers of this report, currently the following actions are under way in support of refugees in Iran:

## Income support

44. Towards presentation of sustainable solutions for refugees problems, particular their income, over the years NGOs, the UNHCR, and also the Iranian government partner the National Technical and Professional Organization, have provided thousands of refugees with technical and professional training across Iran. In these projects many of vulnerable refugees, particularly women heads of household have taken various courses.

## Prisoners

45. According to the field studies of the preparers of this report over the last few years positive actions have been taken with regards to the treatment of prisoners in the country, some of which are as follows:

46. Psychological measures: Over the last three decades positive approaches have come about towards the provision of psychotherapy services to prisoners. Some of the highlighted examples are:

- Setting up the Psychotherapy Council to organize psychotherapy programmes and actions
- Establishment of and drawing psychologists and psychotherapists who provide round the clock services to prisoners.
- Conducting group therapy programmes for interested prisoners, for example currently in daily TC programmes are being held some prisons.

#### **Hygiene and education:**

47. Recognition, identification and speaking about the consequences and the prevention of the spread of the HIV virus and necessary education of prisoners which is being done extensively in some prisons with the help of relevant international organizations. This education alongside education on other transmitted and dangers diseases such as Hepatitis are conducted in the form of triangular clinics in prisons.

#### **Probation upon release:**

48. The Centre for the Post Release Activities is a center which has launched by the Prisons' Organization in the recent years. This center's duty is to internship, marriage, continuing education, housing, provision of bank loans to prisoners after they are released from prisons.

#### **Challenges and Difficulties**

49. Despite the earlier mentioned achievements in different areas, according to the researches and observations of the preparers of this report, it seems there are problems and challenges that must be resolved. These challenges are highlighted in two areas:

#### **Challenges regarding women:**

50. Despite all the positive actions taken towards women's education, the women's share of illiteracy in the country is high and over 1.4 million women are illiterate.

51. Despite the presence of women in the country's justice system, it seems that they must try harder to get equality with their peers, and they are still with discrimination in the form of incompetence

Refugees Problems:

52. According to the refugees Amayesh programme

which has been carried out by BAFIA in 2011, there is a population of 840,158 Afghan and 42,501 Iraqi refugees living in Iran. This is while nearly 2 million Afghan refugees are also living in Iran legally and illegally who also have similar needs. In the meantime, the total number of refugees who entered in Iran in the 80s and the current statistics show that 97 percent live in towns and cities and only 3 percent live in various refugee camps. Therefore the sheer number of refugees in towns and cities and particularly the suburbs and in rural areas, have imposed very high costs for the country and the people, and the provision of services to these individuals has been difficult.

53. Currently due to the presence of extremist groups such as al Qaeda and the Taliban and also foreign troops which have all caused an escalation in violence against the civilian population of the country, the necessary conditions for the repatriation of refugees have still not come about. The figures of repatriated Afghan refugees h is a confirmation of the above claim. According to reports to the end of December 2012, approximately 15,000 Afghan refugees and a little less than 2000 Iraqi refugees voluntarily repatriated to their country. The overall repatriation rate, particularly regarding Afghan refugees has also been less in 2011. It is estimated that a large refugees population still remains in the country and are in search of hygiene and education services in Iran.

54. Therefore in view of the different issues that have risen such as the Iranian government's economic reforms for the removal of subsidies to necessary items and energy, for the purpose of increasing the capacity of the host society and the empowerment of the refugees population for the fulfillment of their basic needs and expansion of their access to the abovementioned services, the international community must make a more highlighted presence in providing services and financial aid to NGOs, and UN agencies in Iran and also the Iranian government.

55. Furthermore, the existence of unilateral and multilateral inhuman sanctions imposed, have not only affected Iranian citizens but also the livelihoods of vulnerable refugees have been affected. It is necessary for international bodies to make fundamental reconsiderations and think of more effective humanitarian and realistic measures.

# ODVV

## Activities

### **ODVV Participates in the 26th Session of the Human Rights Council** June 2014

In continuation of its international activities the representatives of the ODVV participated in the 26th Session of the Human Rights Council in Geneva, Switzerland.

According to ODVV public relations, the representatives of this NGO conducted activities such as reading oral statements, held meetings with thematic rapporteurs, and distributed ODVV books, publications and multimedia CDs.

It must be said that the 26th Session of the Council commenced on 10 June and will continue till the 27th of the same month.



### **ODVV's participation in the UNHCR Annual Consultation with NGOs** June 2014

This Consultation sitting took place on the eve of the International Refugees day from 15 to 19 June 2014 in Geneva. Almost 460 delegates from 240 large and small, national and international NGOs, aid and other UN agencies took part in this sitting. Ten NGOs active in the field of refugees also took part from Iran.

The thematic concentration of this sitting was

“women’s leadership and participation” which was the focal point of all sidelines panels. This sitting was also an opportunity to set up networks and create interaction and communication of participating organizations, and the ODVV representatives took the opportunity and began planning for a sidelines panel for next year’s Annual Consultation.

## High-Level Consultations on the Solution Strategy for Afghan Refugees in Iran

June 2014

On 16 June the ODVV participated in the High-Level Consultations on the Solution Strategy for Refugees in Iran at the Centre International de Conférences in Geneva Switzerland.

The sitting was held with the participation of the UN High Commissioner for Refugees, the Iranian Interior Minister, the director of the ODVV and other international representatives.

Mr. Rahpeik read a statement in this meeting, the text of which is as follows:

Mr. President,  
Minister, Dr. Rahmani Fazli,  
High Commissioner Mr. Guetteres

We thank you, all states and international organizations on behalf of the Organization for Defending Victims of Violence for holding this High-Level Consultations on the Solution Strategy for Afghan Refugees, the way forward in the Islamic Republic of Iran Not trying to take too much time we would like to raise a few points in brief:

1 - NGOs are the most operational sectors that are involved with refugees, and have the best understanding of the target community and its problems and correct ways of interaction with the community. NGOs are

the best and safe advisors without any

wrongful intentions, it would be better for relevant authorities to further benefit from them.

2 - This is another of several sessions that have been held to display practical solutions plans, but unfortunately their implementation has taken a long time. Instead of repeating and presentation of proposals in different sessions, we should work towards accurate identification of obstacles and work towards removing the obstacles; obstacles such as unjust sanctions and or the lack of cooperation and payment of countries who must show more involvement.

3 - As you are aware, the lengthening and arduousness of a project and half done jobs, and or the repetition of what is supposed to happen without something happening, has made the target community mistrustful and the reaching of the project objectives becomes impossible.

4 - And on a final note, if some of the countries allocated a trivial part of the budgets for expansion of war and support for extremism in some regions of the world, for refugees, then there would be no problems left.

Thank you

## National NGOs Conference Held in the Presence of the President: ODVV Director's Speech in this Conference

August 2014

The National NGOs Conference was held in the presence of the President in the Interior Ministry's Conference Hall. According to ODVV public relations, six NGOs activists and directors made speeches on their views and their requests from the President. ODVV director, Mr. Siavash Rahpeik mad a speech the text of which is as follows:

**“With greetings and salutations,**

Mr. President, How far does the jurisdiction of the government go? Till when in the tiniest society of government and the nation's dignity must think that the government owns everything and is accountable to everything?

This is a public culture disease, unfortunately this belief is also seen in the Citizen's Rights



Charter. Today's societies' affairs are based on public participation.

We want the government voted by the people to be knowledgeable, strong, manager, observer and

agile, participation of the Minister with the least levels of being in charge in all various dignities of society.

Of course if we want mature NGOs that are experts, sympathetic, criticising and away from politicization and sensationalisation, and seek participation.

Mr. President,

One of the issues related to NGOs is a lack of clear definition and consensus regarding national security and national interests, opportunities and threats must clearly be distinguished from each other, even in categorization. This fault is one of the most important causes for the reduction or lack of participation and participation seeking. With regards to the international participation of NGOs debate, we suffer from the damages of the poverty of decision makers both in the theoretic and practical areas towards general diplomacy and diplomacy from two paths, and we lose opportunities one after another.

Why aren't we strong Iranian NGOs in the top ten reputable international NGOs?

This is not due to our incapability, but it's as a result of the indifference and restrictive views of others.

In our somewhat limited areas we have experienced that we can be influential players in the international level. We work with knowledge and awareness and professionally, and the government must first believe us and then facilitate matters for us, and of course accept for us to be ourselves."

The President in the National NGOs Conference: "NGOs are an opportunity."

"Private organizations, NGOs and the government are the foundation stones of the managing of the country and we believe the more we can facilitate the activities and participation of the people in various areas, the stronger and able the society will become, and a strong government in a strong society will be formed."

The government's policy is to handover matters to NGOs

Dr. Rowhani : "The basis of the government's policy is that in all areas and any area that it is able to, it will hand over duties to the people and NGOs."

Dr. Rowhani reassured: "In the area of the environment, the provision of water, the health of the people and fighting social damages we need NGOs in these areas alongside the government so that we can solve the problems."

"We can make use of NGOs in all subjects and social problems, and without a doubt their presence and campaigns in these areas can be very useful."

We accept that the government must reduce its responsibilities

Stating that today in our country religious democracy was in place, the President said: "We accept that the government must reduce its responsibilities, and with the exception of some important issues, which the government has no choice by to take responsibility, all other matters must gradually be given to the people, while the government's guidance and monitoring remains and it is necessary to support the activities of NGOs."

Contacts of NGOs with International Organizations/Drafting of the Legislation in Protection of NGOs

Dr. Rowhani reassured: "In the area of hygiene and social problems issues, there is no harm for our country's NGOs to be in contact with international organizations. Of course these contacts must be healthy and useful for society."

The President said: "The Interior Ministry must take chare of the drafting of this legislation, so that with its ratification we can further benefit from NGOs capacities and witness a proud and prosperous Iran."

## Review of the Human Rights Violations Dimensions in the Gaza Strip Technical Sitting

August 2014

This sitting was held with the efforts of the ODVV with the presence of Khaled Qodumi, the representative of Hamas in Tehran, and two university academics. The sitting stressed on war crimes having been committed and crimes against humanity committed by Israel against the Palestinians.

According to ODVV publications, in this sitting which was held on 6 August in the ODVV Conference Hall, researcher from the Expediency Council's Centre for Strategic Studies, Fardin

Kharazi while referring to the casualty figures of Israel's brutal attack against the people of Gaza and the destruction of homes, mosques and schools he stressed: "All these figures indicate the violation of the Geneva Four Conventions, particularly the Fourth Convention with regards to targeting of civilians by the IDF, and the violation of these Conventions is not only the responsibility of governments, but individuals who order and carry out the attacks."

"Israel's justification for these actions has been it is carrying out these attacks in response to the launching of rockets against Israel by Hamas, and is just responding to attacks." He continued, "This reasoning is not acceptable by International Law, because in article 2 of humanitarian principles, distinction and proportion are very important/ The main principle of distinction is that in any given situation there should be a distinction between civilians and civilian targets with military individuals and targets, and it is not right that even if there is a possibility that a rocket is launched from near a hospital, that hospital can be targeted. It is not acceptable. The proportion principle is



also based on the point that the attack must be in proportion to the attack. Nevertheless the thing that Israeli officials announce, from the realities on the ground indicate violation of international law. According to Israeli officials 67 Israelis 3 of which are civilians were killed in the conflict, and the killing of these three civilians gives no justification for the firepower level unleashed against civilians, women and children especially, in Gaza."

This researcher went on to say: "also attacking civilians in reprisal attacks is prohibited and reputable organizations such as Human Rights Watch have accused Israel of war crimes. Intentional killings, intentional guidance, attacks against civilians, targeting civilian buildings, aid workers etc. are all examples of war crimes and continued and intentional harming of individuals and their denial of access to aid and assistance which are crimes against humanity. In view of these examples, this war is a war crime and crimes against humanity"

The next speaker was Mr Khaled Qodumi, the Hamas representative in Tehran. Referring to the membership of the PA in the Rome Statute, he said:

“Unfortunately in 2008 and 2009 the PA opposed our request to file a complaint against Israel at the ICC, because this was going against America’s wishes. In this current war too we’ve asked the PA to file a complaint against Israeli committed crimes against humanity, but they are stalling.”

“We also need experts so that by using existing openings in international laws, to be able to prosecute Israel.” He continued on.

Reiterating that Israel has committed crimes against humanity in the Gaza Strip he said: “the clearest characteristics of these crimes are the targeting of children, mosques and schools, including attacking UN schools.”

“There are courts in various countries who have filed charges against Israel and these charges have prevented Israeli officials from travelling to these countries. We call upon jurists and experts to carry out actions like this and not just have expectations from international courts.”

The next speaker was Ghadir Nasri a senior researcher from the Middle East Strategic Studies Centre saw existing reasoning pertaining to America’s support for Israel on the basis of Israel being a strategic region, dominating of which is domination of the rest of the Middle East, and also America being the true follower of Christ looks after the oppressed as being wrong he said: “Israel

gives four reasons for attacking Gaza, that the starter of the crisis is Hamas, Hamas uses civilian facilities, Hamas increasing and serious doubts in the legitimacy of the state of Israel, and Hamas secret intentions for the future.”

He added: “In view of these reasons it can be asked whether organized oppression is an example of a crime. Also it is not clear whether Hamas is the main cause of this crisis, because no one had claimed responsibility in the kidnapping and killing of the three Israeli youths. And should these massacres have taken place because of these three killings?”

“The Israelis also claim that Hamas uses civilian properties to fire rockets from, where is the proof that rockets have been fired from UN schools. Also, which Israel must be officially recognized? Israel’s situation continuously is changing, and the Israel of 2011 is different to that of 2010, and it has grown larger and more populate, and more settlements have been built and continue to be built. Which Israel should we exactly recognize? And we accuse Israel of not only they do not accept Palestinians, but they do not even recognize them as refugees. The claim Hamas future criminal intentions. But both morally and legally the question can be asked that if someone has an intention against someone, can they be punished? Therefore all of these Israeli claims are unfounded and incorrect.”

## **The Statement of Friends of the Nations and international NGOs in Support of the People of Gaza**

August 2014

The final statement of Iranian friendship associations with other countries and international NGOs in support of the people of Gaza was read by the director of the ODVV. According to ODVV public relations, in this ceremony which was held with representatives from friendship associations and NGOs which was held in Imam Cultural Centre ODVV director, Siavash Rahpeik read the final statement of the sitting on behalf of the participants. The full text of the statement is as

follows:

Once again we the people of the United Nations, Iranian friendship associations with other countries and international NGOs, we have witnessed the blatant violation of human rights and humanitarian law by Israel against Palestinian civilians.

A violation that is so blatant and unhuman that even the supporters and allies of Israel - although apparently and slyly - did not remain silent towards the international public opinion.



Over 1948 dead that include 456 children, 237 women and more than 10,000 wounded, tens of thousands made homeless, the destruction of infrastructure that include 107 hospitals, destruction or causing serious damage to 11,855 housing units, 102 attacks against medical teams which have left 19 martyrs, firing at UNRWA schools, and other properties associated to the United Nations and news agencies with the loss of 11 journalists' lives, is another certificate of child killer Israel's criminal acts.

From one month ago with the renewed unequal and inhuman attacks of Israel against the Gaza Strip we have witnessed the most horrific of war crimes and genocide in the region, this is while the one sided support of the international community and particularly the west and the unethical support of some world leaders of these violent crimes on the pretext of the right to self-defence, and the unequal approach of international organizations with the human rights crimes of Israel, reveals the clear and shrewd conflicts in their approach towards international law. Although the pretext of self-defence too according the principle of proportion is in doubt, because according to this principle, that the response that is given to an attack must be proportionate, whereas according to UNOCHA figures, 67 Israelis have been killed, where only three have been civilians. And against these three

civilians, the number of Palestinian civilians killed (1402) is not justifiable.

We, nongovernmental organizations, know full well the level of blatant human rights and humanitarian law violations, and the sheer number of civilian deaths and destruction of properties, are total violations of the Geneva Four Conventions and clear examples of war crimes and genocide. The Geneva Four Convention to which Israel is a member state, enforces all members to fully observe the Conventions and the responsibility of violations is with those who order and carry out these crimes.

With an emphasis on two principle of "distinction and proportion" of the Geneva Convention, Israel has violated these International Conventions by attacking women, children and civilian institutions in the Gaza Strip, According to paragraph 6 of Article 51 of the Convention, attacking civilians even in defensive mode is prohibited, and there is clear and undeniable evidence that show Israel's total violation of human rights.

According to paragraph 2 of Article 7 of the ICC Rome Statute, Israel has violated this document and it's an example of crimes against humanity.

This is while the experience of the last 66 years, meaning from the founding of the State of Israel, it shows that even political and diplomatic solutions such as the issuing of resolutions and formation of

fact finding committees to-date have not been able to prevent Israel from doing anything that it wants to do. The 87 UN Security Council resolutions, the 131 UN General Assembly resolutions, and 46 UN Human Rights resolutions have never managed to play a preventive role in the dark record of Israel.

The Palestinian Authority's efforts to sign the Rome Statute to-date has not had any results on various excuses, and the United States and Israel's not being members of this international document is an example of this reason.

Therefore we, Friendship Associations of Iran and other nations and international NGOs, alongside all wakeful universal consciences while supporting the resistance of the patient people of Gaza and expressing sympathy to each and every one of them, express our deepest abhorrence towards Israel's crimes of genocide committed against the people of Gaza, which with certainty come along with deep social, human and economic imposed crises, we declare and call upon the will of the international community for the realisation of the following:

1 - The launching of a global campaign for the use of the principle of universal competence of domestic courts and the serious commitment of human rights defenders and human rights organizations to take legal actions against the leaders and military heads of Israel.

2 - Call upon the Security Council to refer the case to ICC.

3 - Creation of a mental, discourse and media atmosphere against the inhuman acts that have been committed in the Gaza Strip through continuous holding of media sittings and extensive reflection in cyberspace to activate public opinion.

4 - Call upon the UN to immediately prevent the United States military assistance to Israel, because in 2007 America signed a 10 year agreement with Israel to send 30 billion dollars cash aid to Israel. And recently Congress approved the US



government a 225 million dollar credit to provide emergency aid to Israel's Iron Dome defense system.

5 - Call upon the UN and member states to impose serious sanctions against Israel and prevention of any military and civilian shipments from reaching Israel.

6 - Call upon Islamic countries to preserve unity against the nullification of Israel's objectives in the region.

7 - Call upon the International Community to make Israel to unconditionally put an end to its attacks, fully remove the blockade of the Gaza Strip, the immediate withdrawal of all troops from the region, and the speedy reopening of the Rafah Crossing by the Egyptian government, in order that humanitarian aid from all over the world that include medical equipment and medicines, vital goods, food and fuel reaching the war torn region and the transfer of the injured to hospitals.

8 - Call upon the UN to seriously follow up on the Secretary General's words as spoken in his statement that include the criminal investigation of those responsible for the violation of international laws in the Gaza Strip.

We, members of civil society institutions, hope that with the cooperation of governments, nations and international organizations, very soon witness the establishment of lasting peace, formation of an independent state of Palestine and the return of the refugees of all these years to their homelands.

## **Review of Human Rights Violations Committed by IS in Iraq Sitting** August 2014

On the initiative of the ODVV and with the presence of its director and board of directors and also a number of representatives from NGOs and university lecturers from Iraq, held the Review of Human Rights Violations Committed by IS in Iraq Sitting.

According to ODVV public relations some of the problems the people of Iraq are struggling with were discussed in this sitting such as the extensive violation of women and children's rights by the IS terrorists, committed in the name of Islam, the problem with the sheer number of the victims of the conflict over the last decade in Iraq which started with America's attack has reached to approximately one million people.. The existence of this high number of victims means there are large numbers of widows, widowers and orphans in Iraq.

Stressing that the Iraqi government alone will not be able to tackle the IS problem alone and the existing problems the Iraqi delegation stressed on the necessity for Iraqi NGOs to cooperate with their government, and saying that the Iraqi government cannot fully support Iraqi NGOs they asked the ODVV to provide help for Iraqi NGOs and the people of the country.

While stressing that the aim of IS was to break up Arab countries, and to destroy the demography of these countries and also to take over oil resources, the necessity of cooperation of countries and support of Iran, as a regional power, to fight this terror group was stressed. Also the subject of the dire conditions

of Christians and Yezidis in the country whose properties have been looted and confiscated by IS and forced into the mountains was raised. It was also pointed out that within the next couple of months the weather on the mountains would become very cold and further more serious problems would arise if these refugees on the mountains did not receive immediate care and assistance.

While stressing on Iran's continued peace and



friendship the ODVV members of the board of directors suggested a number of solutions for furthering the presence of Iraqi NGOs in international events and conferences. ODVV director, Mr. Rahpeik also presented practical recommendations for the ODVV's cooperation with Iraqi NGOs to empower the inside their country and at international events and conferences.

## Commemoration of the International Day of Families May 2014



The Systematic Family Therapy Technical Sitting was held by the ODVV on the occasion of the International Day of Families.

According to ODVV public relations the sitting began with the reading of UN Secretary General's Message for the day by Maria Dotsenco from UNIC in Iran:

“As we commemorate this year's International Day of Families, we recognize the meaningful contributions that families make to advance the mission of the United Nations. By providing economic and emotional sustenance to their members, families can raise productive, caring citizens committed to the common good. Strong, well-functioning families, whatever form they may take, can help reduce poverty, improve the wellbeing of mothers, promote gender equality and uphold human rights. Support for families is crucial to realizing their full potential. That means factoring their needs into development policies, considering their circumstances in addressing conflicts, and advocating for the equal treatment of all families, regardless of their structure. As we strive to usher in a more sustainable future, achieve the Millennium Development Goals, shape a new development agenda and combat climate change, let us mobilize the world's families.

On this International Day of Families, let us strive to strengthen these small but critical units found in every society so that we may advance as one human family toward greater progress.”

In the end of her speech Ms. Dotsenco saw the Islamic Republic of Iran's provision of necessary education for families as very successful, and expressed hope for the continuation of this process. The next speaker was Mostafa Tabrixi, member of Alame Tabatabaee University science group and family counselor while holding a technical workshop on “therapy counseling” reviewed Iranian couples and relationships and presented a suitable model of family therapy in Iran. This university lecturer presented a suitable and effective model for education and treatment of relationships disorders among family members as a fundamental vacuum in treatment of families and explained: “As it is stressed in systematic family therapy, description establishment and analysis of family members interaction is a suitable method that can correct effective communication of the family members.” This university lecturer then presented a therapy model for counsellors, psychologists and social workers active in family matters a systematic family therapy model based on interaction of Iranian family members

## Commemoration of International Day in Support of Victims of Torture July 2014

This sitting was held by the ODVV in the conference hall of its headquarters in Tehran. According to the ODVV public relations this sitting commenced following the reading of the UN Secretary General’s message for the day by Mr. Moghadam from the UNIC in Tehran. The message is as follows:

“Every day, mental and physical torture and ill-treatment are intentionally inflicted on women, men, children in all regions of the world at the instigation of public officials – the very people whose job it is to enforce the rule of law, protect human rights and keep people safe.

The prohibition of torture is absolute. The Convention against Torture states unequivocally that the use of torture is illegal under any circumstances, including armed conflict, the fight against terrorism, political instability or other emergency conditions. All 155 States that have ratified this treaty have committed to fight impunity by thoroughly investigating and prosecuting violations and bringing perpetrators, no matter their level of office, to justice. They have also accepted the obligation to provide redress to the victims and their families.

Regrettably, the right of victims of torture to effective remedies, including rehabilitation, is yet to become a reality, in particular in the context of armed conflicts and large-scale humanitarian crisis.

The Voluntary Fund for Victims of Torture is a practical tool of the United Nations to extend prompt assistance to victims of torture and their families. Today, along the borders with Syria, the Fund is supporting projects providing vital services to victims of torture fleeing violence and persecution. Essential psycho-social assistance is being delivered to help victims of all age groups recover and regain their dignity. I thank the States and private donors that are supporting the Fund’s efforts, and urge even more to join in



this work.

I urge States that have not yet done so to ratify the Convention against Torture, which this year marks 30 years since its adoption. As we honor the victims on this International Day, let us pledge to strengthen our efforts to eradicate this heinous practice.”

According to this report Dr. Shahrbanoo Ghahari, member of the Psychiatric Institute of Iran science group presented a technical psychotherapy of torture victims workshop and referred to short and long term therapy approaches in the rehabilitation and treatment of torture victims, and while determining and describing these therapy procedures, stressed on the necessity to adopt successful treatment methods in support of torture victims.

In another part of the workshop this expert from the Psychiatric Institute of Iran, analyzed, determined and described the identity characteristics of torturers and the identity proportions that torture the victims.

At the end there was a Q&A session for the participants held by psychologists active in the field of support for torture victims



**Support of the ODVV from the International Theatre the Last Leaf in Cooperation with UNAIRAN**  
May 2014

With the support of the ODVV and in cooperation with UNA IRAN, the Last Leaf play designed, written and directed by Mohammad Boroomand, an international play on peace and friendship went on stage in the Andisheh Culture Centre in Tehran.

According to ODVV public relations, this theatre is modern work with the combination of various theatrical techniques alongside media, which has actors from the United States, Canada, Afghanistan and Iran, which is supposed to be the harbinger of peace and friendship in various parts of the world, and following a number of shows in Iran it is due to tour the world for two years. Each night the ODVV presents an appreciation plaque to artists that in one way or another have cooperated and worked with the project.

Some of the important characteristics of this international project are:

- 1 - There being no dialogue in the work and its universality
- 2 - It's subject being the rejection of violence and war and the promotion of peace and friendship and the protection

of the environment.

- 3 - Inclusion of artists from different countries.
- 4 - The project being nonpolitical, nongovernmental and nonprofit.
- 5 - The partnership of artists from various fields (theatre, cinema, photography, drawing and graphics and etc.)
- 6 - It's inclusiveness: following the performance



of the play by the international group, the group then will give the play, puppets and music to a group of performers in the host country, so that the Last Leaf play will be performed for all the people of the country. The aim is for the whole population of the world to see this play. The Last Leaf play is on stage for six nights from 8 to 13 May at 8 pm and from 15 to 31 May it will tour provincial towns and forest regions (Mashhad, Neishabour, Behbahan, Khoramshahr and Ilam), and then the group will set off to other destinations. The tour began in Turkey and will travel the world for the next two years

## **ODVV's Presence in the Islamic Republic of Iran's Services towards the Empowerment of Refugees for their Sustainable Repatriation and Reconstruction Exhibition**

June 2014

The ODVV participated in and presented its activities products and reports in the Islamic Republic of Iran's Services towards the Empowerment of Refugees for their Sustainable Repatriation and Reconstruction Exhibition.

According to ODVV public relations, governmental and nongovernmental representatives put on display products of their

activities on refugees in this exhibition which was organized with the efforts of BAFIA and held on 26-27 June in the Milad Tower exhibit centre. It must be said that every year the ODVV conducts joint projects with BAFIA and UNHCR for the education of Afghan refugees in different cities on subjects such as life skills, reduction of GBV, strengthening of the family institution.



## **Participation of the ODVV in the Tehran International Book Exhibition**

May 2014

The ODVV participated in the 27th Tehran International Book Exhibition. In its stand the ODVV put to display and at the disposal of interested parties its following books: Islamophobia and Violation of Human Rights; Violation of the Rights of Shia Minorities; the Istanbul Protocol (guidelines to effective investigations and documentations of torture and other cruel and inhuman or degrading punishments); Human

Rights in the Justice System; Collective of Articles for the International Day of Peace; GBV; Psychological Dimensions of Domestic Violence; Labour Rights; Freedom of Expression; and Children's Rights.

Also ODVV annual reports Defenders Newsletter thematic reports and multimedia CDs were presented in the stand. The Exhibition lasted from 30 September to 10 May 2014.

**Report: Prevention of Domestic Violence & Life Skills Training for Afghan Refugees in Varamin – 2014**  
By: Leila Enayati



This project began its work in March/April 2014 through the tripartite agreement between the ODVV, BAFIA and UNHCR. The project was designed with the aim of prevention of domestic violence.

Phase one: The project kick started with the provision of resources determination of training and evaluation method and invitation of the addressees. The training method of the course was set as training of peers and in workshop method. The evaluation method was selected to be in the form of pre and post tests and a general survey in the end.

Following a written test and interview 80 individuals were selected for direct training as the addressees of the course and these 80 trained 400 of their peers via peer training.

Phase two: was the implementation of the training of peer educators and the conducting of pre and post tests. In this phase the project concentrated on the 10

skills of life and self help via the workshop method. These trainings took place from 7 till 28 June.

The training subjects of the course were as follows:

**Characteristics of a healthy family**

(usual and acceptable judgment of power)

- Existence of clear boundaries
- Performance in the present
- Conversation skills
- Respect to individual selection
- Expression of positive feelins

**Life Skills**

- Expression of existence
  - Feeling of self control
  - Suitable confrontation with stressful situations
- methods

- Tolerance in the family

**Spirituality**

- Confronting usual problems and stresses

**Mourning**

- Definition of mourning
- Its stages
- How to face mourning

**Self help**

- Setting crucial life objectives
- Drawing a life plan to improve conditions (objective setting, setting strategy, and planning individual personal maturity plan)

**Contagious diseases**

- Sexual relations
- Sexually transmitted diseases
- Symptoms prevention and treatment

**Parental skills**

- Crucial child raising principles
- Strengthening self dignity and self confidence
- Establishment of order, training and discipline principles (Corrective training general principles)
- Training methods and correction of the home's structure

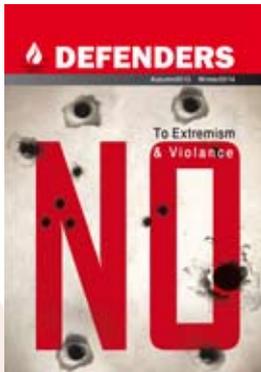
This stage of the project took place with a pretest and then a description of the characteristics of a healthy family. in the next workshops, life skills training and the self help debates, contagious diseases and parental skills were discussed. and the course concluded with a post-test and completion of a survey form. During the presentation of training discussions in workshop form, group plays and work groups were also used.

In this phase the pilot of course had begun from the last sessions of the training course by the



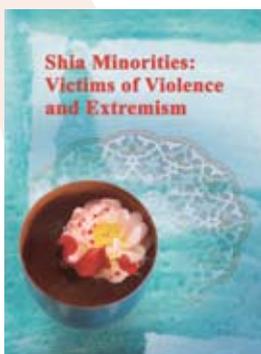
trainers. Thus for the prevention of forgetting what they learned while still learning the trainers began to train others. Each individual's commitment to the project was to teach 5 peer trainers.

Phase three: Sending an evaluation expert to provide answers to questions and evaluate the training process. According to the agreement three observation and evaluations visits had been foreseen which began from July.



### **Defenders Newsletter Autumn 2013 - Winter 2014**

This issue was published in 64 pages on the subject of Extremism and Violence. The contents include Islamophobia and the violation of the rights of the Shia minorities, the violation of the rights of Palestinians, the 6th Minorities Forum at the Human Rights Council, the international Solidarity against Inhuman Sanctions, are the articles and reports in this issue. Also included is a report of the ODVV activities, human rights news and developments, and written and oral statements submitted to the 24th Session of the human rights.



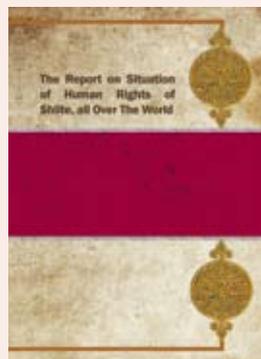
### **Shia Minority: Victims of Violence and Extremism book**

This is the title of a book in English which is a collective of articles on the violation of the civil rights of the Shia community around the world: a constant problem, shedding light on the violation of the rights of the Shia in Bahrain, a review of the violation of rights of Shia minority, western Islamophobia and its link with eastern extremists. The book in its 94 pages was published by the ODVV.



### **Production and Publication of Multimedia CDs of ODVV Products**

These multimedia CDs contain ODVV books, Defenders Newsletters, pictures, annual reports documentaries and ODVV projects. The CDs are produced by the Communications Department of the ODVV and all the ODVV activities and products are accessible in high quality and full colour.



### **“The Human Rights Situation of the Shia around the World” Report by Afagh Institute**

With the cooperation of Afagh NGO the ODVV reviewed the situation of the Shia in Islamic countries such as Saudi Arabia Bahrain, Egypt, Iraq, Indonesia, Pakistan and Malaysia, and in a report in two parts concentrates on the situation of the Shia minority in the said countries and also the violation of the rights of the Shia majority in Bahrain. Part of the report reads: The Shia are deemed as one of the largest religious minorities in the world, but sadly, despite all the conventions, treaties and protocols that have been adopted in support of minorities, the Shia minorities continue to be subjected to violence, injustice and religious discriminations. in this regard there are plenty of examples that can be pointed out regarding the Shia conditions in Saudi Arabia Egypt, Malaysia, Indonesia, Paistan and even in countries where they are majorities such as Iraq and Bahrain. The Shia in these countries are put under pressure either from the Islamic governments and or violent and extremist groups. Since 2011 and the start of the Arab Spring these pressures have not reduced by they have even increased.

**From:**

Iraqi Community in Essen City – Germany  
International Council, Supporting Fair Trial & Human Rights (ICSFT)- Geneva-  
International Organization Against Terror & Religion Intolerance Reg.Org  
(IOATRI)- Germany  
Organization for Defending Victims of Violence (ODVV)  
Zahraa Human Rights (ZHR)- UK  
Muslims rights Belgium

**To:**

MRS. FATOU BENSOUDA - THE PROSECUTOR OF INTERNATIONAL CRIMINAL COURT



**Request for ICC to investigate Crimes Committed by ISIS Terror Group**

Six nongovernmental organizations prepared a joint request letter, asking ICC prosecutor Ms. Fatou Bensouda to personally investigate the crimes committed by ISIS terror group.

In this request letter which was prepared by the German-Iraqi Society, Council in Support of Fair Trials and Human Rights, Organization for Defending Victims of Violence, International Organization for the Fight against Terrorism and Religious Extremism, Zahra Human Rights Institute, and the Rights of Muslims in Belgium Institute, while pointing out the history of this terror group, it has been stressed that the leaders and members of this terror group are international criminals.

A number of examples of the crimes that have been committed by ISIS have been mentioned in this letter, they include: kidnappings, wreaking terror and havoc, destruction of places of worship and shrines, sexual rape, slavery, extrajudicial and mass executions, arbitrary and extrajudicial detentions, torture and murders.

Part of the request letter reads: "In view of crimes linked to ISIS, the report of international institutions and the position of international personalities, the contents of UN Security Council Resolution 2170, as the highest international decision making authority with regards to international peace and security, the crimes committed by this terror group are clearly classified as genocide, crimes against humanity and war crimes."

At the end of the request letter, the six NGOs, on the basis of the contents of Article 13 of the Rome Statute, have asked the ICC prosecutor to personally take action and investigate and file charges against the leaders and members of the ISIS terror group.



[www.odvv.org](http://www.odvv.org)



Organization for Defending  
Victims of Violence