Flygtningenævnets baggrundsmateriale

Bilagsnr.:	**379**
Land:	Iran
Kilde:	British Home Office.
Titel:	Country of Origin Information Report.
Udgivet:	17. marts 2009
Optaget på baggrundsmaterialet:	29. maj 2009

Home Office
UK Border Agency

COUNTRY OF ORIGIN INFORMATION REPORT

IRAN

17 MARCH 2009

UK Border Agency
COUNTRY OF ORIGIN INFORMATION SERVICE

The main text of this COI Report contains the most up to date publicly available information as at 1 February 2009. Further brief information on recent events and reports has been provided in the Latest News section to 16 March 2009.

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Preface

i This Country of Origin Information Report (COI Report) has been produced by COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 1 February 2009. The 'Latest News' section contains further brief information on events and reports accessed from 2 February 2009. The report was issued on 17 March 2009.

ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.

vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.

ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.

x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

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United Kingdom

Email: cois@homeoffice.gsi.gov.uk
Website: http://www.homeoffice.gov.uk/rds/country_reports.html

ADVISORY PANEL ON COUNTRY INFORMATION

xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UKBA's country of origin information material. The APCI reviewed a number of UKBA's reports and published its findings on its website at www.apci.org.uk Since October 2008; the work of the APCI has been taken forward by the Chief Inspector of UKBA.

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Latest News

EVENTS IN IRAN, FROM 2 FEBRUARY 2009 TO 16 MARCH 2009

16 March — Former president Mohammad Khatami has withdrawn from the country's presidential election in June, endorsing former prime minister Mir-Hossein Moussavi's presidential bid.
Thaindian News, Khatami pulls out of Iran's presidential polls, 16 March 2009
http://www.thaindian.com/newsportal/politics/khatami-pulls-out-of-irans-presidential-polls_100167153.html
Date accessed 16 March 2009

13 March — US President Barack Obama has extended economic sanctions against Iran because it continued to pose an "extraordinary threat". President Ahmadinejad has dismissed the sanctions as a "childish idea" as he launched a major gas project.
Reuters UK, Iran dismisses sanctions and launches gas project, 13 March 2009
http://uk.reuters.com/article/worldNews/idUKTRE52C1WB20090313?feedType=RSS&feedName=worldNews
Date accessed 16 March 2009

12 March — Two years after their arrest, four convicted drug smugglers have been hanged in a prison in the eastern town of Tabas, bringing the total number of people executed since the beginning of the year to 61.
IOL, Iran hangs four drug smugglers, 12 March 2009
http://www.iol.co.za/index.php?from=rss_Middle%20East&set_id=1&click_id=123&art_id=nw20090312094255446C260600
Date accessed 12 March 2009

11 March — A former Iranian prime minister, Mir Hossein Moussavi, has decided to run as a reformist candidate in the presidential election in June, potentially risking a split in the reformist vote that could lead to the re-election of Ahmadinejad.
The Financial Times, Ex-PM Moussavi to stand in Iran election, 11 March 2009
http://www.ft.com/cms/s/0/8e8b4af4-0dc8-11de-8ea3-0000779fd2ac.html?nclick_check=1
Date accessed 12 March 2009

10 March — There have been two attacks within a month on the Al-Gadhir mosque in the south-eastern Iranian city of Zahedan. The province has a large ethnic Baluch minority and has been the scene of insurgency by Sunni Muslim rebels of the Jundullah (Soldiers of God) group which is strongly opposed to the Shiite government.
Khaleej Times Online, Bomb explodes in Iran mosque, 10 March 2009
http://www.khaleejtimes.com/DisplayArticleNew.asp?col=&section=middleeast&xfile=data/middleeast/2009/March/middleeast_March202.xml
Date accessed 12 March 2009

9 March — The ages at which men and women marry are rising. This has been caused by better-educated young people wishing to pursue careers and difficult economic conditions meaning they cannot always afford to get married. Sponsored mass weddings and special marriage funds are two initiaitives introduced by the state to address the issue.
The Financial Times, Iran battles to promote merits of marriage, 9 March 2009
http://www.ft.com/cms/s/0/3441834c-0cce-11de-a555-0000779fd2ac.html
Date accessed 12 March 2009

9 March — Four men have been hanged in a prison in the south-eastern city of Zahedan for crimes including murder and kidnapping.
Reuters UK, Iran hangs man accused in kidnapping of Belgians, 9 March 2009
http://uk.reuters.com/article/worldNews/idUKTRE5284V220090309?feedType=RSS&feedName=worldNews
Date accessed 12 March 2009

8 March — Iranian police killed six drug traffickers and seized five tonnes of narcotics in eastern Sistan-Baluchestan province.
Agence France-Press, Iran police kill six drug traffickers, 8 March 2009
Via http://ca.news.yahoo.com/s/afp/090308/world/iran_crime_drugs
Date accessed 12 March 2009

7 March — The police chief of Tehran has issued an order that only saleswomen should be employed in women's clothes shops, the latest in a series of measures taken by the authorities to separate women and men in public. Other measures incldue women only parks and taxis.
Agence France-Press, Saleswomen only in Iran women's clothing shops: report, 7 March 2009
Via http://news.yahoo.com/s/afp/20090307/lf_afp/iranwomenclothing
Date accessed 12 March 2009

23 February — Three men have been hanged for murder in Tehran's Evin Prison. Evin Prison was built by the Shah's regime as a modern security prison to house political dissidents but has become the site of thousands of political executions with Ward 209 exclusively set aside for political prisoners.
Iran Focus, Three men hanged in Iran's Evin Prison, 23 February 2009
http://www.iranfocus.com/en/special-wire/three-men-hanged-in-irans-evin-prison-17240.html
Date accessed 12 March 2009

22 February — News article on the treatment of Jews in Iran. Though there is some hostility "the reality of Iranian civility toward Jews tells us more about Iran - its sophistication and culture - than all the inflammatory rhetoric."
International Herald Tribune, Cohen: What Iran's Jews say, 22 February 2009
http://www.myantiwar.org/view/173335.html
Date accessed 12 March 2009

21 February — Iranian authorities have blocked two websites promoting the presidential bid of reformist candidate Mohammed Khatami.
CBS News, Iran Blocks Web Sites Promoting Reformist, 21 February 2009
http://www.cbsnews.com/stories/2009/02/21/world/main4817728.shtml?source=RSSattr=SciTech_4817728
Date accessed 12 March 2009

17 February — An Iranian court has charged seven members of the outlawed Baha'i sect with crimes including spying for foreigners.
Thaindian News, Seven Baha'is charged with espionage in Iran, 17 February 2009
http://www.thaindian.com/newsportal/uncategorized/seven-bahais-charged-with-espionage-in-iran_100156360.html
Date accessed 12 March 2009

17 February — A man has been hanged for murder in the city of Bushehr, south-western Iran.
Iran Focus, Man hanged in south-western Iran, 17 February 2009

The main text of this COI Report contains the most up to date publicly available information as at 1 February 2009. Further brief information on recent events and reports has been provided in the Latest News section to 16 March 2009.

http://www.iranfocus.com/en/special-wire/man-hanged-in-south-western-iran-17189.html
Date accessed 12 March 2009

9 February — Three men have been hanged for murder in the city of Kermanshah, western Iran.
Iran Focus, Three men hanged in western Iran, 9 February 2009
http://www.iranfocus.com/en/special-wire/three-men-hanged-in-western-iran-17142.html
Date accessed 12 March 2009

9 February — Former reformist Iranian president Mohammad Khatami has said he will run for the presidency again in June's election.
ABC News, Former Iran president Khatami to run again, 9 February 2009
http://www.abc.net.au/news/stories/2009/02/09/2485937.htm
Date accessed 12 March 2009

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REPORTS ON IRAN PUBLISHED OR ACCESSED BETWEEN 2 FEBRUARY 2009 AND 16 MARCH 2009

Refugees International, Nationality Rights for All, March 2009
http://www.refugeesinternational.org/sites/default/files/RI%20Stateless%20Report_FINAL_031109.pdf
Date accessed 12 March 2009

Amnesty International, Challenging Repression: Human Rights Defenders in the Middle East and North Africa, 11 March 2009
Via http://www.unhcr.org/refworld/docid/49b8d9662.html
Date accessed 12 March 2009

United States State Department Country Report on Human Rights Practices 2008, Iran, released on 25 February 2009
http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119115.htm
Date accessed 16 March 2009

Committee to Protect Journalists, Attacks on the Press in 2008: Iran, released 10 February 2009
http://cpj.org/2009/02/attacks-on-the-press-in-2008-iran.php
Date accessed 12 February 2009

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Background information

1. GEOGRAPHY

1.01 "The Islamic Republic of Iran lies in western Asia, bordered by Azerbaijan and Turkmenistan to the north, by Turkey and Iraq to the west, by the Persian (Arabian) Gulf and the Gulf of Oman to the south, and by Pakistan and Afghanistan to the east." (Europa, accessed 8 December 2008) **[1a] (Location, Climate, Language, Religion, Flag, Capital)** It has an area of 1.6 million square km. (636,295 square miles). (US State Department (USSD) Background Note, March 2008) **[4u] (Geography)** "The climate is one of great extremes. Summer temperatures of more than 55°C (131°F) have been recorded, but in the winter the great altitude of much of the country results in temperatures of −18°C (0°F) and below." **[1a] (Location, Climate, Language, Religion, Flag, Capital)** The capital city is Tehran, with an estimated population of 12 to 15 million. (FCO Country Profiles – Iran, 7 May 2008) **[26d]** The total population of Iran is an estimated 70.5 million (2007 estimate). **[4u] (People)**

1.02 The principal language is Persian (Farsi) spoken by about 50% of the population. Persian and Persian dialects are spoken by about fifty-eight per cent of the population. Twenty-six per cent of the population are Turkic-speaking, Kurdish nine per cent, Luri two per cent, Balochi one per cent, Arabic one per cent, Turkish one per cent and others two per cent. (USSD Background Note, March 2008) **[4u] (People)** (Europa, accessed 8 December 2008) **[1a] (Location, Climate, Language, Religion, Flag, Capital)** "The national flag (proportions four by seven) comprises three unequal horizontal stripes, of green, white and red, with the emblem of the Islamic Republic of Iran (the stylised word Allah) centrally positioned in red, and the inscription '*Allaho Akbar*' ('God is Great') written 11 times each in white Kufic script on the red and green stripes." **[1a] (Location, Climate, Language, Religion, Flag, Capital)**

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MAPS

Iran

1.03 Maps: http://www.un.org/Depts/Cartographic/map/profile/mideastr.pdf **[10al]**
http://www.un.org/Depts/Cartographic/map/profile/iran.pdf **[10am]**

Tehran

1.04 http://mappery.com/map-name/Tehran-Iran-Map **[131]**

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2. ECONOMY

2.01 "Pre-revolutionary Iran's economic development was rapid. Traditionally an agricultural society, by the 1970s Iran had achieved significant industrialization and economic modernization, helped in large part by the growing worldwide demand for oil. However, the pace of growth had slowed dramatically by 1978, just before the Islamic revolution. Since the fall of the Shah, economic recovery has proven elusive thanks to a combination of factors, including state interference in the economy and fluctuations in the global energy market. Economic activity was severely disrupted additionally by years of upheaval and uncertainty surrounding the revolution and the introduction of statist economic policies. These conditions were worsened by the war with Iraq and the decline in world oil prices beginning in late 1985. After the war with Iraq ended, the situation began to improve: Iran's GDP grew for two years running, partly from an oil windfall in 1990, and there was a substantial increase in imports. Iran's social policies during the Iran-Iraq war resulted in a baby boom. Nonetheless, Iran continues to suffer from 'brain drain' as its educated youth leave the country to pursue better economic opportunities." (US State Department (USSD) Background Note, March 2008) **[4u] (Economy)** "The structure and fate of the Iranian economy continues to be determined by its reliance on oil, as it has for most of the past 40 years. A crude oil producer since the first decade of the last century, Iran has passed through periods of boom and bust as oil prices have risen and fallen on the volatile international markets. As the recipient of crude revenue, the state became, and remains, the dominant economic actor. Over ambitious development plans following the price explosion of 1973 served to concentrate yet more power in the hands of the public sector, and the nationalisation of many large firms in the aftermath of the revolution, and restructuring for the war effort in the 1980s, compounded the process." (Economist Country Profile, 1 October 2008) **[24a] (p18-19)**

2.02 Figures quoted in the US State Department Background Note of March 2008 give the unemployment rate as 12.1 per cent, according to the Iranian Government. **[4u] (Economy)** The CIA Fact Book, updated on 18 December 2008, gives the unemployment rate as 12.5 per cent (according to an Iranian Government estimate of July 2008). **[44a] (Economy)** In its Country Report of December 2008, the Economist Intelligence Unit stated that: "Inflation reached 29.4% in the Iranian month ending September 22nd, up from an annual average of 17.1% in 2007, according to Bank Markazi. Anecdotal reports suggest that the prices of essential goods and services have risen sharply, and that import costs are growing. With fiscal policy likely to remain expansionary, concerns over inflation are set to persist over the outlook period, as the price of goods continues to climb. As a result, we estimate that inflation will have averaged 28% in 2008. However, with oil and non-oil commodity prices easing over the outlook period, we forecast that annual inflation will fall quite sharply to an average of 21.5% in 2009 and 18% in 2010." **[24d]** RFE/RL reported on 12 October 2007 that: "On October 7, the state-run Iran Statistics Center published a report saying the national jobless rate has fallen to 9.9 percent. While government supporters see the news as reflecting favorably on the government, whose economic performance has faced criticism from both conservatives and reformists, others question the figure or its significance, saying it might not reflect the realities of Iran's job market." **[42ad]**

2.03 Moreover, according to an article in the Asia Times dated 28 May 2004:

"Prior to taking on a higher political profile, the Revolutionary Guard established itself as an economic force in the country, launching a vast array of financial and economic enterprises. In large part, the businesses were seen as needed to finance Revolutionary Guard security programs. At the same time, the ventures were intended to build the Guard's independence." **[46b]**

2.04 According to a BBC News report of 26 May 2005, the World Trade Organisation agreed to allow Iran to begin membership talks after the US lifted its nine-year opposition to Tehran joining the body. However, WTO officials could not say how long it would take for Iran, a major oil exporter, to become a member. **[21w]**

2.05 It was reported by Radio Free Europe/Radio Liberty (RFERL) on 28 June 2005 that: "The United States recently dropped its objections to Iran's accession negotiations with the World Trade Organization (WTO), and a nine-year-old membership application was approved by WTO members on 26 May. Iran's ambassador in Geneva, Mohammad Reza Alborzi, may now attend WTO meetings, representing Iran pursuant to observer status that could last for years before full membership is granted." **[42e] (p1)**

2.06 In a public information notice of 18 July 2008, the IMF said:

"Iran's growth performance has been robust in recent years, benefiting from high oil prices, regional growth, and a strong policy stimulus. Real GDP growth is estimated to have increased from 6.2 percent in 2006/07 (Iranian fiscal year starts on March 21) to 6.6 percent in 2007/08, with real non-oil GDP growth estimated at 7.3 percent, on account of buoyant domestic demand and increased government support for the priority sectors. Real oil GDP is estimated to have increased by about 1 percent, as production capacity was constrained by insufficient investment. Unemployment declined slightly to 9.8 percent in the year to December 2007."

The public information notice continued:

"Inflation rose to 24.2 percent in April 2008, from 16.8 percent in April 2007. A significant increase in inflation excluding food and energy suggests strong underlying domestic demand pressures. Higher import prices constituted an additional cost-push factor." **[45a]**

2.07 According to the World Bank, as of September 2006, it had financed 48 operations in the country for a total original commitment of US$3,413 million **[36a]** and explained its involvement thus:

"The overarching objective of the World Bank's partnership with Iran is to support the country's economic transition and structural reform agenda towards a more open economy, sustainable growth with improved income distribution. [The] Bank's analytical work focuses on sectoral reform strategies, public expenditure reform and on an integrated reform of Iran's oversized, inefficient and untargeted subsidies system to reach its objectives of growth and social justice.

"The Iran lending portfolio consists of nine active operations – Tehran Sewerage Project, Second Primary Health Care and Nutrition Project, Environmental Management, Earthquake Emergency Project, the Ahwaz and Shiraz Water Supply and Sanitation Project, and the Urban Upgrading and Housing Reform Project, Bam Earthquake Recovery, Alborz Integrated Land and Water Management, and Northern Cities Water and Sanitation, for a total commitment of US$1,355 million." **[36b]**

2.08 According to Europa, accessed 8 December 2008:

"The crisis in Iran's relations with many Western nations as a result of its ongoing nuclear programme - which during 2006-08 resulted in the imposition by the UN of steadily tighter economic and technological sanctions - had the effect of drastically reducing foreign investment and removing many sources of financing for vital petroleum projects." **[1a] (Economic Affairs)**

Further:

"The Third Five-Year Development Plan (2000–05) allowed for the private ownership of banks for the first time since the Revolution. The Fourth Five-Year Development Plan (FoFYDP), which took effect in March 2005 under former President Muhammad Khatami, emphasized job creation, privatization and the encouragement of competition and foreign investment. 'Conservatives' attacked the 'reformist' FoFYDP as being hostile to the constitutional goals of social justice and national independence, asserting that it would lead to wealth concentration among certain interest groups, although in October 2004 the Expediency Council had revoked articles in the Constitution advocating a state monopoly of the economy. The future of the economic policies embodied by the FoFYDP was rendered uncertain by the election to the presidency in June 2005 of 'hardliner' Mahmoud Ahmadinejad, whose campaign had focused on wealth distribution and greater state control over the economy; nevertheless, the new Government emphasized its commitment to implementing the FoFYDP. Iranian budgets have since included considerable increases in public spending, despite concerns that this could aggravate Iran's already high rate of inflation. During 2006–07 there was evidence of growing dissatisfaction with the administration's management of the economy: the introduction of a new minimum wage in 2006 had resulted in a large number of redundancies and significant levels of industrial unrest, while it was claimed that many of the President's pre-election pledges had not been met. It was hoped that the introduction in March 2008 of the `justice shares' scheme - according to which low-income households were to be allocated stocks in Iran's state-owned companies - would redistribute wealth and reduce levels of poverty." **[1a] (Economic Affairs)**

2.09 In its country profile of Iran dated May 2008 the Library of Congress - Federal Research Division reported that:

"In 2007 Iran's labor force totaled 28.7 million. An estimated 14 percent of the labor force was unemployed; the unemployment rate was much higher among younger workers. Underemployment also was common. The Fourth Economic Development Plan, which began in 2005, aimed to create 700,000 new jobs per year, but unemployment remained unchanged during the first year of that plan. Skilled labor has been in short supply. In 2007 about 45 percent of the labor force was employed in services, 31 percent in industry, and 25 percent

in agriculture. In 2005 the minimum wage was about US$120 per month. That level provoked substantial labor unrest in 2005." **[79a]**

2.10 According to the World Bank Country Brief of September 2006:

"Iran has a comprehensive social protection system with some 28 social insurance, social assistance, and disaster relief programs benefiting large segments of the population. These programs include training and job-search assistance, health and unemployment insurance, disability, old-age and survivorship pensions, and in kind- or in-kind [sic] transfers including subsidies (e.g., housing, food, energy), rehabilitation and other social services (e.g., long-term care services for the elderly), and even marriage and burial assistance. Despite significant achievements in human development and poverty reduction, serious challenges to growth call for reform. While labor-market pressures continue to increase because of demographic dynamics and increased participation of women in the labor force, Iran's economy is still unable to generate enough needed jobs to absorb the new flows into the labor market and at the same time reduce unemployment extensively." **[36b] (p1)**

2.11 In a sign that there is growing concern within Iran on the government's handling of the economy, on 19 January 2007 RFE/RL reported that:

"More than half of the 290 lawmakers in Iran's parliament have backed a letter assailing President Mahmud Ahmadinejad's budget preparations. In it, they attack his government for failing to present a budget on time and warn that it must be realistic in its basic assumptions.

"The letter comes amid growing criticism of Ahmadinejad's economic and international policies, including an indirect rebuke from Iranian Supreme Leader Ayatollah Ali Khamenei … More than half of the members of the conservative-dominated parliament have criticized government spending and a perceived over-reliance on oil revenues. Critics have cautioned that reserves from oil earnings are in poor shape and that the falling price of oil is worrying.

"Legislators have also argued that the government must reexamine its economic policies and management - which many blame for a surge in inflation and a failure to reduce unemployment." **[42q] (p1)**

2.12 In their Country Profile of October 2008 the Economist Intelligence Unit reported that: "A cautious privatisation process was also initiated [at the start of 2000/01], and sectors of the economy previously restricted to state control have been opened to the private sector. This includes banking, with the first private banks (since all financial institutions were nationalised after the revolution) starting operations in 2002." **[24a] (p20-21)**

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SANCTIONS

2.13 According to the US Energy Information Administration in October 2007:

"U.S. sanctions against Iran due to Iran's historic support for international terrorism and its actions against non-belligerent shipping in the Persian Gulf

impact the development of its petroleum sector. According to the Iran Transactions Regulations, administered by the U.S. Department of Treasury's Office of Foreign Assets Control (OFAC), U.S. persons may not directly or indirectly trade, finance, or facilitate any goods, services or technology going to or from Iran, including goods, services or technology that would benefit the Iranian oil industry. U.S. persons are also prohibited from entering into or approving any contract that includes the supervision, management or financing of the development of petroleum resources located in Iran." **[82a]**

2.14 Further sanctions were imposed as a result of Iran's pursuit of nuclear energy in August 2006: "The UN Security Council passes Resolution 1696, which threatens economic sanctions against Iran, after the Islamic Republic fails to respond definitively to a compromise from the '5+1' group (the five permanent members of the Security Council plus Germany) allowing it to conduct part of the nuclear fuel cycle incountry, in return for re-suspending uranium enrichment." (The Economist Intelligence Unit Country Profile, 1 October 2008) **[24a] (p14)** In December 2006 "The Security Council passes Resolution 1737 introducing limited sanctions and imposing a 60-day deadline for Iran to suspend all its activities related to nuclear enrichment. The significance of the resolution lies in the fact that it is the first to introduce any form of economic sanctions affecting Iran's nuclear and missile programme." (The Economist Intelligence Unit Country Profile, 1 October 2008) **[24a] (p14)**

2.15 In March 2007, "A second round of sanctions is agreed by the Security Council following a unanimous vote in support of Resolution 1747, which seeks to block Iranian arms exports and to tighten the last set of sanctions against the Islamic Republic's nuclear industry. Iran is given another 60-day deadline to comply with the resolution to suspend uranium enrichment or face further punitive measures." (The Economist Intelligence Unit Country Profile, 1 October 2008) **[24a] (p14)** And in March 2008: "The Security Council passes a third set of sanctions against Iran for the latter's continued violation of demands to suspend uranium-enrichment activities. Resolution 1803 includes an outright travel ban on Iranian officials engaged in its nuclear and missile programmes and extends a list of Iranian nationals subject to an assets freeze." (The Economist Intelligence Unit Country Profile, 1 October 2008) **[24a] (p14-15)** A BBC Article dated 4 March 2008 added that this third sanctions resolution called for the foreign assets of thirteen Iranian companies to be frozen, and imposed travel bans on five Iranian officials. It also banned the sale to Iran of 'dual-use' items which can have either a military or civilian purpose. **[21b]**

2.16 In September 2008: "The US tightens unilateral sanctions against Iran, this time targeting the country's main shipping company and international businesses trading with Iran. Meanwhile, the UN nuclear watchdog, the International Atomic Energy Agency, releases its latest report into Iran's nuclear programme, saying that the latter was once again not cooperating with the agency's investigations into possible nuclear weapons work, while expanding its enrichment activities." (The Economist Intelligence Unit Country Profile, 1 October 2008) **[24a] (p15)**

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3. HISTORY

3.01 The ancient nation of Iran, historically known to the West as Persia until 1935, and once a major empire in its own right, has been overrun frequently and has had its territory altered throughout the centuries. It was invaded by Arabs in the seventh century, followed by invasions by the Seljuk Turks and Mongols, and was often caught up in the affairs of larger powers. However, Iran has always reasserted its national identity and has developed as a distinct political and cultural entity. (Europa, accessed 8 December 2008) **[1a] (Recent History)** (USSD Background Note, March 2008) **[4u] (History)**

CALENDAR

3.02 "The Iranian calendar (also known as Persian calendar or the Jalali Calendar) is a solar calendar currently used in Iran and Afghanistan. It is observation-based, rather than rule-based, beginning each year on the vernal equinox as precisely determined by astronomical observations from Tehran." (Iran Chamber Society, accessed 6 February 2009) **[58]** "The Iranian year begins on March 21st, and contains 31 days in each of the first six months, 30 days in the next five months and 29 in the 12th month (30 in every fourth year). The system relates to the Prophet Mohammed's flight from Mecca in 622 AD, but, unlike the Islamic calendar, follows solar years. The Gregorian equivalent can be found by adding 621 years to the Iranian date. The Iranian year 1387 began on March 21st 2008." (Economist Intelligence Unit Country Profile, 1 October 2008) **[24a] (p2)**

To convert dates between the Iranian and the Gregorian calendar, please follow the link provided: http://www.iranchamber.com/calendar/converter/iranian_calendar_converter.php **[58]**

PRE 1979

3.03 "Modern Iranian history began with a nationalist uprising against the Shah in 1905 and the establishment of a limited constitutional monarchy in 1906. The discovery of oil in 1908 would later become a key factor in Iranian history and development. In 1921, Reza Khan, an Iranian officer of the Persian Cossack Brigade, seized control of the government. In 1925, having ousted the Qajar dynasty, he made himself Shah and established the Pahlavi dynasty, ruling as Reza Shah for almost 16 years. Reza Shah forcibly enacted policies of modernization and secularization in Iran, and the central government reasserted its authority over the tribes and provinces. During World War Two the Allies feared the monarch's close relations with Nazi Germany. In September 1941, following the occupation of western Iran by the Soviet Union and the United Kingdom, Reza Shah was forced to abdicate. His son, Mohammad Reza Pahlavi, became Shah and would rule until 1979." (USSD Background Note, March 2008) **[4u] (History)**

3.04 "In 1978, domestic turmoil turned to revolution as a result of religious and political opposition to the Shah's rule, including abuses committed by SAVAK, the hated internal security and intelligence service. The revolution was comprised of several groups, including nationalists, Islamists, Marxists, and others who came together to oppose the Shah." (USSD Background Note,

March 2008) **[4u] (History)** By late 1978 anti-Government protests, demonstrations and strikes were widespread, involving both left-wing and liberal opponents of the Shah, and Islamist activists. The most effective opposition came from supporters of Ayatollah Khomeini, a fundamentalist Shi'ite Muslim leader strongly opposed to the Shah, who was exiled in 1964 for his opposition activities and was by this time based in France. (Europa, accessed 8 December 2008) **[1a] (Recent History)**

1979 TO 1999

3.05 "The growing unrest forced the Shah to leave Iran in January 1979. Khomeini arrived in Tehran on 1 February and effectively assumed power 10 days later. A 15-member Islamic Revolutionary Council was formed to govern the country, in co-operation with a Provisional Government, and on 1 April Iran was declared an Islamic republic. Supreme authority was vested in the *Wali Faqih* [or *Veli-ye Faqih*, literarily rule by an "Islamic legal expert"], a religious leader [who, in the absence of the Imam Mehdi, the hidden Twelfth Imam, carries the burden of leadership]." This was initially Khomeini but in December 1982, elections were held to appoint the Council of Experts or *Majlis-e Khobregan*, 86 Shi'ite clerics who serve an eight year term and choose successive Supreme Leaders. Following the resignation of the Provisional Government in 1980, the 1981 dismissal of the President and the assassination of the successive President and Prime Minister, in October 1981, a further presidential election was won by Hojatoleslam Ali Khamenei and Mir Hussein Moussavi was appointed Prime Minister. (Europa, accessed 8 December 2008) **[1a] (Recent History)**

3.06 In September 1980 Iraq invaded Iran to assert a claim over the disputed Shatt al-Arab waterway, apparently anticipating a rapid military victory. Iranian forces displayed strong resistance and counter-attacked in early 1982, developing the war into a long conflict of attrition until a ceasefire came into effect in August 1988. Peace negotiations became deadlocked in disputes regarding the Shatt al-Arab waterway, the exchange of prisoners of war, and the withdrawal of armed forces to within international boundaries. The process received a boost when Saddam Hussein, President of Iraq, sought formal peace with Iran in the run up to the Gulf War, with the restoration of diplomatic relations in September 1990. (Europa, accessed 8 December 2008) **[1a] (Recent History)**

3.07 Ayatollah Khomeini died on 3 June 1989 and was replaced as *Wali Faqih* by President Ali Khamenei who was quickly elevated to the clerical rank of Ayatollah in order to satisfy the constitutional demands of the position. Ali Akbar Hashemi Rafsanjani easily won the presidential election in July 1989, opposed only by a 'token' candidate. At the same time, voters in a referendum supported proposed amendments to the Constitution, the most important of which was the abolition of the post of Prime Minister, and a consequent increase in power for the President. (Europa, accessed 8 December 2008) **[1a] (Recent History)**

3.08 According to the US Library of Congress Federal Research Division (LOC/FRD) report of May 2008:

"During the presidency of Ali Akbar Hashemi Rafsanjani (1989–97), reformists controlled a majority of seats in parliament until 1992 and supported

Rafsanjani's policies for economic reform and the normalization of relations with neighboring countries. The conservatives won a majority of seats in both the 1992 and 1996 parliamentary elections and subsequently used their position in the legislature to weaken or stop outright many reforms proposed by the Rafsanjani government. The administrations of Rafsanjani's successor, Mohammad Khatami (in office 1997–2005), encountered the same resistance. Reformists won a majority of seats in the 2000 parliamentary elections and then enacted several notable pieces of reform legislation in the ensuing term. Having lost control of the parliament, conservatives tried to use their influence in the judiciary and bureaucracy to impede reforms they perceived as threatening their positions. Conservatives regained control of the parliament in the 2004 elections." **[79a]**

3.09 After a second term, Rafsanjani was succeeded, in 1997, by Sayed Muhammad Khatami. (Europa, accessed 8 December 2008) **[1a] (Recent History)** In March 1997 he was appointed Chairman of the Council to Determine the Expediency of the Islamic Order (which arbitrates in disputes between the Majlis and the Council of Guardians), the upper house of the legislative process, for a five-year term and thus continuing his influential role in political life. **[1a] (Recent History)**

3.10 In August 1997, President Sayed Muhammad Khatami, regarded as a 'liberal', and supported by the Servants of Iran's Construction, intellectuals, professionals, women's and youth groups, was inaugurated following a landslide victory in elections held in May. (Europa, accessed 8 December 2008) **[1a] (Recent History)** During the campaign, a lively debate on political, economic and social issues occurred. There was considerable government intervention and censorship, with candidates disqualified and the intimidation of opposition campaigners by the encouragement of vigilante groups. Ayatollah Khamenei, in a break with precedent, backed one candidate, Majlis Speaker Ali Akbar Nateq-Nuri. Nonetheless, Khatami's election victory, with nearly 70 per cent of the vote, was not disputed and the regime apparently did not engage in election fraud. Khatami's election appeared to demonstrate a strong desire among his supporters, primarily women, youth and the middle class, for greater social and cultural freedom and increased economic opportunity. (USSD, January 1998) **[4b] (p2)**

3.11 "Under his [Khatami's] administration, more than 200 independent newspapers and magazines representing a diverse array of viewpoints were established, and the authorities relaxed the enforcement of restrictions on social interaction between the sexes. Reformists won 80 percent of the seats in the country's first nationwide municipal elections in 1999 and took the vast majority of seats in parliamentary elections the following year." (FH, 2008) **[112c]** As president from 1997 to 2005, Khatami was known for promoting political openness, press freedom, and reducing tensions with the United States. (RFE/RL, 13 March 2008) **[42aj]** Ayatollah Khamenei, meanwhile, continued to denounce the West's military and cultural ambitions, particularly those of the USA and Israel. The divergent messages between the two men were interpreted by Western commentators as indicative of the conflict between Iran's 'moderate' and 'conservative' factions. (Europa, accessed 8 December 2008) **[1a] (Recent History)**

3.12 Ayatollah Hussein Ali Montazeri questioned the unaccountable rule exercised by the supreme leader. He said Ayatollah Khamenei had overstepped his

authority, and should submit himself to popular elections, curtail his power, and be accountable and open to public criticism for his actions. He also suggested that the Islamic republican constitution, of which he was a leading author, should be changed to give the reformist figurehead President Mohammad Khatami control over the military and security forces. Iran's conservative media stripped Mr Montazeri of his religious title of Grand Ayatollah, describing him as a 'simple-minded' cleric and he was placed under house arrest in the holy city of Qom. He was released five years later in January 2003. (BBC News, 30 January 2003) **[21cy]**

3.13 Britain and Iran resumed full diplomatic relations at ambassadorial level in 1999 after a long break following the overthrow of the shah in the 1979 Islamic revolution. (BBC News, 24 September 2002) **[21y]**

3.14 President Khatami's attempts to introduce reform continued to meet resistance. The issue of press censorship increasingly became a focus of rivalry between conservatives and reformists. (Europa, accessed 8 December 2008) **[1a] (Recent History)** These tensions erupted into violence. "In July [1999], the closure of Salam, a 'reformist' newspaper with close links to President Khatami, triggered a small demonstration by students at the University of Tehran, which was dispersed with considerable violence by police." The rally ended in clashes with hard-line vigilantes of the Ansar-e Hezbollah group. Police, who reportedly stood by during the clashes, raided the dormitories with excessive force. There were reports that students were thrown from windows. Student leaders were arrested in the early hours of the following day. The authorities later stated that one student had been killed. **[1a] (Recent History)** The demonstrations and sit-ins continued for six days and spread to other major cities. On 11 July, at least 10,000 students took part in a street protest in Tehran, and were attacked by Ansar-e Hezbollah members armed with clubs. Police in the city centre fired tear gas and shots into the air to disperse the crowd. 1,400 to 1,500 students were detained in the wake of the student protests. (USSD, February 2000) **[4g] (p6)** (the *Independent*, 13 July 1999) **[18a]**

3.15 "Within a year both the national and the Tehran chiefs of police had been dismissed, while as many as 100 police officers had been arrested for their role in the campus raid. In July 2000 the former Tehran chief of police and 17 co-defendants were acquitted on charges arising from the police invasion of student dormitories, but two police officers received custodial sentences, having been convicted on relatively minor charges. Of the student demonstrators tried for alleged crimes relating to the unrest, four suspected leaders had their initial death sentences commuted to 15 years' imprisonment in April 2000, 45 were given custodial terms, and another 20 were acquitted." (Europa, accessed 8 December 2008) **[1a] (Recent History)**

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2000 TO DATE

3.16 "The 2000 parliamentary elections prompted a backlash by hard-line clerics that continued through 2006. Over the four years after the polls, the conservative judiciary closed more than 100 reformist newspapers and jailed hundreds of liberal journalists and activists, while security forces cracked down on the ensuing student protests. Significant political and economic

reforms were overwhelmingly approved by the parliament only to be vetoed by the Council of Guardians." (FH, 2008) **[112c]**

3.17 In August 2000, two leading reform intellectuals, Mohsen Kadivar and Abdul Karim Soroush were prevented by semi-official club and knife-wielding vigilantes from addressing a student convention in Khorramabad. Subsequent clashes between students and vigilantes resulted in the death of a police officer and injuries. The authorities arrested 150 people. (USSD, February 2001) **[4h]**

3.18 In November 2000, investigative journalist Akbar Ganji went on trial for statements he allegedly made during an April conference in Berlin on Iranian politics. He was arrested in April upon his return to Iran and held over the next six months with long periods in solitary confinement. Ganji told the court that he was beaten and tortured in prison. Ganji previously had written articles implicating former President Rafsanjani in a series of murders of dissidents and intellectuals apparently carried out by security forces. (USSD, February 2001) **[4h]**

3.19 Iran strongly condemned the terrorist attacks of 11 September 2001 but also ruled out allowing the US to use its airspace in any attack on bin Laden. (CNN.com, 25 September 2001) **[14r]** Iran however, publicly condemned the bombing of Afghanistan by the United States on 8 October 2001 but behind the scenes, had pledged limited cooperation with the US. (RFE/RL, 22 October 2001) **[42am]**

3.20 Despite being re-elected with 78 per cent of the vote in 2001, Khatami did not challenge the conservative clerics. He ignored recurrent pleas by reformist lawmakers to call a referendum to approve vetoed reform legislation, and repeatedly implored citizens to refrain from demonstrating in public. Within the broader reform movement, Khatami was accused of serving as a democratic façade for an oppressive regime. Many Iranians abandoned hopes for government-led reform, and a record-low turnout for the 2003 municipal elections resulted in a landslide victory by hard-liners. (FH, 2008) **[112c]**

3.21 Early in 2002 relations deteriorated rapidly with the USA when the President, in his State of the Union address, referred to Iran as forming, together with Iraq and the Democratic People's Republic of Korea, an 'axis of evil', explicitly accusing Iran of aggressively pursuing the development of weapons of mass destruction and of 'exporting terror'. (Europa, accesed 8 December 2008) **[1a] (Recent History)** These remarks were denounced in the strongest terms by the Iranian leadership, with President Khatami accusing his US counterpart of 'warmongering'. **[1a] (Recent History)**

3.22 In September 2002, Iran accepted Britain's nomination for their new ambassador to Iran, ending an eight-month dispute caused by Iran's rejection of the previous candidate following his description in conservative Iranian newspapers as a Jewish Zionist and a spy. (BBC News, 24 September 2002) **[21y]**

3.23 In September 2002, President Khatami presented new bills to parliament designed to override obstacles to his reform agenda. One new bill sought to increase the president's power to issue warnings when state institutions exceeded their constitutional functions. President Khatami had issued

numerous such warnings over the years to protest against the arbitrary closures of newspapers or the jailing of his supporters, but his warnings had been ignored. The bill was accompanied by another designed to curb the powers of the Guardians Council to veto electoral candidates. By the end of the year, the bills had passed through Parliament easily, but their endorsement by the Guardians Council was unlikely and on 1 April 2003 the electoral bill was sent back to the Majlis for further amendment. (BBC News, 2 April 2003) **[21ax]** By 9 June 2003 the twin bills had been referred to the Guardian Council and had been rejected yet again. (Asia Times Online, 5 June 2003) **[46a]** President Khatami stated that he would not be referring the bills to the Expediency Council, the next part of the political process but recognised as being circuitous in this case, and expressed the hope that the dispute between the Majlis and the Guardian Council be resolved before the next Majlis elections (due in 2004). (BBC News, 13 August 2003) **[21bo]**

3.24 "Popular dissatisfaction with the reformists' failures, coupled with the Council of Guardians' rejection of the candidacies of most reformist politicians, allowed hard-liners to triumph in the February 2004 parliamentary elections. Emboldened by the victory, the clerical establishment quickly moved to further restrict public freedom. Several major reformist newspapers were closed, dozens of journalists and civil society activists were arrested, and the authorities attacked the country's last refuge of free expression – the internet.

"The June 2005 presidential election swept away the last bastion of reformist political power. While the Council of Guardians ensured a reactionary outcome by rejecting the candidacies of popular reformers, the victory of Tehran mayor Mahmoud Ahmadinejad over other approved candidates in a two-round election reflected popular desires for change. The son of a blacksmith, Ahmadinejad dressed modestly and lived in a working-class neighborhood. As Iran's first nonclerical president in more than two decades, he campaigned on promises to fight elite corruption and redistribute Iran's oil wealth to the poor and middle class." (Freedom House, 2 July 2008) **[112c]**

See also Presidential Elections – June 2005.

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STUDENT UNREST

3.25 According to an Immigration and Refugee Board of Canada (CIRB) report of July 2000, it had been reported that some persons, including non-students, were, at that time, still in danger of arrest because of their involvement in the student demonstrations of July 1999 and that police used published photographs and film to identify participants in these demonstrations. It was further stated that it was possible that persons involved with the July 1999 demonstrations could still be arrested. However, it was also stated that, if they were arrested, they would likely be charged with something else, such as a drug offence, rather than on the grounds of their involvement in the July 1999 demonstrations. **[2v]**

3.26 Another CIRB report of August 2001 stated that:

"On 12 December 2000, according to a report by the Iranian Student's News Agency (ISNA), carried by the Islamic Republic News Agency (IRNA), five people, including two students, held in connection with the events of July 1999 in Tabriz, were released (IRNA 14 December 2000). The article stated that this was the last group of students held in connection with the events of July 1999 in Tabriz and that they were given amnesty by the Supreme Leader of the Islamic Revolution, Seyyed Ali Khamene'i." **[2w]**

This has been contradicted, however, in a written intervention from the International Federation for Human Rights (FIDH) to the 61st Session of UNCHR on 11 February 2005 where it is stated that:

"Several tens of students are still in prison in connection with the protests of 1999; this is notably the case of Ahmad Batebi, Manoutchehr Mohammadi, Mehrdad Lohrasbi, Akbar Mohammadi, Farzad Hamidi, and Peyman Piran. Heshmattolah Tabarzadi, responsible of a students' association, in jail since more than one year, was condemned to 14 years in prison in January 2005. Bina Darab-Zand, another student, was condemned in October 2004 to three years and a half in prison. After they protested against their conditions of detention, a number of them were transferred to the Karaj prison, 40 km from Tehran." **[56d] (p1)**

3.27 According to the June 2004 Human Rights Watch Report, 'Like the Dead in Their Coffins':

"The current pressure for democratic reform in Iran changed dramatically after the student protests at Tehran University in 1999, protests that marked the beginning of the contemporary student movement. The protests began over the closure of the well known newspaper Salam. Black-clad thugs attacked the students, beating many and killing at least one student. President Khatami called for an investigation and trial of those responsible, but no convictions were ever returned. Every year on the anniversary of the 1999 event, students have gathered at Tehran University and other major campuses throughout the country. The date has been a flashpoint for violence and tension, and as recently as July 2003 the authorities have tried to keep large crowds from gathering at the university campus in Tehran." **[8j] (p32)**

3.28 Thousands of Iranians took to the streets on 10/11 June 2003 and again on the following ten nights. Ostensibly they were protesting against draft proposals to privatise universities in Iran. They were joined by local residents and the demonstration reportedly escalated and became increasingly politicised, with slogans being chanted against political leaders. Militant supporters of religious leaders opposed to social reform began to attack the demonstrators and police rapidly intervened to end the clashes. As the demonstrations grew over the following nights, Tehran's Special Forces (Nirou-ye Vijeh) were deployed to disperse demonstrators. There were reports, however, that the Special Forces permitted some militants to attack peaceful demonstrators and that in certain instances excessive force may have been used to break up the demonstrations. Some demonstrators were reportedly attacked by unknown individuals on motorcycles wielding iron bars. (Amnesty International, 26 June 2003) **[9w]**

3.29 The demonstrations were part of countrywide unrest which began on 11 June 2003 and lasted for ten days. Hundreds of people were reportedly arrested

and according to a statement made by the head of the Tehran Justice Department, Abbas Ali Alizadeh on 24 June "the judiciary is intent on dealing firmly with the main perpetrators." **[9w]** A total of around 4,000 people were reportedly arrested, up to 2,000 of whom were still held in mid-July. At least 65 were charged, but the charges were not been made public. (Amnesty International, August 2003) **[9x]**

3.30 Few students were reported among those arrested during the clashes which indicated that the dissent was by no means confined to the campuses where the trouble began. Many of those taking part in the protests, which later took the form of horn-sounding in traffic jams, were ordinary people, often families, who wanted to register their dismay that so little of the change they have been voting for since 1997 has been brought about. (BBC News, 22 June 2003) **[21bi]**

3.31 About 4,000 people were arrested all over the country before and after the protests. Although many of those have since been released, there are still scores of students behind bars. (BBC News, 7 August 2003) **[21bj]** Some of these have been in prison since they were arrested as a result of similar disturbances in 1999, 2000 and 2001. For the moment however, it appears that the various students' organisations can go about their business unperturbed. There has been a certain depoliticisation of the student population. Students are losing interest because the political situation is not changing, and the centre of gravity of their activities has shifted towards cultural and social initiatives. (CEDOCA Mission report, 16 May-6 July 2002) **[43] (p17)**

3.32 According to the International Federation of Human Rights in a note dated October 2005:

"Abbas Deldar have been [sic] condemned to 15 years in prison; Javid Tehrani, condemned to seven years in prison and freed four years later, was re-arrested in June 2004. Peyman Piran (condemned to ten years in prison) and his father, Mostafa Piran (condemned to 18 months in prison) are detained since more than a year.

"Akbar Mohammadi (condemned to 14 years in prison), his brother, Manoutchehr Mohammadi (condemned to 13 years in prison), and Ahmad Batebi (condemned to 15 years in prison) have been freed after seven years of detention for health reasons but might be sent back in prison [sic] at any moment, notably if they communicate with the media. The same is true of Amir-Abbas Fakhravar and Heshmattolah Tabarzadi. The latter, responsible of a students' association, had been condemned to 14 years in prison in January 2005 and was liberated for health reasons in August 2005.

"Bina Darab-Zand, another student, was condemned in October 2004 to three years and a half in prison and is currently detained.

"18 students were arrested in September and October 2005, arrests which were confirmed by the authorities. However, their name [sic] and the reason for their arrest were not disclosed." **[56e] (p3)**

3.33 Ahmad Batebi, given temporary release following an outcry from human rights groups skipped bail and went on the run. (*Scotland on Sunday*, 11 September 2005) **[40b]** However, according to the USSD report for 2007:

"In July 2006 authorities rearrested student activist Ahmad Batebi, who had been released from prison for medical treatment in 2005. Batebi was involved in the 1999 Tehran student protest, and his photo was published in several international news outlets. Subsequently, authorities sentenced Batebi to death in 1999, a sentence that was commuted to 15 years in prison. Batebi reportedly was severely beaten and harshly interrogated while in prison and consequently suffered from health problems. At year's end, Batebi remained imprisoned in Evin Prison." **[4t] (Section 1e)**

3.34 In a CIRB paper of 26 June 2006 it was reported that:

"The following information was provided during a 17 May 2006 telephone interview with a representative of the Student Movement Coordination Committee for Democracy in Iran (SMCCDI) based in Texas. The representative said that the situation of student activists in Iran has not improved in the last few years. The repression is 'harsher', and the current regime has become more 'intelligent' in how it deals with student activists. He also explained that students who have been pardoned are usually not 'genuine students' or they are students who support the Islamic regime because, according to him, genuine dissidents would not be pardoned (SMCCDI 17 May 2006). As for the burial of Iranian soldiers on university campuses, the representative explained that the authorities use this tactic 'to put pressure on students' and limit so-called 'dissident' activities by establishing the grounds as sacred and ensuring respect for the mourning of the buried soldiers (ibid.)." **[2ae] (p5)**

3.35 In a HRW report 'Iran, Denying the Right to Education', of 25 October 2006 it was recounted that:

"When the new academic year started in Iran in late September 2006, several graduate students learned that the government was barring them from registering to take up university places. Because of their political beliefs and opinions, and in blatant violation of its international human rights obligations, the Iranian government is denying these students the right of access to education. Other students were informed that to be allowed to register they must sign a 'commitment letter', making the taking up or retaining of their university places conditional on toeing the line politically.

"This development comes on the heels of a year-long official drive to punish student activists for political activities, beliefs, writings, and membership in student associations that are not officially endorsed. Several official organs within and outside of the universities have led a campaign against student activists, including university disciplinary committees, the Judiciary, the Ministry of Science, Research and Technology (SR&T Ministry), and the Ministry of Information. University supervision committees have also banned 19 student publications, and suspended or dissolved Islamic Students' Associations in 15 universities." **[8aa] (p1)**

3.36 Student activity and shows of dissent continued to erupt sporadically during 2007. RFE/RL reported on 9 July 2007 that:

"A number of students from Iran's main reformist student group have been detained in Iran, including six young Iranians from the Office to Foster Unity (Daftare Tahkim Vahdat) who were staging a picket today to protest the imprisonment of fellow students.

"The arrests come on the eighth anniversary of an attack by police forces and vigilantes on a university dormitory in Tehran that is regarded by some government critics as a symbol of continuing political repression." (RFE/RL, 9 July 20007) **[42s]**

3.37 Freedom House stated in their 2008 report:

"In July 2007, a group of students at Amir Kabir University held a sit-in that was broken up by security forces. Students were beaten by police and detained without charge. Student publications and groups, even student Islamic Associations, were shut down during the year. The Alumni Association of Iran was also raided by security officials, who arrested 10 members, ransacked their homes, and confiscated their belongings. In September, three leaders of the Office for the Consolidation of Unity, Iran's leading student organization, and five other students were charged with endangering national security and insulting Islam." **[112c]**

3.38 On 8 October 2007, RFE/RL reported that:

"Dozens of students chanting slogans against Iranian President Mahmud Ahmadinejad scuffled with his supporters on the campus of Tehran University today while the president spoke at the school …Before and during the president's speech, activists chanted 'Death to the dictator!' and other anti-Ahmadinejad slogans. Liberal-minded students accuse Ahmadinejad of clamping down on dissent on university campuses. In December [2006], a speech by Ahmadinejad at another university in Tehran was disrupted by students hurling firecrackers and burning his picture.

"Several students have also been expelled from school or have been blacklisted on official documents if they participated in student activities deemed by officials to be antigovernment." **[42t]**

3.39 On 8 November 2007, the public voice of Iran's largest pro-reform student group was detained in Tehran:

"The detention of Ali Nikunesbati, the spokesman for the Office for Strengthening Unity (Daftar-e Tahkim-e Vahdat), is the sixth of a student activist in the past 10 days in Tehran. His detention comes after another student leader, Ali Azizi, was detained on November 4 [2007]. Human rights advocates and student groups in Iran have expressed concern over what they describe as renewed government pressure on universities and student activists.

"In recent weeks, students in Tehran have staged at least three protests against the crackdown on academic institutions." (RFE/RL, November 8, 2007) **[42u]**

3.40 It was further reported:

"Student rallies began to gain momentum in early December [2007]. But they appear to be part of a wave of open dissent that began to build in earnest one year ago when - during a speech by Mahmud Ahmadinejad at Tehran University - students in the crowd burned photos of the president and chanted, 'Death to the dictator!' Similar, if less strident, rallies followed in May and October, with the authorities responding in each case by arresting activists.

"On December 4 [2007], some 250 students at Tehran University gathered to chant slogans such as 'Freedom and Equality!' and 'No to war!' About 20 were arrested and sent to Tehran's Evin prison. Several were released but others are still being held, students say. Similar protests spread the next day to the cities of Hamadan, Isfahan, Mazandaran, Shiraz, and Kerman, where students reportedly openly criticized Iran's disputed nuclear program." (RFE/RL, 9 December 2007) **[42v]**

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PARLIAMENTARY ELECTIONS – FEBRUARY 2004

3.41 "Iranians go to the polls on 20 February to elect a new parliament. Like previous elections, the battle is expected to be an ideological one between the elected reformists and the largely unelected hardliners who dominate the important institutions of the state.

"The reformists form a majority in the parliament and are led by President Mohammad Khatami, the hardliners control the judiciary, armed forces and constitutional oversight bodies such as the Council of Guardians. The hardliners, or conservatives, are led by Ayatollah Khamenei, who is the ultimate decision-maker and Supreme Leader. (BBC News, 3 February 2004) **[21cf]**

3.42 "The refusal by Iran's Guardian Council to approve hundreds of reformist candidates in the parliamentary elections on 20 February has provoked a political crisis. …

"This move is generally seen as part of the power struggle in Iran between the conservatives who want to maintain a strict Islamic approach and reformers, backed by the elected government, who want greater liberalisation.

"Reformers control the parliament, the Majlis, but under Iran's constitution, a series of appointed supervisory bodies have the ultimate say and these are in the hands of the conservatives.

"Iran is about to mark the 25th anniversary of the Islamic revolution which threw out the Shah. It may be that the conservatives felt that this was a good moment to try to prevent further domination of the parliament by reformers after the elections." (BBC News, 1 February 2004) **[21cg]**

3.43 Iran's religious conservatives swept to victory in the parliamentary poll, (EIU, 23 February 2004) **[24c]** making sweeping gains in the first round of the general election. They won 156 of the assembly's 290 seats with nearly 60 to be decided in a second round of voting (in May 2004). (BBC News,

25 February 2004) **[21ch]** According to an International Federation for Human Rights (FIDH) report of July 2004:

"The Conservatives won the legislative election on 20 February, victory which was confirmed at the second ballot which took place on 8 May 2004. The Conservatives now have 195 seats on [sic] 290 in the Parliament (Majlis). Reformists, who held 190 seats in the outgoing assembly, won around 40. The new parliament is effective since 27 May 2004." **[56c] (p5)**

3.44 Keesing's Record of World Events for August 2005 reported that:

"Mahmoud Ahmadi-Nejad, the ultra-conservative elected as President in June, was formally inaugurated on Aug. 3, replacing Seyyed Mohammed Khatami. On Aug. 14 President Ahmadi-Nejad introduced his Cabinet to the Majlis (the unicameral legislature) for approval. The Financial Times of Aug. 15 noted that his choice of candidates reflected 'a conservative shift in political and international priorities but continuity in economic policies'. The appointments indicated that the Ahmadi-Nejad administration intended to reverse the reforms in international, political, and cultural fields undertaken by former President Khatami." **[17a]**

See Annex C.

3.45 According to the Center for Contemporary Conflict (CCC) in an article of June 2004:

"The parliamentary election held on February 20, 2004 in Iran was a key turning point in that country's political evolution. The election marked the conclusive end of the campaign for political and social reform initiated by Mohammad Khatami after he was elected president in a landslide vote in May 1997. However, while it is clear that Khatami's efforts have failed, it is not clear what will come next. Although Khatami's Conservative opponents decisively won the election, they have little popular support and it remains uncertain whether they can govern effectively. Moreover, the radical wing of Khatami's Reformist movement remains intact and could present a strong challenge to the Conservatives in the future. Therefore, while the February election essentially marked the end of the Khatami era, Iran's future remains very uncertain." **[72a]**

3.46 As stated in the LOC/FRD report of March 2006: "Conservatives regained control of the parliament in the February 2004 elections." **[79a] (p3)**

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PRESIDENTIAL ELECTIONS – JUNE 2005

3.47 According to the CCC in a report dated August 2005:

"Close observers of Iran for several years had anticipated that the June 2005 election would produce major change. The pro-democracy reform movement that emerged with the May 1997 election of President Mohammad Khatami stalled after several years, weakened by continual attacks from its conservative opponents. Although the reformists managed to achieve

landslide victories in the 1999 municipal council elections, the 2000 parliamentary election, and the 2001 presidential election (when Khatami was re-elected), they were unable to use their control over these institutions to achieve significant change, either in domestic political conditions or in the economic and socio-cultural conditions that more directly affect common Iranians. As a result, the Iranian public became increasingly disillusioned with Khatami and his reformist allies. This was reflected in the 2003 municipal council elections and the 2004 parliamentary election, when reformist candidates were decisively defeated, amid sharply lower turnout. With Khatami unable to run for a third term, many observers believed that the reformists would suffer another defeat and turnout again would be low in the June 2005 election." **[72b] (p1)**

3.48 According to an Update Briefing from the International Crisis Group, dated 4 August 2005, "Over 1,000 people applied to run but the unelected Guardian Council approved only eight. Every female candidate was disqualified." It continued:

"Of the eight presidential candidates authorised to run by the twelve-member Guardian Council, Mahmoud Ahmadi-Nejad appeared among the least competitive until practically the end. Until a week prior to the election, he had barely surfaced in opinion polls and was denying rumours of imminent withdrawal. In the last week, most surveys predicted a three-man race between a centrist (former president Hashemi Rafsanjani), a conservative (former national police chief Mohammed Bagher Ghalibaf), and a reformist (former Minister of Higher Education Mostafa Moin)." **[84a] (p2)**

3.49 The USSD report for 2006, issued on 6 March 2007, also reported that:

"The legislative branch is the popularly elected 290-seat Islamic Consultative Assembly, or Majles. An unelected 12-member Guardian Council reviewed all legislation passed by the Majles for adherence to Islamic and constitutional principles and also screened presidential and Majles candidates for eligibility. The Majles was dominated by conservatives, due in part to the Guardian Council's extensive screening of candidates in the 2004 Majles elections. Prior to the June 2005 presidential elections, the Guardian Council excluded all but eight of the 1,014 candidates who registered, including all women. The Guardian Council and parliamentary electoral committees screened candidates for the December 15 municipal council and Assembly of Experts elections, disqualifying scores of reformist candidates. The civilian authorities did not maintain fully effective control of the security forces." **[4s] (p1)**

3.50 According to the CCC in a report dated August 2005:

"Mahmoud Ahmadinejad, a hardline conservative Islamist, scored a stunning victory in the second round of Iran's June 2005 presidential election. Many observers have described Ahmadinejad's victory as a key turning point for Iran, predicting that it will produce a new era of radical, puritanical rule at home and greater militancy in Iran's foreign policy. However, Iran's new president will face important political obstacles that will limit his ability to act, so it is not clear whether, and to what extent, he will be able to carry out such drastic changes." **[72b] (p1)**

3.51 The USSD report for 2007 stated that:

"The fairness of the 2005 presidential election was undermined both before and during the polls. The Guardian Council initially approved the candidacies of only six of the 1,014 persons who registered and excluded all 89 female candidates as well as anyone critical of the leadership, including former cabinet ministers. During the polling, many candidates and the interior ministry complained of irregularities, including interference by Basij forces. There were no international election observers. After the second round of voting, the supreme leader denied the allegations of Basij involvement, and the Guardian Council validated the results. Domestic press reported that 104 cases of alleged violations were under review and suspects were detained in 26 cases; however, no further action was taken. According to official statistics, Mahmoud Ahmadi-Nejad won the run-off race with 61 percent of the votes." **[4t] (Section 3)**

3.52 In its Country Report 2005, published in September 2005, the Economist Intelligence Unit stated that:

"The victory of Mahmoud Ahmadinejad in the presidential election in June marked the culmination of a campaign by conservatives – which began after the election of the reformist president, Mohammed Khatami, in 1997 – to reassert their dominance over domestic political affairs. There are fears, both locally and abroad, that Mr Ahmadinejad will rein in political, social and economic freedoms in line with an austere interpretation of the ideals of the Islamic Revolution. Some steps in this direction are likely, but the supreme leader, Ayatollah Ali Khamenei, is aware of the dangers of shutting political opponents out entirely – notably that they may form an alliance against the dominant movement – and will probably seek to prevent this occurring." **[24b]**

3.53 In August 2008, Ayatollah Ali Khamenei "praised the president for 'standing up' to the West and predicted he would be returned to office for four more years at the 2009 election." (BBC News, 24 August 2008) **[21c]**

ELECTIONS - 2006

3.54 The USSD for 2007 reported that:

"In December 2006 there were elections for the Assembly of Experts, municipal councils, and Majles by-elections. These elections were neither free nor fair, as the Guardian Council disqualified candidates based on ideological background. The parliamentary election commission and Guardian Council disqualified hundreds of potential candidates, largely reformists. Only 144 of the 492 prospective candidates were deemed eligible to run in the December 2006 Assembly of Experts elections. In the Assembly of Experts elections, Expediency Council chair Hojatoleslam Ali Akbar Hashemi-Rafsanjani, a pragmatic conservative, received the most votes in the Tehran constituency by a significant margin. Reports indicated that 100 candidates withdrew their applications, and all female candidates failed the written exam on religious interpretation ('ijtihad') and were disqualified." **[4t] (Section 3)**

3.55 A report from RFE/RL of 20 February 2007, commenting on the opening day of the Assembly of Experts fourth term, stated that:

"Last December's elections are thought to have consolidated the position of veteran clerics and establishment figures - like Expediency Council Chairman

Hashemi-Rafsanjani - against a current of political radicalism associated with Ayatollah Mesbah-Yazdi, considered an ideological mentor of President Mahmud Ahmadinejad." **[42p] (p1)**

ELECTIONS – 2008

3.56 Payvand's Iran News reported on 15 January 2008 that on 14 March 2008 Iran was to hold:

" … parliamentary elections … that are widely expected to be something of a referendum on the policies of the country's president, Mahmoud Ahmadinejad … they may also give signals as to who is in and who is out in Iran's circles of power.

"After Friday's deadline had passed, Iranian officials said about 7,200 people, including 590 women, had applied to be candidates for the 290-seat Majlis, or parliament.

"But candidates must still be approved by the 12-member Guardian Council, which was criticized for disqualifying thousands of reform candidates in previous elections." **[53h]**

3.57 BBC News's timeline for Iran notes that in March 2008, the conservatives won over two-thirds of seats in parliamentary elections in which many pro-reform candidates were disbarred from standing. The conservatives included supporters of President Ahmadinejad as well as more pragmatic conservatives who opposed his confrontational foreign policy. **[21dc]**

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4. RECENT DEVELOPMENTS

4.01 Nuclear developments

The BBC News Country Profile of June 2008 reported that Iran is building its first atomic power station with Russian help, insisting its nuclear ambitions are peaceful. President Ahmadinejad believes Iran has an 'inalienable right' to produce nuclear fuel and in 2006 the government announced that it had succeeded in enriching uranium. **[21da]**

4.02 Iran's Permanent Ambassador to the United Nations, Mohammad Khazaee, said: "Iran as the party to the Non-Proliferation Treaty (NPT) considers the development of nuclear technology for peaceful purposes to be its inalienable right, and has thus invested extensive human and material resources in the field of nuclear power." He added: "The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) has reaffirmed the important objective of the agency and recognized the inalienable right of all NPT states parties to the peaceful use of nuclear energy.

"Under article IV of the NPT, states parties have undertaken to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy." (Payvand's Iran news, 28 October 2008) **[53a]**

4.03 However, former US President Bush has stated that a nuclear-armed Iran would be 'incredibly dangerous' to peace and cannot be trusted with enrichment because it has ignored the International Atomic Energy Agency in the past. The UN Security Council has issued a demand for Iran to stop the enrichment of uranium as part of its nuclear programme and the EU and the US have threatened Iran with sanctions unless it complies. The UN Security Council has approved three rounds of sanctions against Iran which include asset restrictions and travel bans on Iranian individuals and companies said to be involved in nuclear work. The sanctions also ban the sale to Iran of items which can have either a military or civilian purpose. (BBC News, 10 June 2008) **[21db]**

See also Sanctions.

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5. CONSTITUTION

5.01 According to Europa, accessed 8 December 2008: "A draft constitution for the Islamic Republic of Iran was published on 18 June 1979. It was submitted to a 'Council of Experts', elected by popular vote on 3 August, to debate the various clauses and to propose amendments. The amended Constitution was approved by a referendum on 2-3 December 1979." **[1a] (Constitution)** A referendum on 28 July 1989 approved a further 45 amendments including increasing the powers of the Presidency by abolishing the post of Prime Minister, formerly the Chief Executive of the Government. **[1a] (Constitution)**

5.02 "The Constitution states that the form of government of Iran is that of an Islamic Republic, and that the spirituality and ethics of Islam are to be the basis for political, social and economic relations. Persians, Turks, Kurds, Arabs, Balochis, Turkomans and others will enjoy completely equal rights." **[1a] (Constitution)**

5.03 The Constitution also states that "After the office of Leadership, the President is the highest official in the country. His is the responsibility for implementing the Constitution and acting as the head of the executive, except in matters directly concerned with the office of the Leadership." **[121] (Article 113)**

5.04 "The President is elected for a four-year term by the direct vote of the people. His re-election for a successive term is permissible only once." **[121] (Article 114)**

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6. POLITICAL SYSTEM

6.01 The USSD report for 2007 stated:

> "The Islamic Republic of Iran … is a constitutional, theocratic republic in which Shi'a Muslim clergy dominate the key power structures. Government legitimacy is based on the twin pillars of popular sovereignty – albeit restricted – and the rule of the Supreme Leader of the Islamic Revolution. The current supreme leader, Ayatollah Ali Khamenei, was not directly elected but chosen by a directly-elected body of religious leaders, the Assembly of Experts, in 1989. Khamenei dominated the legislative, executive, and judicial branches of government. He directly controlled the armed forces and indirectly controlled the internal security forces, the judiciary, and other key institutions. "**[4t] (p1)**

6.02 The USSD report for 2007 further stated that: "There was no separation of state and religion, and clerical influence pervades the government." **[4t] (Section 3)**

6.03 The USSD Background Note of March 2008 states that suffrage is universal at 18. **[4u] (Government)** The Immigration and Refugee Board of Canada concurs: "Iran has universal suffrage and persons 18 years of age or over are eligible to vote." **[2af]** According to Europa, accessed 8 December 2008, provision is made for the representation of Zoroastrians, Jews and Christians. **[1a] (Constitution)**

6.04 The USSD report for 2007 goes on to state that:

> "The legislative branch is the popularly elected 290-seat Islamic Consultative Assembly, or Majles. An unelected 12-member Guardian Council reviewed all legislation passed by the Majles for adherence to Islamic and constitutional principles and also screened presidential and Majles candidates for eligibility. In 2005 hardline conservative Mahmoud Ahmadi-Nejad won the presidency in an election widely viewed by the international community as neither free nor fair." **[4t] (p1)**

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POLITICAL PARTIES

6.05 According to the Country Studies website, the Islamic Republican Party (IRP) was created in February 1979 by clergy who had been students of Khomeini before his exile from the country in 1964. The IRP emerged as the country's dominant political force and its core members had all been active in mobilising large crowds for the mass demonstrations during the revolution. When the Shah was overthrown, the IRP leaders used their contacts with religious leaders throughout the country to galvanise popular support, perceiving the secular, leftist, and more liberal Islamic parties as threats to their political goals. In the summer of 1979, the IRP encouraged its supporters to attack political rallies and offices of these other parties. IRP candidates won the majority of seats in the elections for the Assembly of Experts that drafted the Constitution and again won the majority of seats during the 1980 elections for the first Majlis. Following dissent within the party over power distribution and economic policies, President Khamenei, who had become the IRP's secretary

general in 1981, decided it would be politically expedient to disband the IRP. Khamenehi and Rafsanjani jointly signed a letter to Khomeini in June 1987, notifying him of the party's division and requesting his consent to dissolve the party. The faqih agreed, and the political party that had played such an important role during the first eight years of the Republic ceased to exist. **[7a]**

A list of political organisations is at Annex B.

6.06 According to the LOC/FRD report of May 2008:

"Political parties were legalized in 1998. However, official political activity is permitted only to groups that accept the principle of political rule known as velayat-e faqih, literally, the guardianship of the faqih (religious jurist). Allegiances, still based on special interests and patronage, remain fluid. In 1998, 18 parties joined in a broad coalition called the Second of Khordad coalition. All were reformist parties that supported the political and economic proposals of President Mohammad Khatami; in the early 2000s, internal differences over specific economic policies have hampered the coalition's effectiveness, however. During that period, the conservatives were more united, despite the existence of several major conservative parties. The Islamic Iran Builders Council (known as Abadgaran) emerged as a powerful conservative coalition beginning in 2003, leading the conservatives to victory in the 2004 parliamentary elections and the 2005 presidential election. Conservatives also prevailed in the 2008 parliamentary elections." **[79a]**

See also Political affiliation.

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Human Rights

7. INTRODUCTION

7.01 The Economist Intelligence Unit Country Profile 2008, 1 October 2008, observed:

> "The Economist Intelligence Unit's 2008 democracy index ranks Iran 145th out of 167 countries, putting it among the 49 countries considered to be 'authoritarian', a designation which also includes all other Middle Eastern and North Africa (MENA) countries, barring Israel, Iraq, Lebanon and the Palestinian Territories. Out of the 20 MENA countries, however, only five rank below Iran, which reflects the Islamic Republic's poor showing in the electoral process and civil liberties categories. Iran has repeatedly faced accusations of holding 'flawed' and 'neither free nor fair' elections particularly in response to its complex political structure which gives almost limitless power to the Guardian Council, an election-vetting body. Charges of human rights violations have similarly been laid against the state by international observers." **[24a]**

7.02 Amnesty International, in its Annual Report 2008, covering events in 2007, stated:

> "The authorities continued to suppress dissent. Journalists, writers, scholars, and women's rights and community activists were subject to arbitrary arrest, travel bans, closure of their NGOs and harassment. Armed opposition, mainly by Kurdish and Baluchi groups, continued, as did state repression of Iran's minority communities. Discrimination against women remained entrenched in law and practice. Torture and other ill-treatment were widespread in prisons and detention centres. A security clampdown announced in April was marked by a sharp rise in executions; at least 335 people were executed, among them seven child offenders. Sentences of stoning to death, amputation and flogging continued to be passed and carried out." **[9aag]**

7.03 In an article dated 22 May 2008, the National Iranian American Council (NIAC) reported that:

> "The Defenders of Human Rights Centre, a group led by Iranian Nobel Peace Prize laureate Shirin Ebadi, said it 'deplores and denounces the systematic violation of human rights in Iran'. The group also reports a decline in freedom of opinion and expression since the election of President Mahmoud Ahmadinejad in 2005.
>
> "'Censorship and indirect pressure has reached the highest level,' it said, noting the forced closure of 17 publications and eight news websites, as well as the jailing of 32 media workers.
>
> "As part of its campaign of oppression, the government of Iran arrested over 100 students and scores of labor leaders. The report states: 'It seems that the government and the system do not recognise any rights to protest, strikes and pursuing union rights for labourers - oppressing any move in the name of acting against national security.' …

" … NIAC board member Dokhi Fassihian called the worsening situation in Iran 'very serious,' and said the US and the world 'must pay greater attention to Iran's deplorable human rights record. We cannot just focus on spinning centrifuges.'" **[48a]**

7.04 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated:

"The 1979 Constitution of the Islamic Republic of Iran guarantees a wide range of human rights and fundamental freedoms. However, in practice there are a number of serious impediments to the full protection of human rights and the independent functioning of the different institutions of the State." **[10a]**

The report continued:

"Some negative trends have also been reported, including an increase in rights violations targeting women, university students, teachers, workers and other activist groups. Ongoing harassment against human rights defenders, including women's rights activists, has been reported. The independent media have also experienced tightened restrictions, with numerous publications suspended." **[10a]**

And added:

"… the Islamic Human Rights Commission, established in 1996, is a consultative body composed of representatives of the Government and the judiciary that monitors the human rights situation in the country. It has not been recognized by the International Coordinating Committee of National Human Rights Institutions as complying with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In addition, the Islamic Republic of Iran has established a human rights headquarters to facilitate international cooperation and to coordinate Government bodies in human rights-related matters." **[10a] (p5)**

7.05 The United Nations' (UN) list of Ratifications and Reservations recorded Iran as a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), except the optional protocol, the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the Convention on the Rights of the Child (CRC). **[10ah]** However, Iran has not reported on Economic, Social and Cultural Rights since 1993 **[10a]** and also has reservations to the CRC upon both signature and ratification. Iran is also not a signatory to the optional protocol on the involvement of children in armed conflict **[10ah]** or the optional Protocols to the ICCPR including that aimed to abolish the death penalty. **[10ah]** Amnesty International's Report 2008 raised Iran's continued use of the death penalty as a major concern. **[9aag]**

7.06 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated:

"The Islamic Republic of Iran has had a poor record of cooperation with treaty bodies. It has not reported to the Committee on Economic, Social and Cultural Rights or the Human Rights Committee for more than a decade. The

concluding observations of each of those bodies adopted in 1993 remain largely unimplemented. …

"The Islamic Republic of Iran has a practice of entering general reservations upon signature or ratification, which has repeatedly been cited by treaty bodies as one of the main factors impeding the enjoyment of some human rights protected under the conventions." **[10a] (p18)**

7.07 A list of visits to Iran since 1998 by the United Nations (UN) Special Procedures Mandate Holders can be found on the UN website: http://www2.ohchr.org/english/bodies/chr/special/countryvisitsf-m.htm. **[10c]**

7.08 Amnesty International, in their 2008 report, said that:

"Independent human rights groups and other NGOs continued to face long delays, often lasting years, in obtaining official registration, leaving them at risk of closure for carrying out illegal activities. Students campaigning for greater respect for human rights faced reprisals, including arbitrary arrest and torture. Individual human rights defenders were persecuted for their work; some were prisoners of conscience." **[9aag]**

7.09 The USSD report for 2007 stated: "The government continued to restrict the work of local human rights groups. The government denied the universality of human rights and stated that human rights issues should be viewed in the context of a country's 'culture and beliefs.'" **[4t] (Section 4)**

It goes on to report that: "International human rights NGOs were not permitted to establish offices in or conduct regular investigative visits to the country. The last visit by an international human rights NGO was AI's visit in 2004 as part of the EU's human rights dialogue." **[4t] (Section 4)**

7.10 According to the Human Rights Watch World Report 2009, released 15 January 2009:

"With the government of President Mahmoud Ahmadinejad continuing to invoke 'national security' as a justification for silencing dissent, 2008 saw a dramatic rise in arrests of political activists, academics, and others for peacefully exercising their rights of free expression and association in Iran. There were numerous reports of the torture and mistreatment of such detainees. The Judiciary, accountable to Supreme Leader Ali Khamenei, and the Ministry of Intelligence continued to be responsible for many serious human rights violations. The number of executions also increased sharply in 2008." **[8f]**

7.11 The Human Rights Annual Report 2007 issued by the United Kingdom Foreign and Commonwealth Office (FCO) in March 2008 stated:

"At present the human rights situation looks bleak. In the absence of a functioning EU–Iran Human Rights Dialogue (the dialogue has not taken place since June 2004, and Iran cancelled the last meeting scheduled for December 2006) we continue to work with international partners and human rights NGOs to maintain a spotlight on Iran's persistent human rights violations. We raise issues of concern in our private bilateral and EU meetings with the Iranian authorities and strongly support, and often propose, other EU action, including

public statements. The EU raised human rights concerns with Iranian officials at least 28 times in 2007." **[26k] (p154)**

7.12 Human Rights Watch's World Report 2009, released 15 January 2009 added:

"The government has increased pressure on civil society organizations that call for human rights and freedom of speech by restricting their activities and barring activists from leaving the country. These include the Center for Defenders of Human Rights, led by 2003 Noble Peace Prize Laureate Shirin Ebadi, and the Association of Iranian Journalists." **[8f]**

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8. CRIME

ARAZEL VA OBASH

8.01 An Agence France Press article, dated 10 July 2007, reported "In May, Iranian police launched a morality crackdown specifically aimed at what are termed in Farsi as 'arazel va obash', literally 'rascals and villains' accused of disturbing the peace in low-income neighbourhoods." **[61c]**

8.02 An article on Iranfocus.com, dated 8 November 2007, states that "Nineteen men were hanged in Tehran and Mashhad after being arrested in a sweep on 'arazel va obash', a Persian phrase that translates loosely as thugs. It is used for rapists, drug-traffickers and criminals who disturb public security." **[76a]**

8.03 An Arab Times Online article dated 19 October 2008 reported that "Nine people convicted of disturbing the peace in Iran were flogged in public in the holy city of Qom … the nine 'thugs' ('arazel va obash' in Farsi) were flogged 74 lashes each and fined 10 million rials ($1,000) each as well for disturbing public order. [They] were arrested on October 10 after being involved in a collective brawl during which they damaged 15 vehicles." **[71a]**

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9. SECURITY FORCES

9.01 The constitution states that reputation, life, property and dwellings are protected from trespass except as provided by law. This is used to enable security forces to monitor the social activities of citizens, enter homes and offices, monitor telephone conversations and internet communications and open mail without court authorisation. (USSD, 11 March 2008) **[4t] (Section 1f)**

9.02 "Iran's strategic planning and the establishment of its military and defense policies have been the responsibilities of the Supreme Defense Council (SDC, and sometimes referred to as the Supreme National Defense Council), created in 1980, which has representatives at operational area and field headquarters to provide political and strategic guidance to field commanders. SDC representatives may also veto military decisions.

"According to Article 110 of the 1979 Constitution of the Islamic Republic of Iran, the faqih (an expert in Islamic religious jurisprudence; in Iran the Supreme Leader assumes this function) was empowered to appoint and dismiss the chief of the Joint Staff, the commander in chief of the Pasdaran, two advisers to the Supreme Defense Council (SDC), and the commanders in chief of ground, naval, and air forces on the recommendation of the SDC. He was also authorized to supervise the activities of the SDC and to declare war and mobilize the armed forces on the recommendation of the SDC. As faqih, Ayatollah Khomeini, although maintaining the role of final arbiter, delegated the post of commander in chief to the president of the Republic." (Global Security.org, 7 October 2008) **[80g]**

9.03 GlobalSecurity.org added on 7 October 2008 that:

"Replacing the Supreme Defense Council in 1989, the Supreme National Security Council (SNSC, also sometimes referred to as the Supreme National Defense Council, an alternate name for the prior Supreme Defense Council) was an institution founded in the course of the revision of the Constitution of the Islamic Republic of Iran. The SNSC was established with an aim to watch over the Islamic Revolution and safeguard the IRI's national interests, as well as its sovereignty and territorial integrity.

"According to Article 177 of the Constitution, the responsibilities of the SNSC were as follows:

"1. To determine the national defense/security policies within the framework of general policies laid down by the Supreme Leader.
2. To coordinate political, intelligence, social, cultural and economic activities in relation to general defense/security policies.
3. To exploit material and non-material resources of the country for facing internal and external threats." **[80f]**

9.04 GlobalSecurity.org continued to add that the SNSC had the lead on Iran's nuclear program. SNSC members consist of:

- Heads of the three Powers (Executive, Legislative and Judiciary)
- Chief of the Supreme Command Council of the Armed Forces (SCCAF)

The main text of this COI Report contains the most up to date publicly available information as at 1 February 2009. Further brief information on recent events and reports has been provided in the Latest News section to 16 March 2009.

- The official in charge of the Plan an Budget Organization (PBO; now the Management and Planning Organisation or MPO)
- Two representatives nominated by the Supreme Leader
- Minister of Foreign Affairs, Minister of the Interior, and Minister of Information (Intelligence)
- A minister concerned with the subject, and the highest authorities of the Army and the Islamic Revolution's Guards Corps (IRGC) (Global Security.org, 7 October 2008) **[80f]**

9.05 According to the USSD report for 2007:

"Several agencies share responsibility for law enforcement and maintaining order, including the Ministry of Intelligence and Security (MOIS), the Law Enforcement Forces under the interior ministry, and the IRGC. The Basij and various informal groups known as the 'Ansar-e Hizballah' (Helpers of the Party of God) were aligned with extreme conservative members of the leadership and acted as vigilantes. …

"Corruption was a problem in the police forces and revolutionary courts and to a lesser extent in the criminal and civil courts. Civilian authorities did not fully maintain effective control of the security forces. The regular and paramilitary security forces both committed numerous, serious human rights abuses. According to numerous press, NGO, and anecdotal reports throughout the year, the government used plainclothes security agents to intimidate political critics. They were increasingly armed, violent, and well equipped, and they engaged in assault, theft, and illegal seizures and detentions." **[4t] (Section 1d)**

See also Corruption.

9.06 The Jane's Sentinel Country Risk Assessment for Iran, updated 23 January 2009, stated that:

"The LEF [Law Enforcement Forces] was created in 1991 through a merger of the police, gendarmerie, and the revolutionary committees and is charged with combined duties: law enforcement, border control, and maintaining public order. Although nominally under the leadership of the Ministry of the Interior, the Supreme Leader has to approve a nominee that the president proposes as LEF chief. In November 2007 the LEF announced a programme to upgrade the equipment of the border regiments. The move would help strengthen border security and counteract the activities of terrorist groups. The LEF also has a major role in anti-smuggling operations and in countering drugs trafficking.

"Units within the LEF have overlapping responsibilities. The Social Corruption Unit of the LEF deals with social behaviour of an immoral nature. However, there is a similar unit in the LEF called the Edareyeh Amaken Omumi (Public Establishments Office), which concerns itself with the type of music people listen to, the interaction of people of the opposite sex in public places and various forms of perceived lewd behaviour. … In 2007 the LEF launched a highly controversial crackdown on 'improper dressing'.

"The LEF also has an intelligence and counter-intelligence unit. In 2000 a Tehran Military Court confirmed an eight-month sentence imposed on the head of the unit, Commander Mohammed Reza Naqdi, over the mistreatment

and torture of a number of detainees. In September 2000 Abdolhosein Ramexani was appointed to replace him.

"Actions of Islamist pressure groups and the LEF are sometimes co-ordinated. Perhaps the most infamous example of this occurred in July 1999, when hardliners attacked protesting students at Tehran University as the authorities stood by, and then elements from the LEF and the Ansar-e Hizbullah pressure group raided the student dormitory. This led to a week of violent riots across the country. These events highlighted the fact that by July 1999, a new division of labour had emerged: the 1999 student riots strongly suggest that the LEF, with the Basij providing support, has become the regime's first line of defence against domestic unrest, a role hitherto played by the Islamic Revolutionary Guards Corps (IRGC)." **[125e]**

9.07 According to the USSD report for 2007:

"Several agencies share responsibility for law enforcement and maintaining order, including the Ministry of Intelligence and Security (MOIS), the Law Enforcement Forces under the interior ministry, and the IRGC. The Basij and various informal groups known as the 'Ansar-e Hizballah' (Helpers of the Party of God) were aligned with extreme conservative members of the leadership and acted as vigilantes. The size of the Basij remained disputed; officials cited anywhere from 11 to 20 million, while a 2005 study by a foreign organization claimed there were 90,000 active members and up to 300,000 reservists." **[4t] (Section 1d)**

This continued:

"Civilian authorities did not fully maintain effective control of the security forces. The regular and paramilitary security forces both committed numerous, serious human rights abuses. According to numerous press, NGO, and anecdotal reports throughout the year, the government used plainclothes security agents to intimidate political critics. They were increasingly armed, violent, and well equipped, and they engaged in assault, theft, and illegal seizures and detentions." **[4t] (Section 1d)**

9.08 According to the USSD report for 2007, little reliable information was available regarding the number of disappearances during the year. **[4t] (Section 1b)**

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MINISTRY OF INTELLIGENCE AND SECURITY (MOIS) AND VEZARAT-E ETTELA'AT VA AMNIAT-E KESHVAR (VEVAK) AKA ETTELA'AT

9.09 The Iran Terror Database, accessed 20 July 2008, stated that:

"The Ministry of Intelligence and Security (MOIS) is ranked by experts as one of the largest and most active intelligence agencies in the world. And yet it has been shrouded in so much mystery that apart from occasional revelations, little has ever been made public about its operations and functions. The notable exception to this came in 1998, when a series of gruesome murders of Iranian dissidents by MOIS hit squads led to the disclosure of a catalogue of crimes that had been committed by MOIS agents for more than a decade.

The main text of this COI Report contains the most up to date publicly available information as at 1 February 2009. Further brief information on recent events and reports has been provided in the Latest News section to 16 March 2009.

"The clerical leaders blamed all the criminal activities of the MOIS on its then-Deputy Minister Saeed Emami, who was arrested and duly reported to have committed suicide in jail by drinking a hair remover potion. The bizarre account of Emami's death in prison while under round-the-clock supervision convinced no one and it was widely assumed that he was murdered in order to prevent the leak of sensitive information about MOIS operations, which would have compromised the entire leadership of the Islamic Republic.

"The MOIS is no ordinary intelligence agency. It has been behind most of the 450 acts of terrorism the Iranian regime has sponsored around the world since the 1980s. It has a vast network of companies and offices around the world that act as fronts for its illegal operations. It conducts its espionage activities and surveillance operations against Iranian dissidents on every continent. It is involved in the illegal procurement of arms and weapons of mass destruction technology and materials. On the domestic scene, it is the principal agency responsible for dealing with opposition groups and dissidents. Its hit squads routinely abduct, torture and murder suspects at will, without any fear of accountability or punishment. In short, the MOIS is a murder machine." **[120a]**

9.10 According to GlobalSecurity.org, accessed on 10 July 2008:

"The Ministry of Intelligence and Security is responsible for intelligence collection to support terrorist operations. The ministry is also responsible for liaison activities with supported terrorist groups and Islamic fundamentalist movements. VEVAK has also conducted terrorist operations in support of Iranian objectives. Most of these activities have focused on attacks on Iranian dissidents. **[80c]**

9.11 GlobalSecurity.org continues to report that religious activity is closely monitored by MOIS. **[80c]**

BASIJ

9.12 The Jane's Sentinel Country Risk Assessment for Iran, updated 23 January 2009, stated that:

"Known as the 'Mobilisation of the Oppressed', the Basij Volunteer forces are a paramilitary organisation of about 90,000 men with an active and reserve strength of up to 300,000 and a mobilisation capacity of nearly one million men. It is controlled by the IRGC, and consists largely of youths, men who have completed military service and the elderly. It has up to 740 regional battalions with about 300 to 350 men each, which are composed of three companies or four platoons plus support. These include the former tribal levies, and are largely regional in character. Many have little or no real military training. However, Iran has used the voluntary Basij forces to provide local security ever since the popular riots of 1994. It called up over 100,000 men across 19 regions in September 1994, and began far more extensive training for riot control and internal security missions. It also introduced a formal rank structure and a more conventional system of command and discipline and created specialised Ashura (anti-riot) battalions and Al-Zahra (women's battalions) units for internal security missions. Some reports indicate that 36 of these battalions were established in 1994.

"The primary mission of the Basij has so far been internal security, monitoring the activities of Iranian citizens, acting as replacements for the military services and serving as a static militia force tied to local defence missions." **[125e]**

9.13 According to the USSD report for 2007:

The Basij and various informal groups known as the 'Ansar-e Hizballah' (Helpers of the Party of God) were aligned with extreme conservative members of the leadership and acted as vigilantes. The size of the Basij remained disputed; officials cited anywhere from 11 to 20 million, while a 2005 study by a foreign organization claimed there were 90,000 active members and up to 300,000 reservists." **[4t] (Section 1d)**

9.14 The 2008 CIA World Factbook states that military service age and obligation is 15 years of age for Basij Forces (Popular Mobilization Army). **[111]**

9.15 According to GlobalSecurity.org, accessed on 11 July 2008:

"Also contained under the umbrella of the more conventional Pasdaran, were the Basij Forces (Mobilization Resistance Force), a network of potentially up to a million active individuals who could be called upon in times of need. The Basij could be committed to assist in the defense of the country against internal or external threats, but by 2008 had also been deployed in mobilizing voters in elections and alleged tampering during such activities." **[80a]**

9.16 The Freedom House 2008 report states:

"Hard-line vigilante and paramilitary organizations that are officially or tacitly sanctioned by the conservative establishment – most notably the Basij militia and Ansar-i Hezbollah – play a major role in breaking up public demonstrations." **[112c]**

9.17 The Washingtom Post states in an article dated 24 June 2005 that in Tehran, "… Ahmadinejad's campaign headquarters brims with young men wearing long-sleeved black shirts, the uniform of the basij." **[31a]**

See also Military service and Children: General information and IRGC.

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IRANIAN REVOLUTIONARY GUARD CORPS (IRGC) OR PASDARAN

9.18 According to GlobalSecurity.org, accessed on 11 July 2008:

"The 125,000 strong Iranian Revolutionary Guard Corps (IRGC or Pasdaran) secures the revolutionary regime and provides training support to terrorist groups throughout the region and abroad. Both the regular military (the Artesh) and IRGC are subordinate to the Ministry of Defense and Armed Forces Logistics (MODAFL). This new ministry, established in 1989, was first headed by Akbar Torkan, a civilian and a former head of the defense industries establishment. MODAFL curtailed the institutional autonomy of the IRGC and brought it under the overall defense umbrella. The IRGC Ministry

was scrapped, and its command structures were brought within the new MODAFL.

"The IRGC was formed following the Islamic Revolution of 1979 in an effort to consolidate several paramilitary forces into a single force loyal to the new regime and to function as a counter to the influence and power of the regular military, initially seen as a potential source of opposition and loyalty to the Shah. From the beginning of the new Islamic regime, the Pasdaran (Pasdaran-e Enghelab-e Islami) functioned as a corps of the faithful. The Constitution of the Islamic Republic entrusted the defense of Iran's territorial integrity and political independence to the military, while it gave the Pasdaran the responsibility of preserving the Revolution itself.

"Days after Khomeini's return to Tehran, the Bazargan interim administration established the Pasdaran under a decree issued by Khomeini on 5 May 1979. The Pasdaran was intended to protect the Revolution and to assist the ruling clerics in the day-to-day enforcement of the new government's Islamic codes and morality. There were other, perhaps more important, reasons for establishing the Pasdaran. The Revolution needed to rely on a force of its own rather than borrowing the previous regime's tainted units. As one of the first revolutionary institutions, the Pasdaran helped legitimize the Revolution and gave the new regime an armed basis of support. Moreover, the establishment of the Pasdaran served notice to both the population and the regular armed forces that the Khomeini regime was quickly developing its own enforcement body. Thus, the Pasdaran, along with its political counterpart, Crusade for Reconstruction, brought a new order to Iran. In time, the Pasdaran would rival the police and the judiciary in terms of its functions. It would even challenge the performance of the regular armed forces on the battlefield.

"Although the IRGC operated independently of the regular armed forces, it was often considered to be a military force in its own right due to its important role in Iranian defense. The IRGC consists of ground, naval, and aviation troops, which parallel the structure of the regular military. Unique to the Pasdaran, however, has been control of Iran's strategic missile and rocket forces.

"Also contained under the umbrella of the more conventional Pasdaran, were the Basij Forces (Mobilization Resistance Force), a network of potentially up to a million active individuals who could be called upon in times of need. The Basij could be committed to assist in the defense of the country against internal or external threats, but by 2008 had also been deployed in mobilizing voters in elections and alleged tampering during such activities. Another element was the Qods Force, a special forces element tasked with unconventional warfare roles and known to be involved providing assistance and training to various militant organizations around the world. In 2005 Iran had about 150 Revolutionary Guard Corps personnel in Lebanon, military advisers in Sudan, and three observers with the United Nations Mission in Ethiopia and Eritrea." **[80a]**

See also Military service and Security forces.

ANSAR-E HEZBOLLAH

9.19 According to GlobalSecurity.org, the "Hezbollahi 'partisans of God' consist of religious zealots who consider themselves as preservers of the Revolution. They have been active in harassing government critics and intellectuals, have firebombed bookstores and disrupted meetings. They are said to gather at the invitation of the state-affiliated media and generally act without meaningful police restraint or fear of persecution." **[80d]**

See also Freedom of Speech and Media and Security forces and Annex B.

ASHURA BRIGADES

9.20 According to the Country of Origin Information Seminar Final Report, Berlin June 2001, the Ashura Brigades were reportedly created in 1993 after anti-government riots erupted in various Iranian cities. In 1998 they consisted of 17,000 Islamic militia men and women, and were composed of elements of the Revolutionary Guards and the Basiji volunteer militia. **[3c]**

9.21 A report by the Center for Strategic and International Studies, dated 16 August 2007, adds:

"In 1993, the Ashura Brigades were created from IRGC and Basij militia units as a response to anti-government riots. This unit is composed of roughly 17,000 men and women, and its primary purpose is to keep down civil unrest, although there has been some discontent expressed by senior leaders about using IRGC units for domestic contingencies. **[54a] (p14)**

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TORTURE

9.22 According to a HRW press release on 7 June 2004:

"The Iranian government has intensified its campaign of torture, arbitrary arrests, and detentions against political critics, Human Rights Watch said in a report released today. Iran's outgoing reformist parliament in May passed legislation to prohibit torture, but without effective implementation, the law remains an empty gesture." **[8j] (p1)**

9.23 Iran is not a signatory to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (UN, accessed 19 November 2008) **[10ah]**

9.24 According to a FIDH report of July 2004:

"In April 2004, the Head of the Judiciary, Ayatollah Mahmoud Hashemi Shahroudi, issued instructions for the judiciary, the police and the security forces asking them to respect the law: 'During arrests or questioning, blindfolding, restraining, pestering and insulting of detainees must be avoided. ... Agents carrying out interrogation should not hide their faces, nor stand behind the accused backs, nor take them to secret locations ... All forms of torture aiming to obtain confessions is banned, and confessions obtained in this way have no legal or religious value.... .' The directive added that arrests must be the exception, carried out within a legal timeframe and 'where

possible, families must be informed'. In May 2004, the Council of Guardians approved a bill banning torture. The legislation strengthens rights enshrined in Iranian law and the Constitution, by giving the force of law to the abovementioned directives. It should be noted, however, that the bill does not cover corporal punishments, although they are covered by the UN Convention against torture. In addition, there is no indication on how this new legislation will be respected in practice." **[56c] (p11)**

9.25 In December 2003 it was reported by the Canadian Department of Foreign Affairs that Iran had agreed to sign up to the Convention against Torture. **[69a]** According to a report in the Guardian newspaper on 29 April 2004, on 28 April 2004 the head of the Iranian judiciary issued an order banning the use of torture and other abuses: an unprecedented acknowledgement of the regime's record of repression. **[16e]** Although legislation banning the use of torture in interrogations was promulgated in 2004, reports of torture persisted in 2007. (HRW, 28 March 2008) **[8a]**

9.26 According to the USSD report for 2007: "The constitution prohibits torture for the purposes of extracting a confession or acquiring information. Despite 2004 legislation banning torture, there were numerous credible reports that security forces and prison personnel tortured detainees and prisoners." **[4t] (Section 1c)**

9.27 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:

"… article 38 of the Constitution prohibits torture, however, the Penal Code does not contain a clear definition of torture as a specific criminal offence. It was reported that the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was submitted and approved by the sixth Parliament on 15 December 2002, however it was rejected by the Guardian Council, reportedly because of perceived conflicts with Islamic rules and principles." **[10a] (p7)**

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10. MILITARY SERVICE

10.01 According to the USSD report for 2007:

"Although the constitution mandates an Islamic army, members of religious minorities served in the military, although non-Muslim promotions were limited by a military restriction against non-Muslims commanding Muslims. Reportedly non-Muslims can be officers during their mandatory military service but cannot be career military officers." **[4t] (Section 2c)**

10.02 "As assessed at November 2007, Iran's regular armed forces totalled an estimated 420,000 of which: army 350,000 (incl. 220,000 conscripts), navy 18,000, air force around 52,000. There were some 350,000 army reserves. The Islamic Revolutionary Guard Corps (Pasdaran Inquilab) were thought to total at least 125,000, and possessed the ability to mobilize up to an estimated 1m volunteers of the Basij Resistance Force if required. There were also some 40,000 paramilitary forces under the command of the Ministry of the Interior. There is an 18-month period of compulsory military service. Defence expenditure for the Iranian year ending 20 March 2008 was budgeted at an estimated IR 78,000,000m." (Europa, accessed 8 December 2008) **[1a] (Defence)**

10.03 The military is entrusted by the constitution with the task of protecting the independence, territorial integrity and system of government of the Islamic Republic. **[121]** Iranian men become eligible for military service as of 21 March of the year they reach 19, although the minimum voluntary recruitment age is 16. Most of the armed forces are reportedly made up of conscripts who received minimal training and served for 18 months. (Coalition to Stop the Use of Child Soldiers (CSC), 2008) **[30a]** Large-scale conscription is seen as wasteful and unnecessary during periods of economic downturn as experienced in 1998-2000. As the system probably could not cope with such numbers during peacetime, conscription is a selective process. Some conscripts are deployed with the army and others to civilian functions such as the construction industry, health care, teaching and village reconstruction. (Jane's, 3 January 2008) **[125b]** The 2008 CIA World Factbook states that military service age and obligation is 19 years of age for compulsory military service; 16 years of age for volunteers; 17 years of age for Law Enforcement Forces; 15 years of age for Basij Forces (Popular Mobilization Army). Conscript military service obligation is 18 months and women are exempt from military service. **[111]**

See also Security forces and Basij.

10.04 Permanent military exemptions may be government-granted, or medically certified. There are a number of conditions for exemption, relating to age, disability, education and date of departure from Iran. The disabled, sole family guardians and support, or only sons, are exempted without cost. (CIRB, May 1997) **[2c] (p23)** For medical exemption, the complete medical report about the medical condition and verification of power of attorney is required. (Ministry of Foreign Affairs, accessed 14 July 2008) **[122]** Men who left Iran after 1990 may purchase exemption for $1,000-3,000. Those with PhDs or BAs who left Iran before March 1990 may pay up to $16,600. (War Resisters International (WRI), 1998) **[25a]** Men who are continuing graduate studies abroad who pay their own expenses will be granted a full exemption. Those who qualify are

able to return to Iran periodically throughout their studies. Men born after 1958 that have degrees in fields deemed essential by the state, such as medicine, pharmacy, and dentistry, are not eligible for exemption. **[2c] (p23)** In a new regulation passed by the Majlis in February 2004 young men who have successfully undergone military training in the Basij or other military centres will also be able to purchase exemption. (Islamic & Republic News Agency, 25 February 2004) **[22b]**

10.05 According to the CIRB, the penalty for draft avoidance in peacetime is an extra six months to two years service and in wartime up to ten years extra service or punishment at the discretion of the convicting judge. **[2c] (p24)** During 2001 it was reported in the European Country of Origin Information Seminar, Final Report, Berlin June 2001 that a bill was submitted to the Majles and supported by the Army, suggesting that every year it would be possible to exempt 100,000 potential draftees provided that a sum of ten million Rials (USD 5,700) was paid. The bill was passed by the Majles and approved by the Council of Guardians but vetoed by the Leader. At present there are new regulations with respect to temporarily postponing military service for those who wish to further their education abroad. A sum of 30 million Rials (USD 17,100) needs to be deposited by the applicant to the Military Service Department. If the applicant does not return, the sum will be forfeited. In case of return the sum will be reimbursed but military service will still need to be completed. **[3c]** Time still to be served and prison sentences imposed for desertion may now be bought off. (EU Council, December 1998) **[19a] (p21)**

10.06 War Resisters' International 1998 reports that the right to conscientious objection is not legally recognised and there are no provisions for substitute service. **[25a]** Iran appears as a co-signatory to a letter dated 24 April 2002 addressed to the UN Commission on Human Rights concerning the question of conscientious objection. It states that Iran does not recognise the universal applicability of conscientious objection to military service. (UN, 24 April 2002) **[10q]**

10.07 In an article from *Le Temps*, dated 8 August 2007, it was reported that:

"… for the past several months Iran has been tightening up application of its military service requirements, calling up those previously exempted. In addition, a certificate of military service, which must be carried at all times, is being demanded more broadly as a prerequisite to buying a car, a telephone line, even health insurance, according to one of Minoui's [Delphine Minoui, freelance journalist] sources. Opinions differ about whether the goal is to put Iran on a war footing or to stifle movements of internal opposition." **[102a]**

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11. JUDICIARY

11.01 The Constitution of the Islamic Republic of Iran (Article 156) states that the Judiciary is an independent power, the protector of the rights of the individual and society, responsible for the implementation of justice. (UN, accessed 10 December 2008) **[10d]** However, according to the USSD Report on Human Rights for 2007, the court system is not independent and is subject to government and religious influence. **[4t] (Section 1e)** After the 1979 revolution, the judicial system was revised to conform to an Islamic canon based on the Koran, 'Sunna' (the traditions of the Prophet), and other Islamic sources. The constitution provides that the head of the judiciary shall be a cleric chosen by the supreme leader. The head of the Supreme Court and prosecutor-general also must be clerics. Women were barred from serving as certain types of judges. (USSD, 11 March 2008) **[4t] (Section 1e)**

11.02 "There are several court systems. The two most active are the traditional courts, which adjudicate civil and criminal offenses, and the Islamic revolutionary courts. The latter try offenses viewed as potentially threatening to the Islamic Republic, including threats to internal or external security, narcotics and economic crimes, and official corruption. A special clerical court examines alleged transgressions within the clerical establishment, and a military court investigates crimes connected with military or security duties. A press court hears complaints against publishers, editors, and writers. The Supreme Court has review authority over some cases, including appeals of death sentences." (USSD, 11 March 2008) **[4t] (Section 1e)**

11.03 In May 2006, it was announced that a special court was being established in the east of the country to deal with "mischief, insecurity, hostage taking, kidnapping, banditry, road blocking, armed robbery, major and networked drug, weapons and ammunition smuggling and any turbulence and insecurity". (AI, 17 September 2007) **[9aab]**

11.04 An article on Radio Free Europe / Radio Liberty, dated 23 April 2007, states "Laws are often contradictory in Iran and their interpretation remains the preserve of a small number of jurists or religious authorities – in this case Supreme Court judges." **[42ah]**

11.05 The Danish fact-finding mission (FFM) report 'On certain crimes and punishments in Iran: Report from the fact-finding mission to Teheran and Ankara', 22 January to 29 January 2005, reported on various crimes and the process utilised by the judiciary in consideration, examination and decision making. Particular areas such as the following were examined: the Iranian legal system, infidelity and other sexual relationships between people who are not married to each other, illegal relationships, homosexuality, consumption of alcohol, converting from Islam to another religion, contravention of clothing regulations, demonstrations and other activities in country of residence (on the spot) against the Iranian regime and the return of members of Mojahedin e-Khalq (MKO) to Iran. **[86a]**

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ORGANISATION

11.06 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:

"There are several other institutional mechanisms that provide opportunities for citizens to seek redress. Article 174 of the Constitution provides for a National General Inspectorate under the supervision of the head of the judiciary that supervises the proper conduct of affairs and the correct implementation of laws by the administrative organs of the Government. The Inspectorate reportedly handles individual complaints and is somewhat akin to an ombudsman system. Under article 90 of the Constitution, the Parliament can also examine and investigate written complaints by the public against its own work and the work of the executive and judicial branches. In addition, there are quasi-judicial institutions, including arbitration and dispute settlement councils, which settle large volumes of cases of a non-judicial or less complicated nature and increase the public's participation in and contribution to the proceedings." **[10a] (p5)**

11.07 According to the Danish FFM report 2005:

"Mohammad Javad Shariat Bagheri, Director General of the Iranian judicial system's international department reported that the judicial system is independent of government, including the Ministry of Justice. The judicial system is directly under the control of Khomeini, the 'supreme leader'. Since 1999, the senior director of the judicial system has been Mahmoud Hashemi Sharudi, who has carried out a number of reforms. For example, a real prosecuting authority was reintroduced in 2002 and a number of state advocates have since been appointed. According to the source, there are the following courts in Iran:

"The various courts:

1. Public courts: a) criminal courts b) civil courts
2. Revolutionary courts
3. Religious courts
4. Military courts
5. Administrative courts
6. Appeal courts
7. The Supreme Court

"'The source explained in relation to the distribution of case areas in the Iranian courts that the public courts deal with cases concerning adultery, homosexuality, the consumption of alcohol, religious conversion, breaches of clothing rules etc.

"The revolutionary courts deal with matters of national security, terrorism, improper pronouncements on Khomeini and the supreme leader, espionage and narcotics-dealing. According to the source, 99% of the revolutionary court's cases involve drug crime.

"The religious courts deal with cases in which Islamic priests and other religious persons have broken the law.

"The military courts deal with cases concerning military personnel, including members of the revolutionary guard, Basij and the like, who have broken the law.

"The Appeal Courts and Supreme Courts function as instances of appeal.

"All sources stressed that all sentences passed in the first instance can be appealed against to an Appeal Court. This also applies to sentences passed in absentia. All cases of a certain importance, including those in which a sentence of death or other corporal punishment has been passed, can be the subject of appeal to the Supreme Court. The Supreme Court must always be consulted in cases of the death penalty, irrespective of any appeal. In some cases, a Supreme Court decision can be overruled by the supreme head of the judicial system.

"In all larger towns there are courts that deal with cases in the first instance. In all provincial capitals there are Appeal Courts. The Supreme Court sits in Teheran.

"Courts of first instance have a single judge. Appeal Courts have a collegiate of three judges and the Supreme Court has a varying number of judges depending on the nature of the case involved." **[86a] (p6)**

11.08 An undated article on the United Nations website states that:

"Since 1978, the structure of the Iranian judicial system has gone through drastic organizational revisions. The present structure of the Iranian court system includes:

"The Supreme Court: it is the highest court in Iran with the task of supervising the correct implementation and proper application of laws by the lower courts, as well as of ensuring uniformity in Judicial procedures. (Article 161 of the Constitution). The Head of the Judiciary, in consultation with the judges of the Supreme Court, nominates the Chief of the Supreme Court who, among other qualifications, must be a specialist in Islamic Law.

"The Court of Administrative Justice: under the supervision of the Head of Judiciary this court has a mandate to investigate complaints by privates against actions by public institutions and organs (Article 173 of the Constitution).

"The Courts of Appeal: it is the second instance court competent for reviewing cases decided by public and revolutionary courts. In the year 2001-2, 216 courts of appeals settled a total of 40,013 cases out of 345,746 pending cases.

"The Public Courts: These courts have jurisdiction to deal as first instance tribunals and are divided into two categories dealing with civil cases and criminal offences respectively. In the year 2001-2002, 2,260 public courts settled a total of 4,377,160 cases.

"The Revolutionary Courts: the Revolutionary Courts have jurisdiction over various offences including: crimes against national security, narcotic drugs, terrorism, state-related embezzlement, bribery and profiteering, all acts that

undermine the system of the Islamic Republic of Iran. Settled cases at the Revolutionary courts can be forwarded to the courts of Appeal. 226 Revolutionary courts were on operation in Iran in 2001-2002.

"The Military Courts: they are mandated to investigate crimes committed in connection with military or security duties by members of the Armed Forces, the Police, and the Islamic Revolution Guards Corps. The office of the military prosecutor and the military courts are also part of the judiciary and are subject to the same principles that regulate the Judiciary (Article 172 of the Constitution).

"Office of the Public Prosecutor: Based on the recent amendments to the Law on Public and Revolutionary Courts, the offices of prosecutor general have been reintroduced in the judicial system all over Iran. These offices are now responsible for all pre-trial investigations and referral of those cases were there are strong evidence of a crime to the courts.

"Dispute Resolution Councils: are new bodies established in accordance with to the latest revisions in the judicial system in Iran. These councils are responsible for settlement of minor civil and criminal cases through mediation before their referral to the courts.

"The office of the military prosecutor and the military courts are also part of the judiciary and are subject to the same principles that regulate the judiciary. **(Article 172 of the Constitution)**." **[10d]**

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INDEPENDENCE

11.09 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:

"While the Constitution provides for a separation of powers between the executive, legislative and judicial functions, there are a number of institutional constraints on their independent functioning and ability to protect human rights.

"Despite the separation of powers provided for in article 57 of the Constitution, the Supreme Leader, currently Ayatollah Ali Khamenei, supervises the executive, legislative and judicial branches and other key institutions (E/CN.4/2006/61/Add.3, para. 12). This is reinforced by the system of advisory councils provided for in the Constitution. The Guardian Council is composed of six theologians appointed by the Supreme Leader and six jurists nominated by the judiciary. It has the power to veto the bills passed by Parliament if it views them as being inconsistent with the Constitution and sharia law. The Expediency Council serves as an advisory body for the Supreme Leader with an ultimate adjudicating power in disputes over legislation between Parliament and the Guardian Council. The Assembly of Experts, comprising clerics elected through a general election, has the power to appoint and remove the Supreme Leader.

"The Supreme Leader appoints the head of the judiciary who in turn appoints the head of the Supreme Court and the Chief Public Prosecutor. The Iranian judicial system has three tiers: regular civil and criminal courts are overseen by courts of appeal that are in turn are supervised by the Supreme Court. There are specialized courts at different levels, such as the administrative court, family courts and juvenile courts. There are also special public and revolutionary courts that try certain categories of offences, including crimes against national security and narcotics smuggling. Decisions rendered in revolutionary courts can be appealed, except for sentences of less than three months' imprisonment and fines under 500,000 rials. Special courts handle cases involving military personnel and the clergy. The Working Group on Arbitrary Detention, during its visit in 2003, raised concerns about the impact of such courts on the principle of equality before the law. The Working Group called for their functions to be transferred to the ordinary courts.

"The Working Group also noted that the abolition of prosecutors between 1995 and 2002 was one of the main reasons for the malfunctioning of the justice system (E/CN.4/2004/3/Add.2 and Corr.1). Prosecutors were reintroduced to the system in 2002; however they remain functionally part of the judiciary under the supervision of the head of the judiciary and do not exercise a fully independent role." **[10a] (p4)**

11.10 The same report adds that: "The Iranian Bar Association has expressed concern over new legislation that establishes a parallel system for the issuance of attorney licences, which could further undermine the independence of the bar." (UN, 1 October 2008) **[10a] (p17)**

11.11 UNHCR reported in their 'Comments on the April 2005 country report' of August 2005 that:

"According to UN Working Group on Arbitrary Detentions (27 June 2003), Iranian judiciary is largely arbitrary in processing cases (UN Commission on Human Rights, 27 June 2003, e.g. Para. 22). UN Working Group on Arbitrary Detentions stated that 'In its interviews both with political prisoners and ordinary law prisoners, the Working Group has noted that, in many cases, the length of the sentences handed down is disproportionate to the seriousness of the offence. There are also manifest disparities from one court to another.' (UN Commission on Human Rights, 27 June 2003, Para. 58).

"In the report of their visit to Iran in February 2003, the UN Working Group on Arbitrary Detention noted that 'the legal framework for detention, as applied in the Islamic Republic of Iran, has significant shortcomings with regard to international principles and norms' since its sources were alien to the norms of due process, including 'the principle of separation of authority for prosecution and judgement, the authority of res judicata, the prohibition of discrimination on the basis of sex, religion or nationality, the prohibition of the use of certain sanctions which today are comparable to torture or cruel, inhuman or degrading treatment.' (UN Commission on Human Rights, 27 June 2003, Para. 15).

"In relation to due process norms, the UN Working Group also points to the role of 'accepted principles of morality or public order' (Constitution, Art. 165) in Iranian law (UN Commission on Human Rights, 27 June 2003, Para. 19).

"UN Working Group in Arbitrary Detention observed that the Iranian judiciary may take their decisions in many cases orally, without written notification (UN Commission on Human Rights, 27 June 2003, Para. 60)." **[3h] (p1)**

11.12 According to the Danish FFM report 2005:

"Mohammad Javad Shariat Bagheri, Director General of the Iranian judicial system's international department reported that all judges in the various courts can have two different educational backgrounds. The normal educational background is a legal qualification from a university. Around 90% of judges have a university education in law. Around 10% of judges have theological training from a priests' seminary. Irrespective of educational background, all prospective judges must go through a one-year judicial training course ending with an examination before they are allowed to practise. The course is designed to give its participants the skills to carry out the office of judge in a correct manner." **[86a] (p7)**

11.13 According to the USSD report for 2007:

"The legitimacy of the special clerical court system continued to be subject to debate. The clerical courts, which investigate offenses and crimes committed by clerics and which are overseen directly by the supreme leader, are not provided for in the constitution and operated outside the domain of the judiciary. According to an AI report during the year, defendants could only be represented by clerics nominated by the court, who are not required to be legally qualified. AI reported that in some cases the defendant was unable to find a person among the nominated clerics willing to act as defense counsel and was tried without legal representation. In particular, critics alleged clerical courts were used to prosecute clerics for expressing controversial ideas and participating in activities outside the sphere of religion, such as journalism or reformist political activities." **[4t] (Section 1e)**

11.14 AI reported in February 2006 that:

"In October 2005, Press Courts were reintroduced to try cases of breaches of the Press Code, which contains vaguely worded provisions which can be used to punish people for the peaceful expression of their opinions. They comprise a panel of three judges and a jury selected by the judiciary... Following the reintroduction of the Press Courts, dozens of cases of journalists and newspapers began to be examined, leading in several cases to suspended prison sentences." **[9f] (p8)**

11.15 Europa, accessed 8 December 2008, states "In August 1982 the Supreme Court revoked all laws dating from the previous regime which did not conform with Islam; in October all courts set up prior to the Islamic Revolution were abolished." **[1a] (Judicial System)** The Supreme Court has review authority over some cases, including appeals of death sentences. **[4t] (Section 1e)** In June 1987 Ayatollah Khomeini ordered the creation of clerical courts to try members of the clergy opposed to government policy. A new system of qisas (retribution) was established, placing the emphasis on swift justice. Islamic codes of correction were introduced in 1983, including the dismembering of a hand for theft, flogging for fornication and violations of the strict code of dress for women, and stoning for adultery. The Supreme Court has 33 branches, each of which is presided over by two judges. **[1a] (Judicial System)**

11.16 According to an AI report of 1996, since May 1994, judges had been responsible for prosecution in public and revolutionary courts. **[9a]** However, as reported in Payvand News in April 2003, the judiciary adopted a key reform, appointing a high profile judge, Saeed Mortazavi, as the prosecutor general of public and revolutionary courts in Tehran in order to fend off criticism that the judge also acted as prosecutor in trials. **[53c]** The International Federation for Human Rights (FIDH) is reported as stating that "The re-establishment of the function of Prosecutor in February 2003 in the judicial system was a positive step. However, the choice of Mr Mortazavi as the Attorney-General of Tehran clearly undermines this progress. Mr Mortazavi has been involved in the repression of intellectuals, journalists and peaceful demonstrators in June 2003. In addition, his responsibility in Mrs Kazemi's death has been clearly established by the Article 90 Commission." **[10z] (p2 para 6.27)** Numerous observers considered Tehran Public Prosecutor Saeed Mortazavi the most notorious persecutor of political dissidents and critics. **[4t] (Section 1e)**

11.17 Amnesty International has reported regularly that trial hearings are often heard in camera and that political detainees have been denied access to legal counsel during judicial proceedings, despite official assurances to the contrary. **[9a]** (USSD, 11 March 2008) **[4t] (Section 1e)** Political trials which take place within prisons are sometimes conducted secretly. Where trials and summary proceedings of political prisoners deny the detainee access to legal counsel, they breach Iran's Constitution and also Article 14D of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a signatory. **[9aah] (p11) [9a] [4t] (Section 1e)** Amnesty International cites detainees in Iran having described the use of ill treatment and torture to obtain forced confessions. **[9aad] (p4-5)**

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FAIR TRIAL

11.18 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:

> "The Penal Code and the Code of Penal Procedure provide various procedural guarantees aimed at ensuring due process of law and fair trial rights. For instance, article 190 of the Code of Penal Procedure requires that defence lawyers be given full access to prosecution documents and time to review them. However, some provisions fall short of international human rights standards. For instance, article 33 of the Code of Criminal Procedure allows for a suspect to be detained without charge for one month, which may then be renewed." **[10a] (p4)**

11.19 The same report adds: "Particularly in revolutionary court hearings, an extremely restrictive interpretation of article 128 of the Code of Penal Procedure and note 3 to the Law on the Selection of Counsel led to the exclusion of counsel at the discretion of the judges." (UN, 1 October 2008) **[10a] (p17)**

The main text of this COI Report contains the most up to date publicly available information as at 1 February 2009. Further brief information on recent events and reports has been provided in the Latest News section to 16 March 2009.

11.20 The USSD report for 2007 states that: "The constitution prohibits arbitrary arrest and detention; however, these practices remained common." **[4t] (Section 1d)**

It elaborates further:

"The constitution and penal code require warrants or subpoenas for arrests and state that arrested persons must be informed of charges within 24 hours; however, these safeguards rarely occurred in practice. Detainees often went weeks or months without charges or trial, frequently were denied prompt contact with family, and often were denied access to legal representation for prolonged periods. Bail was often set at prohibitively high levels, even for lesser crimes. Detainees and their families were often compelled to submit property deeds in order to post bail. In the period immediately following detention or arrest, many detainees were held incommunicado and denied access to lawyers and family members. In practice there was neither a legal time limit for incommunicado detention nor any judicial means to determine the legality of the detention." **[4t] (Section 1d)**

And continues:

"Authorities also maintained 'unofficial' secret prisons and detention centers outside the national prison system, where abuse reportedly occurred." **[4t] (Section 1c)**

11.21 "… in theory defendants have the right to a public trial, a lawyer of their choice, and right of appeal. However, these rights were not respected in practice. Panels of judges adjudicate trials. There is no jury system in the civil and criminal courts. In the press court, a council of 11 persons specifically selected by the court adjudicates the case. If post revolutionary statutes do not address a situation, the government advises judges to give precedence to their knowledge and interpretation of Islamic law." (USSD, 11 March 2008) **[4t] (Section 1e)**

11.22 The USSD report for 2007 notes that:

"According to the law, defendants are entitled to a presumption of innocence, but this often does not occur in practice. Trials are supposed to be open to the public; however, frequently they are closed and defendants often were not given access to a lawyer. The right to appeal is often denied. In practice, defendants are often denied access to legal representation until initial investigations are completed and charges are brought; the period of initial investigation often lasted weeks or months. 'Confessions' were often reportedly coerced during investigations. There were also reports during the year that people who were not detained but summoned for interrogation by security or judiciary officials were threatened with repercussions – inferring either detention or charges – if they sought legal representation." **[4t] (Section 1e)**

11.23 According to the USSD report for 2007:

"Numerous human rights groups condemned trials in the revolutionary courts for their disregard of international standards of fairness. Revolutionary court judges were chosen in part due to their ideological commitment to the system.

Pretrial detention often was prolonged, and defendants lacked access to attorneys. Authorities often charged individuals with relatively undefined crimes, such as 'anti-revolutionary behavior,' 'moral corruption,' and 'siding with global arrogance.' Defendants did not have the right to confront their accusers. Secret or summary trials of only five minutes' duration occurred frequently. Other trials were deliberately designed to publicize a coerced confession, and there were allegations of corruption." **[4t] (Section 1e)**

11.24 According to the UNHCR European Country of Origin Information Seminar, 2001, Berlin Final Report, the law indicates a range of applicable punishments for types of offences. For example, two to ten years imprisonment for a person found to have formed a political organisation deemed to be destroying the security of the country, although the definition of what destroys the national security is not made clear. Similarly, punishments of imprisonment, lashes or fines can be imposed for insults against Iranian leaders or government representatives, but effectively serve to limit freedom of speech as the law does not define the term 'insult'. **[3c] (p78)**

11.25 According to the UN Economic and Social Council Commission, in a report dated 11 February 1997, four types of proof exist within the Iranian legal system. The application of confession, testimony, and oath and "the knowledge of the judge" remain unclear to those outside the Iranian judiciary. There is a marked concern that confessions are often gained by coercion and that the "testimony of righteous men" excludes women and members of religious minorities. **[10g] (p8)**

See also Knowledge of the judge.

11.26 According to the UN, in 1998, the Iranian authorities have said that many of the executions conducted in Iran relate to drug-trafficking offences, but no corroborative statistics or information on the protection of human rights policies in dealing with such offenders is available. Numbers of stonings and deaths as a consequence are unclear, though most take place in the larger cities such as Tehran, Hamedan, Isfahan and Kermanshah. All are endorsed by the Supreme Court **[10b] (p5)**, including stoning of women found guilty of sexual relations outside marriage. **[10h] (p12)**

See also Stoning.

11.27 According to the Canadian Department of Foreign Affairs and International Trade, during 2003 arbitrary arrests and detentions continued. Hundreds remain in detention, often without charge or trial and without access to an attorney or contact with their families. In June 2003 up to 4,000 people were arrested, and most later released, after pro-reform protests erupted in several cities. **[69a]**

11.28 On 3 September 2003, parliament passed legislation to form a special commission to monitor performance of the judiciary. (BBC News, 3 September 2003) **[21bl]**

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Penal code

11.29 The original Iranian Islamic penal code was passed into law in 1991 and last amended in 1996. **[117b]** It is a parallel system to the Iranian civic code. **[77d]**

11.30 In their report 'Human rights abuses against the Baluchi minority' of 17 September 2007, Amnesty International explains aspects of the Iranian Penal Code:

"Under Iranian law, people may be sentenced to death for certain hodoud crimes (crimes against God defined by Islamic law) and certain Ta'zir crimes (discretionary crimes that are not defined by Islamic law).

"Under the category of hodoud crimes, capital offences include adultery by married people; incest; rape; fornication for the fourth time by an unmarried person, having been punished for each previous offence; drinking alcohol for the third time, having been punished for each previous offence; 'sodomy'; same-sex sexual conduct between men without penetration (tafhiz) for the fourth time, having been punished for each previous offence; lesbianism for the fourth time, having been punished for each previous offence; fornication by a non-Muslim man with a Muslim woman; and false accusation of adultery or 'sodomy' for a fourth time, having been punished for each previous offence.

"The law of hodoud also provides for the death penalty as one of four possible punishments for those convicted of the vaguely worded offences of 'enmity with God' ('moharebeh') and 'corruption on earth' ('ifsad fil arz'). These terms are defined in the Penal Code as 'Any person resorting to arms to cause terror, fear or to breach public security and freedom will be considered as a mohareb and to be mofsed fil-arz (corrupt on earth)'. Further articles clarify that those convicted of armed robbery, highway robbery, membership of or support for an organization that seeks to overthrow the Islamic Republic; and plotting to overthrow the Islamic Republic by procuring arms for this purpose will be regarded as mohareb. References in other articles relating to ta'zir crimes, and other laws, specify other circumstances in which an individual may be considered a mohareb, including espionage and forming a group to harm state security. Corruption on earth is not further defined in the hodoud section of the Penal Code, but a number of other laws provide for the possibility that certain crimes may in some circumstances fall into this category. These include crimes such as economic corruption, embezzlement, repeated drug-smuggling, forgery of banknotes, hoarding and profiteering.

"Judges apparently have a wide degree of discretion in deciding whether a particular crime is so serious that it amounts to one of these categories and therefore can be punished by death rather than a term of imprisonment or other penalties.

"As hodoud crimes are regarded as a crime against God, they are not open to pardon by the Supreme Leader on the recommendation of the Head of the Judiciary in the same way as ta'zir or discretionary punishments are. However, in the case of adultery, 'sodomy', same sex sexual conduct without penetration, and lesbianism, if the person has confessed to the crime and repented (publicly sought forgiveness from God), then the judge in the case has the power to seek a pardon from the Supreme Leader or to insist on the implementation of the verdict." **[9aab]**

11.31 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, adds:

"The Working Group on Arbitrary Detention noted that the Iranian Penal Code retains five categories of crimes to which diverse punishments can be applied: hudud, qisas, diyah, ta'zir and preventive punishments. Hudud constitutes crimes against divine will, the applicable punishments for which include the death penalty, crucifixion, stoning, amputation of the right hand and, for repeat offences, the left foot, flogging, imprisonment and exile. Qisas is retribution in kind, broadly similar to 'an eye for an eye'. Proceedings against the life or physical integrity of the person are subjected to the decision of the victim, who may ask for the guilty party to suffer the same treatment or may accept financial compensation (diyah) in the case of murder or physical injury. Ta'zir constitutes crimes that incur discretionary punishments applied by the State that are not derived from the Islamic sharia law.

"The death penalty is imposed for certain hudud crimes, including adultery, incest, rape, fornication for the fourth time by an unmarried person, drinking alcohol for the third time, sodomy, sexual conduct between men without penetration for the fourth time, lesbianism for the fourth time, fornication by a non-Muslim man with a Muslim woman, and false accusation of adultery or sodomy for a fourth time. Furthermore, the death penalty can be applied for the crimes of enmity with God (mohareb) and corruption on earth (mofsed fil arz) as one of four possible punishments. Under the category of ta'zir crimes, the death penalty can be imposed for 'cursing the Prophet' (art. 513 of the Penal Code). The death penalty may also be applied to such crimes as drug smuggling or trafficking, murder, espionage and crimes against national security." **[10a]**

11.32 Regarding qisas, the Human Rights Watch report 'Ending the Juvenile Death Penalty in Iran, Saudi Arabia, Sudan, Pakistan, and Yemen' of 10 September 2008 states:

"The majority of juvenile executions in Iran are for hadd crimes or for intentional murder. Intentional murder, which includes 'cases where the murderer intentionally makes an action that is inherently lethal, even if he does not intend to kill the victim', is considered to be a crime punishable by retribution in kind (qisas-e-nafs) [Iranian Penal Code, arts. 205, 206]. While the judiciary is responsible for carrying out the trial and implementing the sentence in qisas cases, Iranian law treats these cases as private disputes between two civil parties, where the state facilitates the resolution of the dispute. The victim's survivors retain the right to claim retribution in kind, to pardon the killer, or to accept compensation in exchange for giving up the right to claim retribution." **[8c] (p8)**

And continues:

"Iran retains the death penalty for a large number of offenses, among them cursing the Prophet, certain drug offenses, murder, and certain hadd crimes, including adultery, incest, rape, fornication, drinking alcohol, 'sodomy', same-sex sexual conduct between men without penetration, lesbianism, 'being at enmity with God' (mohareb), and 'corruption on earth' (mofsed fil arz)." **[8c] (p8)**

See also Death penalty.

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Knowledge of the judge

11.33 The 'knowledge of the judge' put simply means the judge's certainty that a crime has been committed and does not seem to have any particular requirements. The following sources combine to provide more of a definition and the number of cases that seem to be decided based on the judge's knowledge show that it is actively used.

11.34 The Women Living under Muslim Laws website, stated in an article dated 6 December 2006, that:

"Although it is apparently very difficult to provide evidence in the court to prove adultery (testimonies by four fair male witnesses, or four confessions to the offense by the accused), Article 105 of the Islamic Penal Code leaves the judge's hands open to issue a subjective and arbitrary ruling based on his own understanding, or knowledge, of the case. As it has been stated by the lawyers of five women sentenced to stoning in a letter to the Head of Judiciary, in most of the cases these women have been sentenced solely based on the judge's knowledge despite the lack of evidence. Thus, the difficulty of presenting evidence is not an issue when the judge can rely on his own knowledge." **[114]**

11.35 The Global Campaign to Stop Killing and Stoning Women website states that:

"Most stoning sentences are issued not on the basis of testimony or confession but on the judges 'knowledge' or 'intuition'. Article 105 of the Islamic Penal code of Iran allows a judge to rule according to his gut feeling instead of hard evidence. As a result, most of not all adultery cases are unfairly tried." **[115]**

11.36 An Amnesty International campaign, dated 20 June 2007, states that:

"Under Iranian law, adultery can only be proved by the testimony of eyewitnesses (the number required varying for different types of adultery), a confession by the defendant (repeated four times), or the judge's 'knowledge' that the adultery has taken place. In this case, the basis for the conviction of adultery was the judge's 'knowledge', apparently on the basis that they had a child together." **[9aaf]**

11.37 Another example of 'judge's knowledge' is in a case on the Iran Focus website, dated 8 February 2008: "The charge of 'adultery' was substantiated solely by the judge's 'knowledge', based on the video evidence and statements the sisters had made during their interrogation." **[76d]**

11.38 In the case of a man accused as a child of anal rape, the International Gay and Lesbian Human Rights Commission stated on their website on 5 November 2007, that:

"In the absence of adequate evidence, the judge used an Iranian legal principle known as 'Knowledge of the Judge', to declare that he was certain

Makvan had raped his victims. According to the Iranian legal code, when there is not enough evidence to convict a defendant of sexual crimes, the judge may use his knowledge (in a deductive process based on the evidence that already exists) to determine whether the crime took place or not." **[99b]**

COURT DOCUMENTATION

11.39 Both a Danish fact-finding mission report of September 2000 and a Belgian mission report of 2002 noted that in the case of court summonses an attempt was always made to deliver a summons to appear before a court to the addressee in person. If the person concerned was not there, however, the summons might be delivered to a family member. If there was nobody present who could accept the summons, it was taken back to the court, where the judge decided whether an attempt should be made to arrest the person concerned. Such a decision depended on the nature of the case. However, a person might not be arrested without a written order from a judge. **[41a] (p22) [43] (p17)**

11.40 The Danish report went on to record that Public Courts have the power to issue arrest warrants in all types of cases unless the case in question falls under the jurisdiction of the Revolutionary Court. The report noted that the process was as follows: arrest warrant is sent by the Public Court to the relevant police station, which is responsible for arresting the person concerned. The arrest warrant is shown to the person under arrest but not served. It is subsequently returned to the issuing court. Forms used for issuing arrest warrants are printed at a special government printing house. The form is completed by hand and contains the following information about the person under arrest:

- First name and surname
- Address
- Occupation
- Father's name
- ID-card number

Once it has been completed, the form is stamped and signed by the court. Only one arrestee can be covered by the form. The reason for the issuing of the arrest warrant is not normally stated. **[41a] (p23)**

11.41 In a report from the CIRB dated 20 June 2006 various court procedures were commented on as follows:

"Court documents and arrest warrants; surety; death sentences; trial in absentia …

"**Court documents and arrest warrants**

"In most circumstances the office of the court issues court documents, such as summons[es] and other relevant notices. Arrest warrants have to be signed by the judge. Also, any judgment of the court resulting in the conviction of the accused should also be signed by the judge himself. Otherwise (unless there is a specific provision), the court officer (normally an unqualified clerk) will sign the notices. The notices are served through the service department of the Ministry of Justice and through a bailiff. The bailiff is employed by the

government and there are no private process servers, whether in commercial or criminal proceedings. Even in commercial cases, all the documentation and notices have to be served through the service department of the Ministry of Justice.

"A warrant for arrest should be served on the accused at his last known address. If the address is unknown or the accused cannot be found at his last known address, then the proper service would take place through publication of the warrant in a widely circulated newspaper or a local newspaper where the accused resides. The members of the family cannot be served instead of the accused unless they acknowledge that they are aware of the whereabouts of the accused and they will undertake to deliver the notice/summons to the accused. In principal, [sic] in criminal cases, the substituted service through members of the family is not acceptable. If the accused cannot be found, the arrest warrant would be passed on to law enforcement officers to arrest the accused whenever and wherever he is found.

"**Surety**

"There are different methods of obtaining a bail. Bail can be obtained through a surety, through providing security or through a cash deposit. Under Islamic law, for minor offences, the accused can be released on his own bail.

"In the case of surety, the person standing a surety has to appear before the office of the court and sign a formal declaration that he will be personally responsible for delivering the accused to the court whenever the court summons him to do so. In other cases, arrangements will be made through the office of the court with a special fund in the Ministry of Justice to provide a deposit of cash or bank guarantee. In the case of providing as security a title deed or the like, the original document of ownership should be deposited with the office of the court and no transaction can be carried out in respect of the property that has been offered as security.

"[In cases where a] person who has been bailed [through a surety] does not appear on the due date … the surety will be summoned to deliver the accused, failing which the cash amount required for bail will be seized from his assets. In other cases, the property or the asset that has been pledged to the court will be confiscated.

"**Death sentences**

"The competent authority to issue a death sentence is the public court (which now includes revolutionary courts) within whose jurisdiction the offence has occurred. Generally, the decisions of the public courts are final, except in cases where, among others, [the] decisions or convictions [are for] crimes which carry capital punishment.

"**Trial in absentia**

"In accordance with Article 217 of the Criminal Procedure Code, in cases involving crimes of public order (as opposed to religious crimes), if the accused and/or his representative is absent from the entire proceedings, then the court can issue its sentence in absentia, which of course will be subject to appeal once it is properly served on the accused. There is no restriction as to

the type of sentence that may be issued and therefore it includes death sentences issued in absentia. There is no express provision in this respect, but Note 2 of … Article 217 would only allow the court to proceed in the absence of the accused if the court is of the opinion that there is no basis for the conviction of the accused and arriving at that decision does not require interrogation of the accused. Otherwise, the presence of the accused is necessary for completion of the proceedings and issuance of the final verdict (4 May 2006)." **[2ad] (p1)**

AMPUTATION

11.42 The UN reported in 1998 that amputation has been used as a punishment; although the practice has been widely regarded as contravening Article 7 of the ICCPR [it also contravenes the provision of the Universal Declaration of Human Rights 1948]. In September 1997, three Iranians had hands or fingers amputated for theft and forgery offences. **[10b] (p5)** Amputations were supposedly subject to a moratorium as of 2003. However, sentences of amputation have been issued and in several cases carried out. (Foreign Affairs Canada, accessed 1 February 2006) **[69a]** The USSD report for 2007 stated that "On February 27, officials in Kermanshah publicly amputated four fingers of F. Hosseini as punishment for multiple theft convictions. On May 13, there were reports of another amputation." **[4t] (Section 1c)**

11.43 A report from RFE/RL, dated 7 January 2008, recorded that:

"Five convicted criminals in southeastern Iran have received the seldom-used form of punishment of amputation. The amputation sentences were carried out in Zahedan, the capital of Iran's southeastern Sistan-Baluchistan Province. The five men were found guilty of armed robbery, hostage taking, and firing at police, though officially they were convicted of 'acting against God' and 'corruption upon this Earth.' Amputation as a punishment is legal in Iran, but there have been no reports of it being used for several years." **[42aa]**

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12. ARREST AND DETENTION – LEGAL RIGHTS

12.01 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:

"The Penal Code and the Code of Penal Procedure provide various procedural guarantees aimed at ensuring due process of law and fair trial rights. For instance, article 190 of the Code of Penal Procedure requires that defence lawyers be given full access to prosecution documents and time to review them. However, some provisions fall short of international human rights standards. For instance, article 33 of the Code of Criminal Procedure allows for a suspect to be detained without charge for one month, which may then be renewed." **[10a] (p4)**

12.02 Amnesty International states in its report, 'Iran: Women's rights defenders defy repression', dated 28 February 2008, that:

"Most of the women's rights defenders who have been arrested and prosecuted have been charged with vaguely worded security offences. Such charges are used by the authorities effectively to limit the activists' internationally recognized rights to freedom of expression and association as they seek to protect and promote women's rights in Iran, in violation of international standards such as the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party." **[9aah]**

And:

"In continuing to violate the rights of women's rights defenders, the Iranian authorities use vaguely worded laws, allow or facilitate excessive force by police and other security forces against demonstrators, and turn a blind eye to their ill-treatment in detention. Human rights defenders are effectively denied the protection of the law and are targeted and penalized for standing up for women's rights." **[9aah]**

12.03 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:

"The Working Group on Arbitrary Detention, during its visit from 15 to 27 February 2003, noted the widespread use of solitary confinement and 'incommunicado' imprisonment for its own sake, not for traditional disciplinary purposes (E/CN.4/2004/3/Add.2 and Corr.1, para. 54). However, the Iranian authorities informed OHCHR that such imprisonment was allowed only in exceptional cases and was limited to very serious crimes, such as murder and espionage, in accordance with the Code of Penal Procedures. The duration of solitary confinement has been reduced from one month to 20 days." **[10a] (p8-9)**

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13. PRISON CONDITIONS

13.01 According to the USSD report for 2007: "Prison conditions were poor. Many prisoners were held in solitary confinement or denied adequate food or medical care to force confessions." **[4t] (Section 1c)**

The report continued to state that:

"Some prison facilities, including Tehran's Evin Prison, were notorious for cruel and prolonged torture of political opponents of the government. After its 2003 visit, the UN Working Group on Arbitrary Detentions described section 209 of Evin Prison as a 'prison within a prison,' designed for the 'systematic, large-scale use of absolute solitary confinement, frequently for long periods.' Authorities also maintained 'unofficial' secret prisons and detention centers outside the national prison system, where abuse reportedly occurred." **[4t] (Section 1c)**

And also:

"Security forces often did not inform family members of a prisoner's welfare and location. Authorities often denied visits by family members and legal counsel. Prisoners released on bail did not always know how long their property would be retained or when their trials would be held. Families of executed prisoners did not always receive notification of their deaths. Unlike previous years, there were no reports of the government forcing family members to pay to retrieve the body of their relative." **[4t] (Section 1d)**

13.02 The Freedom House 2008 report adds "Suspected dissidents are often held in unofficial, illegal detention centers run by a security apparatus consisting of the intelligence services, the IRGC, judicial officials, and the police. Allegations of torture are common in such centers and in the notorious Evin prison." **[112c]**

The report continues: "Political prisoners are held under deplorable conditions … Prison conditions in general are notoriously poor, and there are regular allegations of abuse and death in custody." **[112c]**

13.03 According to a January 2002 report by the UN Commission on Human Rights, the press reported a statement by the head of the National Prisons Organisation stating that there were about 160,000 inmates of whom about two-thirds were in prison for drug-related offences, that most of the inmates were aged between 22 and 38, and that 5,000 were women. Moreover, the prison population had increased by over 40 per cent in the previous year, and the prisons were now housing more than 100,000 inmates beyond their capacity. Some commentators have questioned whether the figure of 160,000 includes the inmates of the detention centres run by many of the security agencies which were supposed to have been integrated with the National Prisons Organisation; this has not yet been effected. **[10p] (p8)**

13.04 The USSD report for 2007 notes that:

"Overcrowding was a significant problem. In March the UK-based International Center for Prison Studies reported that 150,321 prisoners occupied facilities constructed to hold a maximum of 65,000 persons. Of the prisoners currently

held in state detention centers, reportedly nearly one quarter were pretrial detainees. In October Prison Organization head Ali Akbar Yasaghi put the number of prisoners at 158,351. There were 130 prisons in the country, with 41 more under construction during the year. There were reports during the year that Judiciary Chief Shahrudi encouraged judges to implement alternative sentencing for lesser crimes, reportedly due in part to prison overcrowding. At year's end, there were no reports on the extent to which this was implemented." **[4t] (Section 1c)**

13.05 The USSD report for 2007 noted that drug users sharing injection needles inside prison was a particular risk factor in the transmission of HIV. Methadone treatment was available for heroin addicts in prisons and the government also started distributing clean needles in some prisons. **[4t] (Section 5)** It was published in 2008 that almost half (45%) of the Iranian prison population is incarcerated for drug-related offences (2005 estimate). **[10ai]** Eighty per cent of prison authorities acknowledged that drug use took place inside prisons although not at a great rate. (Revisiting 'The Hidden Epidemic', January 2002) **[34]**

13.06 The USSD report for 2007 stated that:

"Common methods of abuse in prisons included prolonged solitary confinement with sensory deprivation, beatings, long confinement in contorted positions, kicking detainees with military boots, hanging detainees by the arms and legs, threats of execution if individuals refused to confess, burning with cigarettes, sleep deprivation, and severe and repeated beatings with cables or other instruments on the back and on the soles of the feet. Prisoners also reported beatings on the ears, inducing partial or complete deafness; punching the area around the eyes, leading to partial or complete blindness; and the use of poison to induce illness. HRW reported that security forces physically tortured student activists more than dissident critics from within the system." **[4t] (Section 1c)**

The report continued to state that: "Human rights activists and domestic press reported cases of political prisoners confined in the same wing as violent felons. There were allegations that the authorities deliberately incarcerated nonviolent offenders with violent offenders, anticipating they would be killed." **[4t] (Section 1c)**

13.07 According to the HRW in the June 2004 report, 'Like the Dead in their Coffins':

"The number of illegal detention centers not under the direct control of the National Prisons Office is unknown. They are not officially registered as prisons, do not record the names of their prisoners, and information about their budgets, administration, and management is not known even by relevant government authorities. There are reportedly many in and around Tehran, and they appear to be growing in number." **[8j] (p14)**

13.08 Some moves have been announced in response to concerns over prison conditions. In December 2003, President Khatami announced a government probe into prison conditions (Aljazeera, 24 December 2004) **[63a]** following on from announcements relating to the use of solitary confinement and the proposed closure of some of the older prisons. (AFP, 13 November 2003) **[61b]** In February 2004, a Swiss Commission on Human Rights visited and held

talks with officials in charge of administration of the prisons, the judiciary and Foreign Ministry. They also visited and inspected some prisons and rehabilitation centres. **[52d]**

13.09 According to the USSD report for 2007:

"The government generally granted prison access only to the International Committee of the Red Cross (ICRC), but the ICRC continued to not have access to detainees. On September 11, the government granted foreign journalists a tour of Evin Prison for the second time in two years. According to Agence France Presse, during the visit, the director of Tehran prisons, Sohrab Soleimani, denied that there were political prisoners in Evin Prison but told the journalists that there were 15 prisoners in Evin on 'security' charges. In June 2006 the government also allowed a group of foreign and local journalists to tour Evin Prison. Some prisoners who spoke to reporters in 2006 complained that their cases had not come to trial or that they had been awaiting a verdict for months. According to reports from journalists following the two visits, the number of prisoners in Evin Prison is estimated to be between approximately 2,500 and 3,000." **[4t] (Section 1c)**

13.10 A Human Rights Watch article dated 17 January 2008, reported that the deaths of two people in a detention centre in Sanandaj were claimed by officials to be suicides. The Middle East deputy director at Human Rights Watch said that "The sudden death in detention of two apparently healthy young people is extremely alarming. The government only heightens our concern by quickly dismissing them as suicides. **[8b]**

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14. DEATH PENALTY

See also Death penalty for children.

14.01 The Human Rights Watch report 'Ending the Juvenile Death Penalty in Iran, Saudi Arabia, Sudan, Pakistan, and Yemen', dated 10 September 2008, states:

"Iran retains the death penalty for a large number of offenses, among them cursing the Prophet, certain drug offenses, murder, and certain hadd crimes, including adultery, incest, rape, fornication, drinking alcohol, 'sodomy', same-sex sexual conduct between men without penetration, lesbianism, 'being at enmity with God' (mohareb), and 'corruption on earth' (mofsed fil arz)." **[8c] (p8)**

The footnote to the above adds:

"The vaguely defined crimes of 'enmity with God' and 'corruption on earth' include but are not limited to 'resorting to arms to cause terror, fear or to breach public security and freedom', armed robbery, highway robbery, membership of or support for an organization, that seeks to overthrow the Islamic Republic; and plotting to overthrow the Islamic Republic by procuring arms for this purpose. Islamic Penal Code, arts. 81, 126 133, 183." **[8c] (p8 fn)**

14.02 The Hands Off Cain 2008 World Report states that "The Iranian judiciary continued to treat as moharebs – enemies of Allah – people arrested during anti-regime protests in the capital and other Iranian cities. The charge of being a mohareb brings on a rapid trial that can often end with the death penalty." **[119c]**

14.03 According to the UNHCR/ACCORD: 7th European Country of Origin Information Seminar Berlin, 11-12 June 2001 – Final Report:

"By law the death penalty can be carried out for offences such as espionage, murder, armed robbery, abduction, rape, adultery or incest, sexual intercourse between a non-Muslim man and a Muslim woman, homosexual intercourse, drug smuggling, the use of arms to spread fear or alarm among the people or deprive them of their freedom or security, or the spreading of corruption on earth (mofsed)." **[3c] (p83)**

14.04 Although a signatory to the International Covenant on Civil and Political Rights (which states that countries which have not abolished the death penalty may only impose the death sentence for the most serious crimes), Iran handed down the death penalty for non-violent crimes, mostly of an economic nature. Additionally, the Iranian parliament approved a bill that provides the death penalty for people involved in the production of pornographic films. (Hands Off Cain 2008 World Report) **[119c]**

14.05 According to the Foreign and Commonwealth Office's Human Rights Report 2007: "More executions are taking place in public – in August 2007, two convicts were hanged in a busy street in central Tehran. There has also been an increase in collective executions – up to 21 individuals at a time." **[26k] (p155)**

14.06 The same report continued to state that the death penalty remains on the statute books for consenting same-sex relations although the Foreign and Commonwealth Office has not confirmed any executions for this in 2006 and 2007 but continues to monitor the issue carefully. **[26k] (p155)**

14.07 The number of executions recorded by Hands off Cain for 2007 was at least 355. **[119b]** Amnesty International reported that in comparison to 2006, last year [2007] saw large rises in the number of executions in Iran (at least 317 people, up from 177). The 317 included the stoning to death of a man for adultery, and the execution of three people who were teenagers (aged between 13 and 16) at the time of their arrests. **[9aak]** Hands Off Cain's 2008 World Report which covers 2007 and the first six months of 2008, stated that executions in Iran in 2007 were up by one third on the previous year and already totalled 127 in the first half of 2008. The report added that these numbers could be higher because the Iranian authorities do not provide official statistics and the cases that are counted arrive from State media, other official sources and some independent sources, including scattered reports by Iranian journalists. **[119c]**

14.08 According to the USSD report for 2007 the government continued to sentence individuals to execution after reportedly unfair trials. During the year six Ahvazi Arabs were scheduled for execution after trials not considered fair, one of whom was granted refugee status by UN High Commissioner for Refugees (UNHCR)." (USSD, 11 March 2008) **[4t] (Section 1e)** "Baluchi groups in the southeastern province of Sistan va Baluchestan alleged numerous executions during the year after reportedly unfair trials for attacks against government officials." (USSD, 11 March 2008) **[4t] (Section 1a)** "During the year the government executed at least 11 Ahvazi Arabs in Khuzestan province in connection with bombings in that province in 2005 and 2006. NGOs and human rights groups outside the country condemned the executions, stating that the accused did not receive fair trials." (USSD, 11 March 2008) **[4t] (Section 1a)**

14.09 The Hands Off Cain 2008 World Report states that "Many executions in Iran are for drug-related crimes, but human rights observers believe that many of those executed for common crimes such as drugs are actually political dissidents." **[119c]** The report continues to state that "Of the 355 people executed in Iran in 2007, at least 138, including a child offender, were condemned for drug-related crimes." **[119c]**

The USSD report for 2007 adds:

"NGOs and international newspapers estimate that authorities executed approximately 298 individuals during the year following unfair trials. Exiles and human rights monitors alleged that many of those supposedly executed for criminal offenses, such as narcotics trafficking, were political dissidents. The law criminalized dissent and applied the death penalty to offenses such as apostasy, 'attempts against the security of the state,' 'outrage against high-ranking officials', and 'insults against the memory of Imam Khomeini and against the Supreme Leader of the Islamic Republic.'" **[4t] (Section 1a)**

14.10 A BBC News article dated 14 July 2008 reported that six people had been executed in the north-eastern city of Sabzeva. It was not revealed what they had been accused of, how they were killed or when, but "the radio

report said they were 'wicked people'". **[21dd]** Another BBC News article dated 27 July 2008 reported that 29 people had been hanged in Evin prison for "murder, rape, armed robbery and drug trafficking." **[21i]**

14.11 UN Secretary General Ban Ki-Moon has criticised Iran for what he says is an upsurge in executions in the country. (BBC News, 21 October 2008) **[21j]** The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:

"The continuing high incidence of executions remains an ongoing concern, with a sudden surge of executions reported in recent months, which the authorities argue are part of efforts to combat drug trafficking. For instance, on 27 July 2008, there were reportedly 29 executions, 18 for drug-related offences." **[10a] (p9)**

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STONING

14.12 The practice of stoning involves throwing stones at the convicted individual, who is buried up to the waist (if he is a man) or up to the chest (if she is a woman), until the individual dies from impact of the blows. (HRW, 6 February 2008) **[8ah]**

14.13 UNHCR reported in their 'Comments on the April 2005 country report' of August 2005 that:

"While the Iranian judiciary has issued a moratorium on stoning sentences in 2002, there were contradicting opinions among high rank clericals. On December 26, 2002, the head of the Supreme Administrative Court Qorban Ali Dorri-Najafabadi said the practice has been stopped for a while (Iranian newspaper Hayat-e Now, December 29, 2002). It was also reported by a Majlis member that the head of Judiciary Ayatollah Mahmud Hashemi-Shahrudi had sent a directive to judges instructing them to stop issuing death verdicts by stoning (Iranian newspaper Tehran Times, December 28, 2002). However, this has not been officially documented. On December 29, 2002, Ayatollah Gholamreza Rezvani, a jurisconsult member of the Guardian Council said: 'There is no replacement for stoning as a sanction because the ruling of Islam does not depend on the tastes of the society. Stoning is a sanction for ethical problems such as adultery, and there is no other sanction for having intercourse with a married person. No other punishment could be suggested as a replacement for stoning' (Tehran Times, December 28, 2002)." **[3h] (p1-2)**

14.14 According to the Foreign and Commonwealth Office's Human Rights Report for 2007:

"July 2007 saw the first confirmed report of a stoning sentence being carried out since Iran announced a moratorium on the practice in 2002: a man was stoned to death in Qazvin province. He and his partner had been convicted for adultery and had already served 11 years in prison. Despite international outcry over this case, stoning sentences are still handed down by judges in

Iran. In an interview in October 2007, Mohammad-Javad Larijani, secretary of the Iranian judiciary's human rights headquarters, said that stoning is neither torture nor a disproportionate punishment for adultery." **[26k] (p155)**

14.15 "According to Italian news agency ANSA on 18 May 2005, a 25-year-old Iranian woman was sentenced to stoning for having extramarital sex with a young man whom she later killed with the help of her husband (ANSA, Woman Sentenced to Stoning for Adultery, 18 May 2005).

"According to Iranian newspaper Etemaad, Iran's Supreme Court has reportedly upheld the verdicts and has confirmed that the woman only identified by her first name Massoumeh will be stoned to death and her husband (sic) (Iran Focus, Woman sentenced to stoning, man to execution, 5 Feb 2005).

"On 28 January 2005, UN Committee on the Rights of the Child called on Iran to abolish the death penalty as well as amputation, flogging and stoning for people who committed crimes as minors (Reuters, UN urges Iran to halt execution of young offenders, 28 Jan 2005).

"According to Reuters report on 18 December 2004, an Iranian official said he was waiting for orders on whether to stone or hang a woman convicted of adultery, the latest in a chain of death sentences passed against women for 'fornication' (Reuters, Iranian adulteress faces noose or stoning, 18 December 2004)." (UNHCR, August 2005) **[3h] (p2)**

14.16 Despite the five year old moratorium on 10 July 2007 it was confirmed by Iran's judiciary that a man convicted of adultery had been stoned to death in a northern province west of the capital. Jafar Kiani was stoned to death in a small village in the province of Qazvin. He was in his late 40s and had spent the last decade in prison after the adultery conviction. (RFE/RL, 10 July 2007) **[42y]** After eleven years in custody, Mr Kiani's partner, Mokarrameh Ebrahimi was released along with their son, possibly due to the lobbying of human rights groups in Iran and abroad. (BBC News, 18 March 2008) **[21h]** On 15 July 2007, the head of the Iranian judiciary's human rights committee, Mohammad Javad Larijani "… defended the use of stoning … to execute a man convicted of adultery. Larijani said the judiciary supports the principle of stoning despite international condemnation. Larijani's remarks also come amid an investigation by the judiciary authorities themselves into whether the stoning - which was ordered by a local judge to be carried out - violated a 2002 directive by judiciary head Ayatollah Mahmud Hashemi- Shahrudi against carrying out the practice.

When asked about the Shahrudi directive, Larijani called stoning a feature of Shari'a law and claimed that "Mr. Shahrudi is not opposed to the principle of a...verdict that is based on Islamic Shari'a…" (RFE/RL, 15 July 2007) **[42z]**

14.17 Amnesty International in their 2008 report stated that:

"Ja'far Kiani was stoned to death in Takestan in July, despite an order from the Head of the Judiciary granting a temporary stay of execution. The judge in the case was later said by officials to have been 'mistaken'. At least nine women, including Ja'far Kiani's co-defendant, and two men remained at risk of stoning. In November, judicial officials said that a new version of the Penal

The main text of this COI Report contains the most up to date publicly available information as at 1 February 2009. Further brief information on recent events and reports has been provided in the Latest News section to 16 March 2009.

Code had been sent to the Majles for approval and that, if approved, it would provide for the possibility of commuting stoning sentences." **[9aag]**

14.18 In its report 'End executions by stoning', dated 15 January 2008, Amnesty International stated:

"Amnesty International is calling on the Iranian government to abolish immediately and totally executions by stoning and to impose a moratorium on the death penalty pending the repeal or amendment of the Penal Code. All existing sentences of execution by stoning should be commuted." **[9aad]**

And:

"Execution by stoning, a punishment prescribed in Iran's Penal Code, is a particularly grotesque and horrific practice. Amnesty International opposes the death penalty in all circumstances and believes that stoning is specifically designed to increase the suffering of victims. Iranian law prescribes that the stones are deliberately chosen to be large enough to cause pain, but not so large as to kill the victim immediately." **[9aad]**

14.19 Radio Free Europe / Radio Liberty reported on 5 August 2008 that:

"Iran has decided to spare the lives of four people sentenced to death by stoning and is halting the implementation of other such sentences pending a review of their cases, the judiciary has said.

"'The issued verdicts for all of these cases will not be carried out for now,' judiciary spokesman Ali Reza Jamshidi was quoted as saying by the ISNA news agency.

"Jamshidi did not say how many people had been sentenced to death by stoning. Defense lawyers last month said at least eight women and one man had received such sentences and may be executed at any time.

"But Jamshidi said Supreme Leader Ayatollah Ali Khamenei had commuted the stoning sentences for two people to 10 years in jail. Two others would be lashed instead after a judicial review, state broadcaster IRIB said.

"'In a few other cases, these people have asked for forgiveness and their request...is under review,' IRIB quoted Jamshidi as telling a news conference.

"Lawyers defending several of those sentenced to stoning in July said the eight women, ranging in age from 27 to 43, had convictions including prostitution, incest, and adultery.

"The man, a 50-year-old music teacher, was convicted of illegal sex with a student, they told a news conference on July 20. The lawyers urged parliament to remove stoning and other corporal punishments from law books." **[42l]**

14.20 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:

"It is reported that stoning verdicts have been suspended for at least 14 people: 11 women and 3 men. It was also reported, in July 2008, that nine people had been sentenced to stoning for adultery, although those figures are disputed by the Iranian authorities. Civil society in the Islamic Republic of Iran is also actively campaigning for the abolition of stoning. The 'campaign to stop stoning forever', launched in 2006, is aimed at documenting cases of stoning sentences, identifying attorneys willing to represent the accused and working towards the abolition of stoning altogether." **[10a] (p10)**

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15. POLITICAL AFFILIATION

FREEDOM OF ASSOCIATION AND ASSEMBLY

15.01 According to the USSD report for 2007:

> "The constitution provides for the establishment of political parties, professional associations, Islamic religious groups, and organizations for recognized religious minorities, provided that such groups do not violate the principles of 'freedom, sovereignty, and national unity,' or question Islam as the basis of the Islamic Republic; however, the government limited freedom of association in practice." **[4t] (Section 2b)**

15.02 The USSD report for 2007 added:

> "The constitution permits assemblies and marches, 'provided they do not violate the principles of Islam'; however, in practice the government restricted freedom of assembly and closely monitored gatherings to prevent anti-government protests. Such gatherings included public entertainment and lectures, student meetings and protests, labor protests, women's gatherings and protests, funeral processions, and Friday prayer gatherings." **[4t] (Section 2b)**

15.03 It was reported in the USSD Report for 2007 that:

> "No accurate estimates were available regarding the number of citizens imprisoned for their political beliefs. In 2003 the UN Special Representative for the Promotion and Protection of the Right to Freedom of Expression and Opinion estimated the number to be in the hundreds. Although there were few details, the government reportedly arrested, convicted, and executed persons on questionable criminal charges, including drug trafficking, when their actual 'offenses' were political. The government charged members of religious minorities with crimes such as 'confronting the regime' and apostasy and conducted trials in these cases in the same manner as threats to national security.
>
> "Political prisoners occasionally were given suspended sentences or released for short or extended furloughs prior to completion of their sentences but could be ordered back to prison at any time. These suspended sentences were often used to silence and intimidate individuals. The government also controlled political activists by holding a file in the courts that could be opened at any time and and attempted to intimidate them by calling them in repeatedly for questioning." **[4t] (Section 1e)**

15.04 Amnesty International states in its report, 'Iran: Women's rights defenders defy repression', dated 28 February 2008, that:

> " … Iran … [has] obligations under the ICCPR [International Covenant on Civil and Political Rights], which sets out the rights to freedom of expression, peaceful assembly and freedom of association in its Articles 19, 21 and 22. Article 19 declares that everyone 'shall have the right to freedom of expression', including the right freely to 'seek, receive and impart information and ideas' regardless of frontiers and orally, in writing or through other means. Article 21 recognizes the right to peaceful assembly, stating that no

restrictions may be placed on this right other than those that conform to the law and are 'necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others'. Article 22, concerning freedom of association, protects the right to form political parties, trade unions and private associations such as NGOs, including human rights organizations.

"The Iranian authorities, like the governments of other states party to the ICCPR, are bound by its requirements and, therefore, must not impose limitations on the exercise of rights – such as the rights to assembly or association – that exceed those expressly laid down in Article 21." **[9aah]**

The report goes on to say that:

" … In practice, however … the Iranian authorities have established rules requiring prior permission for the holding of meetings and assemblies, and taken other steps to curtail criticism or dissent, which go far beyond what is permissible in international law." **[9aah]**

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16. OPPOSITION GROUPS AND POLITICAL ACTIVISTS

POLITICAL DISSENT

16.01 According to the USSD Background Note of March 2008:

> "The Islamic Republican Party (IRP) was Iran's sole political party until its dissolution in 1987. Iran now has a variety of groups engaged in political activity; some are oriented along ideological lines or based on an identity group, others are more akin to professional political parties seeking members and recommending candidates for office. Conservatives consistently thwarted the efforts of reformists during the Khatami era and have consolidated their control on power since the flawed elections for the seventh Majles in 2004 and president Ahmadi-Nejad's victory in 2005.
>
> "The Iranian Government has faced armed opposition from a number of groups, including the MEK [cult-like terrorist organisation Mujahedin-e Khalq, People's Mojahedin of Iran] (which the U.S. Government added to its list of Foreign Terrorist Organizations in 1999), the People's Fedayeen, the Kurdish Democratic Party of Iran (KDPI), the Party for a Free Life in Kurdistan (PJAK), and the Baluchi opposition group Jundallah." **[4u] (Political conditions)**
>
> See also Annex B.

16.02 The USSD 2007 report stated that: "Exiles and human rights monitors alleged that many of those supposedly executed for criminal offenses, such as narcotics trafficking, were political dissidents. The law criminalized dissent and applied the death penalty to offenses such as apostasy, 'attempts against the security of the state,' 'outrage against high-ranking officials', and 'insults against the memory of Imam Khomeini and against the Supreme Leader of the Islamic Republic.'" **[4t]**

16.03 According to a 1998 report from the Netherlands Ministry of Foreign Affairs on the situation in Iran, activities of opposition groups such as Tudeh, Iran Paad, Komala, and Fedayeen had not been evident in Iran in recent years. **[19a] (p17)** However, since then it has been reported that over 1,000 members of such dissident groups were executed in 1988/1989, including 38 named members of Tudeh. **[2f]**

16.04 In a report dated 13 September 2006 FIDH reported that:

> "Following the deaths of two prisoners detained in Iran's prisons on the grounds of their political beliefs, within just over five weeks, FIDH and its member organization, the Iranian League for the Defense of Human Rights (Ligue de Défense des Droits de l'Homme en Iran - LDDHI) express their profound concern over the situation of political prisoners and human rights defenders in detention in Iran, and urgently call upon the Iranian authorities to conduct independent and impartial investigations into the circumstances of these deaths." **[56f]**

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MOJAHEDIN-E KHALQ ORGANISATION (MEK / MKO) OR PEOPLE'S MOJAHEDIN ORGANISATION OF IRAN (PMOI) OR HOLY WARRIORS OF THE PEOPLE

16.05 According to the CIRB's country fact sheet of December 2007:

> "This group's goal is to overthrow the current regime in Iran and establish a democratic, socialist Islamic republic. At one time it claimed 100,000 members, but in 2007, it is believed to have much less support. Its leaders are Massoud Rajavi, who is based in Iraq and Maryam Rajavi, who is based in France. It was formed in 1965 in opposition to the Shah and it was part of the revolutionary forces which overthrew the monarchist regime in 1979. It was excluded from the Islamic regime and its leaders were forced to go underground and then to leave Iran. It has been based in Paris since 1981 and in Baghdad since 1986. In Iraq it maintained military camps until the fall of Saddam Hussein's government in 2003. The armed militant wing is known as the National Liberation Army (NLA). It is a member of The National Council of Resistance of Iran (NCRI). The United States Department of State considers the NCRI to be the 'political arm' of the MEK. This organization is on the US government's list of 'terrorist organizations' as well as the Canadian government's list of 'entities associated with terrorism'. A number of assassinations in Iran which occurred between 1979 and 1999 have been attributed to this group." **[2af]**

See also Annex B.

16.06 According to the Situation in Iran report, December 1998, from the Netherlands Ministry of Foreign Affairs, the organisation claimed responsibility for two attacks in June 1998, including one on a revolutionary court where three people died as a result. In August 1998 the MeK took responsibility for an attack on the former head of Evin Prison. **[19a] (p17)** According to the Project Ploughshares Armed Conflicts Report 2003, during 2003 there were no reported deaths due to fighting between Iranian government fighters and armed rebels for the second consecutive year. **[60a] (p1)**

16.07 The US-led invasion of Iraq in March 2003 resulted in the disarming of the MeK rebels based in that country. The lingering conflict between the MeK and the Iranian government was deeply affected by the March 2003 invasion. In April 2003, the MeK surrendered to US forces following a bombing campaign targeting Camp Ashraf, their base in Iraq. **[60a] (p4)**

16.08 The *Tehran Times* reported on 25 November 2003 that, after the MKO disarmament, the Iranian government expressed interest in assisting the repatriation of rebel fighters and announced that they were proposing to issue an amnesty. **[52b]** In December 2003 it was reported in the Christian Science Monitor (CSM) that the amnesty offer from President Mohamed Khatami – coupled with relatively soft treatment of recently captured MeK operatives and the expulsion deadline – was sparking new hope. In Geneva in December 2003, Mr Khatami said Iran was ready to accept former MeK fighters who 'are in Iraq and regret' past acts. 'We will welcome them and judge them according to the law,' he said. **[67a]** The government made clear that the proposed amnesty would not be extended to the leadership. **[60a] (p4)**

16.09 It was reported by the CSM in December 2003 that the views of a dozen former militants, interviewed for a December 2003 article often for several

hours each, half of them still imprisoned by Iran's Revolutionary Court, was that the MeK is no longer deemed a critical threat by the Iranian regime. **[67a]** According to Project Ploughshares, in December 2003, the Iraqi Governing Council indicated it would expel members of the MeK from Iraq possibly to Iran. **[60a] (p4)** However, in spite of this offer, the vast majority of MeK members remained in their camps in Iraq, supervised by US/UK coalition forces. **[60a] (p4)** Since early 2005, there have been reports that around 300 rank-and-file former residents of Camp Ashraf have returned to Iran voluntarily under a scheme involving the International Committee of the Red Cross (ICRC). (Islamic & Republic News Agency, 9 March 2005) **[22c]**

16.10 According to the Amnesty International Report for 2002, there were unconfirmed reports that the MeK ill-treated its own members at its base in Iraq. The reports were denied by the organisation but it failed to provide substantive information to allay AI's concerns. **[9q]** A Human Rights Watch Report, 'No Exit: Human Rights Abuses Inside the Mojahedin Khalq Camps' of May 2005, reported that:

"The former MKO members reported abuses ranging from detention and persecution of ordinary members wishing to leave the organization, to lengthy solitary confinements, severe beatings, and torture of dissident members. The MKO held political dissidents in its internal prisons during the 1990s and later turned over many of them to Iraqi authorities, who held them in Abu Ghraib. In one case, Mohammad Hussein Sobhani was held in solitary confinement for eight-and-a-half years inside the MKO camps, from September 1992 to January 2001.

"The witnesses reported two cases of deaths under interrogation." **[8l] (p2)**

16.11 The HRW report was challenged by some, noticeably by the Friends of Free Iran group who issued a rebuttal report on 21 September 2005. **[91a]** A report in the Euro Correspondent of 16 April 2006 states that "…this group has close contacts with the:

"…National Council of Resistance of Iran (NCRI), an organisation designated a terrorist front by the US state department in 2003, and which, under other aliases, is on UK and EU blacklists…

"The NCRI was formed as an umbrella group for Iranian dissidents by the People's Mojahedin Organisation of Iran (PMOI), otherwise known as the Mojahedin-e-Khalq (MeK). Confusingly, the PMOI and MeK are blacklisted by the EU as groups 'involved in terrorist acts', but the NCRI is not. In the US no such distinction is made." **[92a]**

16.12 However, while the Mujahedin-e Khalq Organization (MKO) is still on the EU's list of terrorist organisations that are subject to an EU-wide assets freeze, an IRNA article, dated 28 June 2008, stated that the British government have removed the MKO, originally banned in 2001, from its terrorist blacklist. **[22a]**

16.13 The UNHCR Ankara COI team in their Chronology of Events in Iran, January 2005 (revised March 2005), reported that:

"The US State Department confirmed 'voluntary' repatriation to Iran of some members of an Iranian opposition group that used to be based in Iraq and said

the possibility of sending them to third countries was also being studied. 'Some of them that have been found not to have engaged in terrorist activity have been voluntarily repatriated to Iran,' Department spokesman Adam Ereli said. The International Committee of the Red Cross said in a statement that it had helped repatriate to Iran 28 alleged members of Mujaheddin-e Khalq." **[3k] (p2)**

And in the same report:

"Some 13 penitent members of the [Mojahedin-e Khalq Organisation, known as MKO or PMOI] returned to Iran. They arrived at Mehrabad International Airport under supervision of the International Committee of the Red Cross (ICRC). They will join their families after medical tests which may last five to seven days, said a security official at Mehrabad International Airport." **[3k] (p4)**

16.14 According to the Danish FFM of January 2005:

"UNHCR in Teheran reported that 58 members of the Iranian opposition organisation MKO had voluntarily returned to Iran. Their return was organised by ICRC. UNHCR had no information indicating that these persons had been legally persecuted.

"UNHCR in Ankara reported that non-profiled members of Mujaheddin Khalq had returned to Iran but had no information indicating that these persons had been persecuted or legally persecuted.

"The Organisation for defending Victims of Violence's international department reported that many members of Mujaheddin Khalq had returned to Iran without experiencing problems of a penal character.

"IOM in Teheran confirmed that members of Mujaheddin Khalq had returned to Iran, mainly from Iraq. The source was not aware that they had been subjected to any reprisals. IOM had monitored the return of a number of failed asylum seekers from the UK. According to the source, none had been persecuted." **[86a] (p14)**

16.15 HRW, on 27 February 2006, reported that:

"Hojat Zamani, a member of the opposition Mojadehin Khalq Organization outlawed in Iran, was executed on February 7 at Karaj's Gohardasht prison, Human Rights Watch said today, after a trial that did not meet international standards." **[8s]**

16.16 Amnesty International, in a public statement dated 27 February 2006, said:

"Executions in Iran continue at an alarming rate. Amnesty International recorded 94 executions in 2005, although the true figure is likely to be much higher. So far in 2006, it has recorded as many as 28 executions. Most of the victims were sentenced for crimes such as murder but one of those recently executed was a political prisoner, Hojjat Zamani, a member of the People's Mojahedin Organization of Iran (PMOI), who was forcibly returned to Iran from Turkey in 2003 and sentenced to death in 2004 after conviction of [sic] involvement in a bomb explosion in Tehran in 1988 which killed 3 people (see Urgent Actions AI Index EUR 44/025/2003, 5 November 2003 and MDE

13/032/2004). He was taken from his cell in Gohar Dasht prison and executed on 7 February 2006, though his execution was officially confirmed by Iranian officials only on 21 February.

"Hojjat Zamani's execution has fuelled fears that other political prisoners may be at risk of imminent execution. According to unconfirmed reports that have been circulating since early February, a number of political and other prisoners who are under sentence of death have been told by prison officials that they would be executed if Iran should be referred to the UN Security Council over the resumption of its nuclear programmed [sic] (which Iran claims is intended solely for the peaceful production of nuclear energy). These [prisoners] are said to have included other members of the PMOI, which is an illegal organization in Iran. The National Council of Resistance of Iran, of which the PMOI is a member, was the source of evidence in 2002 revealing Iran's nuclear programme to the outside world." **[9ar]**

16.17 The USSD report for 2007 states that: "There were reports that the government held some persons in prison for years charged with sympathizing with outlawed groups, such as the terrorist organization, the Mujahedin-e-Khalq (MEK)." **[4t] (Section 1e)**

And continues to add that: "The government offered amnesty to rank-and-file members of the Iranian terrorist organization, MEK, residing outside the country. Subsequently, the ICRC assisted with voluntarily repatriating at least 12 MEK affiliates in Iraq under MNF-I (Multinational Force Iraq) protective supervision during the year." **[4t] (Section 2d)**

16.18 The USCRI World Refugee Survey for 2008 states that: "U.S. troops protected the Iranian Mujahideen al-Khalq at Camp Ashraf outside Baghdad, after the U.S. Defense Secretary declared them protected persons under the Fourth Geneva Convention." **[35b]**

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RASTAKHIZ PARTY AND MONARCHISTS

16.19 According to the USSD Country Profile of 1996, the Rastakhiz Party was established by the Shah in 1975 to run a one-party state and membership was viewed as a civic duty. All officials of the government, even those at the middle and lower levels of the bureaucracy, were almost automatically made members of the party because of their government employment status. Iranians, particularly those in the professions or in business, regardless of their political views, usually joined to enhance their professional or business prospects. The Islamic regime has not in the past, nor does it now, act against Iranians simply because they or their relatives were members of the Rastakhiz Party. **[4c]**

16.20 According to a CIRB report of June 2001, a purported Monarchist organisation entitled Javid Iran was investigated by the Canadian IRB in June 2001. The organisation was alleged to have been active in Shiraz between March and October 2000. No information about this organisation could be found by the IRB and an expert source doubted its existence. **[2h]**

16.21 The *Middle East Times* reported on 29 November 2008 that three men convicted of a mosque bombing which left 14 people dead in Shiraz in April have been sentenced to death. The prosecutor said that the accused had ties with a monarchist opposition group outside Iran. The opposition expatriate group Kingdom Assembly of Iran claimed responsibility on its website for the Shiraz blast and vowed that more 'hostile acts' were to be expected. **[6b]**

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SAVAK

16.22 According to the USSD Country Profile of 1996, the Islamic regime was especially harsh against very high officials of SAVAK, the Shah's security organisation, following the fall of the Shah. During the first months of the Revolution, high level SAVAK officials were either executed or given very long prison sentences. Many SAVAK employees - particularly those known or suspected of having an active role in repressing Muslim clergymen and secular opponents of the Shah - were punished severely. However, a number of highly trained SAVAK employees have become part of the new security apparatus set up to replace SAVAK. In general, most low-level SAVAK functionaries who found themselves detained for a short time during the initial stages of the Revolution were simply dismissed. **[4c]**

See also Ministry of Itelligence and Security (MOIS) and Vezarat-e Ettela'at va Amniat-e Keshvar (VEVAK) aka Ettela'at.

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KURDISH DEMOCRATIC PARTY OF IRAN (KDPI) AKA PDKI

16.23 The official website of the KDPI reported on 31 October 2008 that the "Democratic Party of Iranian Kurdistan (PDKI) also refered [sic] to as (KDP, KDPI or DPIK) was founded in Mahabad, Iran, on August 16, 1945." **[59a]**

GlobalSecurity.org and Europa, both accessed 16 March 2009, state that the Secretary General of the KDPI is Mustafa Hijri (alternative spellings include Moustapha Hedjri and Mustafa Hidri) with GlobalSecurity.org adding that Hijri took over leadership as of 17 September 1992. **[80b] [1a]**

16.24 GlobalSecurity.org, accessed on 4 July 2008, stated that:

"The Kurdish Democratic Party of Iran (KDPI) was founded after World War II … The KDPI was the largest and best organized of the Kurdish opposition groups, and sought autonomy for the Kurds in Iran. It operated from its bases in Iraq against the Islamic regime. In the early 1980s a measure of autonomy in the Kurdish areas of western Iran were achieved following clashes between KDPI guerrillas and Revolutionary Guards, resulting in the latter's withdrawal from Mahabad, Sanandaj and Kamyaran, until a renewed government offensive, which allegedly left 1,000 Kurds and 500 government troops dead. In the 1990s armed clashes continued between KDPI and government forces, including bombing attacks against Iranian Kurds, both in western Iran and inside Iraqi territory." **[80b]**

16.25 The regime deals harshly with its leaders and their militant supporters. There are reports of extra-judicial killings and questionable detentions of Kurdish militant activists. (USSD, 11 March 2008) **[4t]** The KDPI has long been subject to attacks by the Iranian regime. **[80b]** UNHCR in their 'Comments on the Iran Country Report of April 2005' of August 2005 have reported that:

"The punishments given to the members of these parties have mainly remained concentrated on imprisonment terms (based on the Islamic Punishment Code's Articles 499-502). However, there have been a number of executions mainly reported by sources of the opposition." **[3h] (p7)**

16.26 UNHCR in their 'Comments on the Iran Country Report of April 2005' of August 2005 has reported that:

"According to information provided by refugees and KDPI websites, which cannot be verified by UNHCR, the KDPI has been organising its domestic activities from the PUK controlled region in Iraq since early 90's. The party has been struggling for an autonomous government of Kurdistan within the Iranian territories. However, despite having an armed guerilla presence of about 2,000 peshmargha near Qoy Sanjak, the party has decided to decrease such activities since mid 90's and continue instructing its domestic supporters through peshmargha who continue their missions to three 'zones' called as 'Navends.' The peshmargha have been reaching the supporters and providing them with the propaganda materials (publications and leaflets) prepared in Iraq. These materials are distributed by the supporters active mainly in the Western Azerbaijan towns of Mahabad, Oroumieh and Sardasht. The supporters also continue slogan writings particularly on special party occasions and anniversaries. They have not been attacking Iranian military targets as they would do until 90's. The PUK has brought many limitations to the party's activities inside Iraq. Therefore, despite being strengthened following the re-unification with the KDP–RL, its splitter faction, the party has only been able to continue limited propaganda organisations. The KDPI's target groups are still those who have strong national and religious (Sunni Moslem) identity and those who believe that the Shiite dominated Iranian state has been continuing to deprive the Sunni Kurdish regions of development, education and employment." **[3h] (p6)**

16.27 The KDPI has been handicapped by internal rivalries for the past several years. As a result, its political activities were lessened dramatically; to the extent that the Party's very viability was placed under question. A party which had been known for its democratic principles eventually became intolerant towards its own membership, to the point that division within the ranks eventually led to a split. The Kurdistan Democratic Party of Iran's (KDPI) split on the 6 December 2006. (Kurdishmedia.com. 18 February 2007) **[93a]**

16.28 GlobalSecurity.org, accessed on 4 July 2008, states that:

"Since 1994 there had been reports of internal problems existing within the KDPI that weakened their political strength. These problems culminated in the separation of the minority wing of Mala Abdualla Hasanzada from the majority wing of Moustapha Hedjri in December 2006. Reports suggested that such a split would either assist in leading the KDPI out of its political stagnation or

cause further disfunction. The split appeared to stem from personal, rather than ideological differences, between the two groups." **[80b]**

16.29 Freedom House notes in their 2008 report that "Kurdish opposition groups suspected of separatist aspirations, such as the Democratic Party of Iranian Kurdistan (KDPI), are brutally suppressed." **[112c]**

16.30 An article on the BBC News website dated 10 May 2007 reported that "the Kurdistan Democratic Party of Iran, or KDPI, say these days they turn to arms only for defence and instead focus on political activities.

"Iraqi Kurdish officials have said their regional government allows groups like KDPI to operate in northern Iraq as long as they do not engage in military actions against Iran." **[21d]**

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KOMALA

16.31 According to Jane's Sentinel in a report dated 11 January 2008, Komala is the Kurdish Communist Party of Iran, otherwise known as Komaleh, Komala lidni Kurdistan (Council on Rebirth of Kurdistan) or Komalay Shoreshgeri Zahmatkeshani Kurdistani Iran (the Revolutionary Organisation of the Toilers of Kurdistan). Jane's states that Komala should not be confused with Komala Islami Kurdistan (Islamic Society of Kurdistan), which is an Islamist group based in northern Iraq which was the target of US cruise missile attacks during the Iraq military campaign in 2003. **[125c]**

16.32 Jane's states that Komala's status is active and that:

"Komala is interested in targeting specifically the Iranian regime until it addresses the plight of the Kurds and grants them autonomy. While there are some five million Kurds in Iran, Komala's modest size (undoubtedly linked to the regime's purge) means that its potential impact on regional stability will be very limited." **[125c]**

16.33 Jane's continues to note that members of the organisation have traced their roots to the 1969 Kurdish revolt against the then ruling monarchy of Mohammed Reza Pahlavi (Shah), claiming to have been active since its founding in that year:

"As an independent Marxist group Komala aims to establish a social system based on social justice and equality. It strives to end oppression and to achieve autonomy for Iranian Kurds." **[125c]**

16.34 According to Jane's, the official spokesperson and first secretary of Komala is Ebrahim Alizadeh and has a central committee composed of 15 elected members, holding meetings every three months to discuss the work of the organisation. **[125c]**

16.35 The Coalition to Stop the Use of Child Soldiers reported that although some Iranian Kurdish armed groups such as Komala had carried out armed

resistance in the past, they had renounced armed struggle and supported a federal solution. **[30a] (p177)**

16.36 UNHCR in their 'Comments on the Iran Country Report of April 2005' of August 2005 has reported that:

"According to information provided by refugees and Komala website, which cannot be verified by UNHCR, Komala, as a Marxist-Leninist Kurdish group continues, its struggle within a similar framework as of the KDPI's. However, Komala's target groups are mainly those whom despite being Kurds do not have religious and exceeded nationalist perspectives and are also against the still existing feudalist structure, which promotes the KDPI sympathy among the Iranian Kurds. But, contradictory to its ideology the Komala accepts itself as a Kurdish party which has actively prioritized the rights of the Iranian Kurdish population. The Komala has given more importance to the concept of confidentiality for organising its cells. Komala and the KDPI had been involved in armed conflicts in the early 80's. But they launched their contacts for better relations with each other in the early 90's. The most recent development within the Komala is a recent split, which took place in August 2000, following their last congress. A group led by Abdollah Mohtadi, the ex-CPI Secretary left the party. They formed the smaller Revolutionary Toilers' Komala of Kurdistan. They seek minority rights under a federative state. The said group had its one only congress in August 2001. The Komala had its Tenth Congress in July 2002." **[3h] (p6)**

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PJAK (PARTIYA JIYANA AZADA KURDISTAN OR KURDISTAN FREE LIFE PARTY)

16.37 According to an AI Human Rights report of 16 February 2006:

"... For many years, Kurdish organizations such as the Kurdistan People's Democratic Party (KDPI) and Komala carried out armed resistance to the Islamic Republic of Iran, although more recently they have abandoned armed struggle in favour of a federal solution. Iran continues to face armed opposition mainly from PJAK – the Kurdistan Independent Life Party affiliated to the Turkish PKK, which reportedly began operations in 2004. In September 2005, the Provincial Head of the Judiciary in West Azerbaijan stated that since March 2005 over 120 members of the security forces had been killed and 64 injured in clashes with PJAK." **[9f] (p3)**

16.38 Jane's Terrorism and Security Monitor states in an article dated 9 May 2008, that: "The PJAK is effectively the Iranian branch of the Workers Party of Kurdistan (Partiya Karkaren Kurdistan: PKK) and shares its camps in northern Iraq." **[129a]**

Iraqi Kurdish officials have acknowledged that it is difficult to control PJAK, which is based high in the mountains. (BBC News, 10 May 2007) **[21d]**

16.39 In a news report from RFE/RL dated 10 April 2006 it was stated that:

"Iranian police have arrested seven activists from a banned Kurdish group and charged them with inciting ethnic rioting last year. The seven are members of

the PEJAK (Party for a Free Life in Kurdistan) group. Iranian authorities say they were involved in clashes in the West Azerbaijan province in which at least 17 people were killed." **[42k]**

16.40 In a Jane's Intelligence Review of 1 August 2006 it was noted that:

"The Iranian Kurdish insurgent group Kurdistan Free Life Party has claimed numerous attacks in Iran and has promised continued action against Iran's Islamic Revolution Guards Corps and members of the militant Islamist Basij militia.

"The group is changing its defensive postures in the Qandil mountains of Iraq after Iranian assaults in May.

"The group has declared a strategy of co-operation with minority groups in Iran, especially Balochis and Turkmen, and it seeks US support, which will be difficult to obtain due to the organisation's close ties to the Workers' Party of Kurdistan." **[47a] (p1)**

16.41 Freedom House states in its 2008 report that "The autonomy of Kurds in neighboring Iraq has inspired agitation for greater rights among Iran's roughly five million Kurds. The Party for a Free Life in Kurdistan (PJAK), a militant separatist group, conducted a number of guerrilla attacks in 2007." **[112c]**

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17. FREEDOM OF SPEECH AND MEDIA

17.01 Freedom House states in its draft 2008 Freedom of the Press Country Report that:

"Press freedom deteriorated in 2007 as the regime's conservative leaders continued to crack down on critical publications, journalists, and bloggers through arrests, detentions, and newspaper closures. The Iranian authorities were especially restrictive on coverage of women's rights issues, anti-government demonstrations, the ailing economy, and the development of nuclear technology." **[112d]**

17.02 The Freedom House 2008 world report states:

"Freedom of expression is severely limited. The government directly controls all television and radio broadcasting. … The government also began cracking down on unauthorized telecommunications lines in 2007, cutting them to halt 'illegal international contacts'. …

"The Ministry of Culture must approve publication of all books and inspects foreign books prior to domestic distribution. The Press Court has extensive procedural and jurisdictional power to prosecute journalists, editors, and publishers for such vaguely worded offenses as 'insulting Islam' and 'damaging the foundations of the Islamic Republic'. The government has also recently clamped down on popular book clubs or book cafés, where scholars gather to discuss topics of the day." **[112c]**

17.03 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:

"The censorship of books has reportedly been tightened, affecting negatively the environment for the publishing industry and writers. The Iranian Government appears to encourage self censorship openly, as the Islamic Culture and Guidance Minister was quoted in the media as saying that if book publishers were to do some self-censorship, they wouldn't have to complain so much." **[10a] (p17)**

17.04 The USSD report for 2007 noted that "The Ministry of Culture must grant permission to publish any book, and it inspected foreign printed materials prior to their domestic release." **[4t] (Section 2a)**

The Freedom House report adds "The authorities frequently issue ad hoc gag orders banning media coverage of specific topics and events." **[112c]**

17.05 The USSD report for 2007 stated that:

"The constitution provides for freedom of expression and of the press, except when it is deemed 'detrimental to the fundamental principles of Islam or the rights of the public ... .' In practice the government severely restricted freedom of speech and of the press. Basic legal safeguards for freedom of expression did not exist, and the independent press was subjected to arbitrary enforcement measures by the government, notably the judiciary. Censorship,

particularly self-censorship, limited dissemination of information during the year. According to the Tehran-based Association for Advocating Freedom of Press, state pressure on journalists continued to increase after President Ahmadi-Nejad assumed office in 2005. Journalists were frequently threatened and sometimes killed as a consequence of their work.

"The penal code states that 'anyone who undertakes any form of propaganda against the state' can be imprisoned up to a year; the law does not define 'propaganda.' The press law forbids censorship but also forbids disseminating information that may damage the Islamic Republic or offend its leaders and religious authorities. It also subjects writers to prosecution for instigating crimes against the state or 'insulting' Islam; the latter offense is punishable by death." **[4t] (Section 2a)**

17.06 The Freedom House 2008 report states:

"The 1979 constitution prohibits public demonstrations that 'violate the principles of Islam', a vague provision used to justify the heavy-handed dispersal of assemblies and marches. Hard-line vigilante and paramilitary organizations that are officially or tacitly sanctioned by the conservative establishment – most notably the Basij militia and Ansar-i Hezbollah – play a major role in breaking up public demonstrations. In 2007, the government banned street protests during the anniversary of the July 9, 1999, student demonstrations at Tehran University." **[112c]**

17.07 The Freedom House draft 2008 Press report states:

"The Constitution provides for limited freedom of opinion and of the press. However, numerous laws restrict press freedom, including the 2000 Press Law, which forbids the publication of ideas that are contrary to Islamic principles or detrimental to public rights. The government regularly invokes vaguely worded legislation to criminalize critical opinions. Article 500 of the penal code states that 'anyone who undertakes any form of propaganda against the state (…) will be sentenced to between three months and one year in prison'; the code leaves 'propaganda' undefined. Under Article 513, offenses deemed to be an 'insult to religion' can be punished by death, or by prison terms of one to five years for lesser offences, with 'insult' similarly undefined. Other articles provide sentences of up to two years in prison, up to seventy-four lashes, or a fine, for those convicted of intentionally creating 'anxiety and unease in the public's mind', spreading 'false rumors', writing about 'acts that are not true', and criticizing state officials. … The Preventive Restraint Act is regularly used without legal proceedings to temporarily ban publications." **[112d]**

And continued "The government's office of public relations announced the creation of a special team in July whose mandate is to confront publications critical of the government." **[112d]**

17.08 The USSD report for 2007 continued to state that:

"During the year, numerous publishers, editors, and journalists (including those working on Internet sites) were detained, jailed, tortured, and fined, or they were prohibited from publishing their work. The government imposed

significant restrictions on press outlets and banned or blocked some publications that were critical of the government." **[4t] (Section 2a)**

17.09 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that "A well-known human rights defender in the country said that in the period from March 2007 to March 2008, approximately 30 newspapers and magazines had been suspended in the country, including Sharq and Hammihan dailies as well as Madrese, Zanan and Donyaye Tasvir, Sobh-e Zendegi, Talash and Haft." **[10a] (p16)**

17.10 "In 2003 Hussein Qazian and Abbas Abdi (a revolutionary leader in 1979 who later became a reformist) were sentenced to nine years – later reduced – in the National Institute for Research Studies and Opinion Polls case. In 2002 judicial authorities closed the institute, which had found in a poll commissioned by the majles that a majority of citizens supported dialogue with the United States. Among other offenses, the defendants were charged with spying for a foreign power, although government intelligence officials and then President Khatami publicly stated they were not spies. The supreme court dismissed espionage charges against Abdi in May; at year's end Qazian was released on temporary furlough." (USSD, March 2006) **[4q] (Section 1e)**

17.11 It was reported in the USSD report for 2006 that:

"The Islamic Human Rights Commission was established in 1995 under the authority of the head of the judiciary, who sits on its board as an observer. In 1996 the government established a human rights committee in the Majles, the Article 90 Commission, which received and considered complaints regarding violations of constitutional rights [including press freedoms]; however, when the seventh Majles formed its new Article 90 Commission in 2004, the commission dropped all cases pending from the sixth Majles. During the year the commission took no effective action." **[4s] (Section 4)**

17.12 According to the RSF Iran Annual Report for 2008:

"The Press Authorisation and Surveillance Commission cancelled the publishing licence of the bilingual Kurdish-Persian weekly Karfto in December for 'failing to publish regularly'. The paper has only been able to bring out 62 issues since it was founded in 2005 because of frequent temporary suspensions by the regime and constant official summoning of senior staff, two of whom were still in prison at the end of 2007. One of them, Kaveh Javanmard, was sentenced at a secret trial on 17 May to two years in prison for 'incitement to rebellion' and 'undermining national security'. The other, Ako Kurdnasab, was given a six-month sentence at the end of the year by the appeals court in Sanandaj for 'trying to overthrow the government through journalistic activities'." **[38m] (p153)**

17.13 According to the AI 2008 report:

"Vaguely worded laws and harsh practices resulted in widespread repression of peaceful dissent. Demonstrations frequently led to mass arrests and unfair trials. The authorities maintained tight restrictions on internet access. Journalists, academics and webloggers, including some dual nationals, were detained and sentenced to prison or flogging and several publications were

closed down. In April, the Minister of Intelligence, Gholam Hossein Eje'i, publicly accused students and the women's movement of being part of an attempt to bring about the 'soft overthrow' of the Iranian government.

"Ali Farahbakhsh, a journalist, was granted an early conditional release in October after 11 months in detention. He was convicted of 'espionage' and 'receiving money from foreigners' in connection with his attendance at a media conference in Thailand." **[9aag]**

17.14 According to Reporters Without Borders in its 2008 Annual Report: " … [Iran] remained the Middle East's biggest prison for journalists, with more than 50 journalists jailed in 2007. Ten of them were still in prison at the end of the year." **[38m] (p153)**

17.15 According to the Human Rights Annual Report 2007 issued by the United Kingdom Foreign and Commonwealth Office (FCO) in March 2008:

"Iran continues to deny its people the right to express their opinions freely and peacefully, and restrictions have increased over the last 18 months.

"Censorship of the main media has continued. In September 2006, the Press Supervisory Board closed four reformist newspapers, including the leading daily Shargh. The board has revoked the publication licences of several other newspapers and magazines this past year. Journalists and editors have been arrested for printing articles deemed to be offensive or un-Islamic. The minister of culture and Islamic guidance recently accused the press of being part of a 'creeping coup'." **[26k]**

17.16 According to the USSD report for 2007:

"The 1985 press law established the Press Supervisory Board, which was responsible for issuing press licenses and examining complaints filed against publications or individual journalists, editors, or publishers. In certain cases the board referred complaints to the press court for further action, including closure. Its hearings were conducted in public with a jury composed of appointed clerics, government officials, and editors of government-controlled newspapers. The press law also allows government entities to act as complainants against newspapers, and often public officials lodged criminal complaints against reformist newspapers that led to their closures. Offending writers were subjected to lawsuits and fines. Some human rights groups asserted that the increasingly conservative press court assumed responsibility for cases before press supervisory board consideration, often resulting in harsher judgments. Efforts to amend the press laws have not succeeded, although in 2003 parliament passed a law limiting the duration of 'temporary' press bans to stop the practice of extending them indefinitely." **[4t] (Section 2a)**

And continued:

"The head of the Iranian Journalists Guild Association said that during the Iranian year 1385 (March 2006-2007) the Press Supervisory Board banned more than 20 publications. He called the year a 'bad period for the press' and characterized the press environment as 'negative and oppressive.' Since Mahmoud Ahmadi-Nejad became president in 2005, approximately 42 publications were suspended and 25 printing licenses revoked." **[4t] (Section 2a)**

17.17 The Committee to Protect Journalists (CPJ) in its 'Attacks on the Press' 2007 report stated:

"The government continued to suspend publications because of their critical reporting or pro-reform slant. CPJ research showed that authorities closed at least 11 publications, some of them indefinitely. The Press Supervisory Board, under the Ministry of Culture and Islamic Guidance, suspended the pro-reform daily Ham-Mihan and revoked the license of the daily Mosharekat in early July. Iran's leading critical daily, Shargh, was shut down in August for publishing an interview with Saqi Qahreman, an exiled Iranian poet accused by the regime of supporting homosexuality, according to news reports. Shargh had just resumed publication in May, when a previous suspension lapsed." **[29d]**

17.18 According to a UN report on Iran dated 28 December 1998, Article 168 of the Iranian constitution states that enquiry into press offences will be undertaken in open court before a jury. **[10m] (p4)**

17.19 According to a BBC News Report of 11 October 2003, following an amendment to the law on the establishment of public and revolutionary courts, it was decided that the final verdict of the Press Court would be issued by three judges after they had asked the jury to express a view. The first session of the new format was held on 20 October 2003. **[21ca]**

17.20 The USSD report for 2007 further reported, however, that:

"In a September open letter, Reporters Without Borders (RSF) accused President Ahmadi-Nejad of an 'appalling record of press freedom violations.' According to the Committee to Protect Journalists (CPJ), there were at least 12 journalists imprisoned in the country during the year. RSF reported on September 26 that since September 2006, 73 journalists were arrested and at least 20 media outlets were censored." **[4t] (Section 2a)**

17.21 The RSF Iran Annual Report for 2008 also commented that:

"More than 50 journalists were prosecuted in 2007 and the independent and opposition media were targets of the usual financial and bureaucratic harassment. The ministry of culture and Islamic guidance, which is responsible for the media, ordered at least four publications to shut down permanently. A dozen papers, including the well-known Shargh and Madaresseh, were temporarily closed pending a court decision." **[38m] (p153)**

17.22 According to the CIRB, owning and operating a print shop or reprographics centre is controlled by the Ministry of Culture and Islamic Guidance regulations governing the printing industry, namely under Article 4. **[2g]**

17.23 In an article from Qantara, dated 28 June 2007, it was noted that between 2000 and the election of Mahmoud Ahmadinejad to the presidency as Khatami's successor in 2005, over one hundred newspapers and magazines were banned. The pressure grew under the new president and between April 2006 and April 2007 alone, another 34 newspapers and magazines were banned. That left just a few newspapers published by the right wing of the reform movement, and they have to submit to strict censorship. **[98b]**

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TREATMENT OF JOURNALISTS

17.24 The Committee to Protect Journalists (CPJ) in its 'Attacks on the Press' 2007 report noted that Iran became the world's fourth-leading jailer of journalists in 2007, with one writer on death row and 11 other journalists imprisoned (annual census conducted by CPJ on 1 December). **[29d]**

The report continues:

"The government imprisoned more than 20 journalists during the year, some without charge, for periods ranging from days to months. Adnan Hassanpour, former editor for the now-defunct Kurdish-Persian weekly Aso, faced a death sentence handed down in mid-July. A Revolutionary Court convicted him of endangering national security and engaging in propaganda against the state, one of his attorneys, Sirvan Hosmandi, told CPJ. Hosmandi said the charges against Hassanpour were not proved in court and were supported with merely a report from security officials. An appeals court upheld the conviction, finding that Hassanpour had engaged in espionage. Hassanpour's sister, Leyla, told CPJ that she believed his critical writings were the reason for the charges." **[29d]**

See also Kurds.

17.25 The Freedom House 2008 report states:

"Despite a period of greater press freedom between the initial election of former president Mohammed Khatami and a series of student protests in 1999, threats against and arrests of Iranian journalists have increased in recent years. Many journalists are barred from leaving Iran. Since the inauguration of Ahmadinejad, 570 publications have been shut down. A report issued by the Association of Iranian journalists in 2007 stated that the profession had suffered in quality and investment due to the government's crackdown on independent newspapers." **[112c]**

The report continues:

"A number of journalists were arrested or detained in 2007. The Society for the Defense of Freedom of the Press, an Iranian journalist society, repeatedly called for information on journalists arbitrarily detained by authorities. Journalists Masoud Bastani, Farhad Gorbanpour, and Soheli Assefi were all arrested during the year for 'publishing false statements'. Two Iranian Kurdish journalists, Adnan Hassanpour and Abdolvahed Botimar, were sentenced to death for being 'enemies of God' and endangering national security.

"Also in 2007, French-Iranian filmmaker Mehrnoushe Solouki was arrested and jailed while working on a film that came to involve political killings in the aftermath of the Iran-Iraq War. Though she was released on bail, she was not allowed to leave the country and faced a secret trial for 'attempting to spread propaganda'." **[112c]**

The main text of this COI Report contains the most up to date publicly available information as at 1 February 2009. Further brief information on recent events and reports has been provided in the Latest News section to 16 March 2009.

17.26 Freedom House's draft 2008 Freedom of the Press Country Report states: "Iran's judiciary frequently denies accused journalists due process by referring their cases to the Islamic Revolutionary Court, an emergency venue intended for those suspected of seeking to overthrow the regime." **[112d]**

And continues:

"Charges against journalists and publications are often arbitrary. Prosecutions and sentences are drawn out, and bail sums for provisional release while awaiting trial are substantial. Editors and publishers are prohibited from hiring journalists who have previously been sentenced, and many journalists are banned from leaving Iran. The successive arrests and closings of media outlets have led to widespread self-censorship among journalists." **[112d]**

Further: "In 2007, more than fifty journalists were prosecuted or imprisoned, some without charge, according to Reporters without Borders. At least ten journalists remained in prison at the end of the year." **[112d]**

And adds:

"Kurdish journalists Adnan Hassanpour and Abdolvahed Boutimar were sentenced to death in July 2007 for expressing their views on the Kurdish issue, based on charges of endangering national security and engaging in propaganda against the state. The Supreme Court upheld the death sentence of Hassanpour in December but overturned Boutimar's verdict." **[112d]**

17.27 According to Reporters Without Borders in its 2008 Annual Report: "Most journalists jailed in Teheran are held in Evin prison's section 209, which is controlled by the intelligence services, and are often put in solitary confinement and have limited medical care." **[38m] (p154)**

The report adds "Thirty-three women journalists and activists were arrested in the spring while demonstrating for their rights and four of them were given prison sentences of between six months and a year." **[38m] (p154)**

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INTERNET AND SATELLITE

17.28 According to the Internet Under Surveillance Report 2004, released on 9 July 2004 by Reporters Without Borders (RSF):

"The Iranian regime censors thousands of websites it considers 'non-Islamic' and harasses and imprisons online journalists. Internet filtering was increased in the run-up to the February 2004 parliamentary elections, at which the hardliners strengthened their grip on the country. But despite this, the Internet is flourishing, with fierce debate and weblogs ('blogs') sprouting up all the time. The Internet has grown faster in Iran than any other Middle Eastern country since 2000 and has become an important medium, providing fairly independent news and an arena for vigorous political discussion for more than three million users. Websites, like the press, reflect the split between reformists and hardliners in the regime, which has a hard-line Supreme Guide of the Islamic Revolution (Ayatollah Ali Khamenei) as head of state and a reformist president (Mohammad Khatami) whose power is quite limited.

Though the authorities crack down hard on freedom of expression, civil society remains active and keen to debate the country's affairs. But the 20 February 2004 parliamentary elections, which gave all power to the hardliners, may reduce Internet users' freedom to discuss social issues." **[38f]**

17.29 The Freedom House 2008 report states:

"Satellite dishes are illegal, though generally tolerated. However, there have been increasing reports of satellite dish confiscation and steep fines. The authorities have had some success in jamming broadcasts by dissident overseas satellite stations, and cooperation with Persian-language satellite channels is banned. … Even the purchase of satellite images from abroad was deemed illegal." **[112c]**

The report continues:

"The government systematically censors internet content by forcing internet service providers (ISPs) to block access to a growing list of 'immoral' or politically sensitive sites. At least a dozen journalists and bloggers have been indicted or convicted of press offenses, and many more have been summoned for questioning about their writings. As of January 2007, Iranian bloggers were also required to register with the Guidance Ministry, a measure that will likely reduce the diverse and active blogging community in Iran. In 2006, the Communication and Information Technology Ministry announced the creation of a central filtering facility that would block access to unauthorized websites, identify internet users, and keep a record of sites visited. Iranian news websites such as Emruz, Ruydad, and Ruzonline have been blocked by internet filtering. In September 2007, the Baztab news website was shut down by authorities despite attempts to appeal the decision through the courts." **[112c]**

17.30 The CPJ report 'Attacks on the Press' 2007 states:

"As dissenting Web sites and blogs continued to rise in popularity, the government was quick to shut them down. The popular conservative news Web site Baztab was blocked twice inside Iran for criticizing Ahmadinejad's policies, particularly his handling of the economy, Reuters reported. On September 23, a court ordered Baztab's offices closed after staff continued to update the site for users abroad, according to news reports. The Iranian Labor News Agency was blocked inside Iran in July for reporting on demonstrations by workers and activists and their arrest, Reuters said. Savvy Internet users such as the group calling itself Iran Proxy have responded to the government's filtering system by providing online methods to circumvent site restrictions, RFE/RL reported." **[29d]**

17.31 The RSF Iran Annual Report for 2008 commented that news websites were targeted by the Ministry of Culture and Islamic Guidance and that "Iran has the biggest number of threatened cyber-dissidents in the Middle East and dozens of websites are shut down each year." **[38m] (p153)**

17.32 The RSF report continues to state that: "The Internet has become a battleground between the rigid regime and increasingly active militant feminists demanding abolition of discriminatory laws. Two 'cyber-feminists'

were held for more than a month at Evin prison in December for writing articles calling for equal rights with men." **[38m] (p154)**

17.33 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that "Some women's rights activists were indicted on national security grounds owing to their weblogs. It is further reported that during the month of May 2008 alone, more than 18 weblogs focusing on discriminatory laws against women (the '1 million signatures' campaign) had been filtered." **[10a] (p17)**

See also One Million Signatures campaign.

17.34 In their Human Rights Annual Report 2007, the FCO states:

"The internet continues to be a target of government restrictions, with access to many websites and blogs (which often provide news and critical commentary) blocked. In early 2007, internet connection speeds were slowed down, probably to restrict access to foreign websites and audio-visual internet services, and an attempt was made to get all website managers and bloggers to register their websites with a government agency." **[26k]**

17.35 According to a profile on Iran, published by the OpenNet Initiative on 9 May 2007:

"Today an estimated 7.2 million people are online in Iran, and there are approximately 400,000 blogs in Farsi. Yet even as the government continues to promote the Internet as an engine of economic growth, one Iranian official recently boasted that Iran has censored ten million Web sites, and that the judiciary requests an additional 1,000 sites to be blocked every month." **[74d]**

The report continues:

"On October 11, 2006, an order reportedly issued to Internet service providers (ISPs) by the Ministry of Communications and Information Technology (MICT) made providing Internet services - for use in private or public places - at a speed higher than 128 kilobytes per second illegal, reportedly with the aim of hindering users' ability to download foreign cultural products (such as music and films) and organize political opposition. Such an about-face contradicts Iran's fourth Five-Year Development Plan, which calls for 1.5 million high-speed Internet ports throughout the country.

"All activities of Web sites and blogs that do not obtain a license from the MICG are considered illegal. On January 1, 2007, the MICG issued a notice requiring all owners of blogs and Web sites to register by March 1, provide detailed personal information, and abstain from posting certain types of content. An official from the Telecommunications Ministry claimed that enforcement would be impracticable.

"The Cyber Crimes Bill [prepared by the Judiciary's Committee for Combating Cyber Crimes on October 12, 2006 and slated to be signed in to law by parliament] makes ISPs criminally liable for the content they carry, effectively shifting the burden of censoring Web sites and potentially e-mail correspondence on to their shoulders. Under the Cyber Crimes Law, ISPs that do not abide by government regulations (including filtering regulations) may be

temporarily or permanently suspended, depending on the graveness of the offense, and their owners could face prison terms. Article 18 of the bill requires ISPs to ensure that 'forbidden' content is not displayed on their servers, that they immediately inform law enforcement agencies of violations, that they retain the content as evidence, and that they restrict access to the prohibited content. The bill also includes provisions for the protection and disclosure of confidential data and information as well as the publishing of obscene content.

"The Committee in Charge of Determining Unauthorized Sites is legally empowered to identify sites that carry prohibited content. Established in December 2002 (some reports state June 2003), this Committee notifies the MICT [Ministry of Communications and Information Technology] of criteria for identifying unauthorized Web sites and what sites shall be blocked. The SCRC [Supreme Cultural Revolution Council] oversees committee members from the Ministry of Culture and Islamic Guidance, the Intelligence and Security Ministry, and the Sound and Vision Organization (Islamic Republic of Iran Broadcasting).

"Iran continues to maintain the most extensive filtering regime of any country ONI has studied. As filtering and censorship policies evolve, government officials and citizens have pushed back against many of the more extreme measures, including the ban on high-speed Internet in 2006. New developments may provide opportunities to contest these policies further. The draft Cyber Crimes Bill prohibits any blocking or investigation of data without a warrant issued by a court after evidence of suspicious activity. When this provision becomes law, it could potentially be used to impede the arbitrary closures and blocking of Web sites." **[74d]**

17.36 Radio Free Europe / Radio Liberty reported on 21 November 2008 that "Judicial authorities in Iran admit to blocking access to more than 5 million websites deemed immoral or antisocial." **[42j]**

The article added:

"Tehran's clampdown began just after the millennium, as the country began experiencing a surge in Internet usage.

"Since then, Iranian authorities have introduced at least three sets of rules and regulations restricting the use of the Internet for readers, bloggers, and online activists, as well as for Internet cafe owners and Internet Service Providers (ISPs).

"According to Iranian law, every ISP must be approved by the Ministry of Culture and Islamic Guidance. They are also required to install special filters to control the content of websites and e-mails passing through their network.

"ISPs that fail to comply with these rules face heavy penalties or closure. At least 10 ISPs in Iran have reportedly been closed for failing to install content-control software.

"In addition, every website in Iran is required to register with the Culture Ministry." **[42j]**

17.37 According to the USSD report for 2007:

"All Internet service providers (ISPs) must be approved by the Ministry of Culture and Guidance, and the government used filtering software to block access to some Western Web sites, reportedly including the Web sites of prominent Western news organizations and NGOs. According to the Open Net Initiative (ONI), the government issued framing regulations in November 2006 to systematize control and management of Internet activity. ONI also reported that in January the Ministry of Culture and Guidance issued a notice requiring all owners of Web sites and blogs to register with the government by March 1 and to refrain from posting certain types of content." **[4t] (Section 2a)**

17.38 The USSD report for 2007 went on to report that:

"In August the government announced that it would launch a new Internet police patrol. According to press reports describing the government announcement, the patrol would investigate suspicious advertisements, fraud, and economic and financial offenses." **[4t] (Section 2a)**

17.39 The USSD report for 2007 stated that:

"In April 2006 the Minister of Communications and Information Technology announced the government's intention to establish a 'national Internet', which would improve on the costly monitoring process that required Web site information to exit the country and then return. In October 2006 the government imposed a limit of 128 kilobytes per second on Internet speed and required ISPs to comply with the limit by decreasing Internet service speed to homes and cafes. The new limit made it more difficult to download Internet material and to circumvent government restrictions to access blocked Web sites.

"According to RSF, arrests and intimidation of bloggers decreased in 2006, but Internet censorship increased. In 2006 and during the year the government blocked several Web sites dealing with women's issues in the country, and women's groups reportedly launched an online petition to protest Internet filtering. According to press reports, the government claimed to have blocked access to 10 million Internet sites it deemed immoral during the year. A 2005 HRW study listing blocked Internet sites included Farsi-language news sites, some popular sites of Internet writers, the Freedom Movement Party Web site, a Web site promoting the views of Ayatollah Montazeri, several Kurdish Web sites, Web sites dedicated to political prisoners, and a Baha'i Web site." **[4t] (Section 2a)**

17.40 On 4 July 2008, RSF reported that "Reporters Without Borders is alarmed by a draft law that would extend the death penalty to crimes committed online. Passed by parliament on first reading on 2 July, the proposed law would, for example, apply the death penalty to bloggers and website editors who 'promote corruption, prostitution or apostasy.'" **[38a]**

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18. CORRUPTION

18.01 Transparency International ranked Iran 141st out of the 180 countries (ranging from the least corrupt, ranked one, to the most corrupt, ranked 180) in its Corruption Perception Index for 2008. **[62a]**

18.02 Iran has slipped down the Corruption Perception Index from 2007 to 2008 as shown by Freedom House's Freedom in the World 2008 report:

"Corruption is pervasive. The hard-line clerical establishment has grown immensely wealthy through its control of tax-exempt foundations that monopolize many sectors of the economy, such as cement and sugar production. Iran was ranked 131 out of 180 countries surveyed in Transparency International's 2007 Corruption Perceptions Index." **[112c]**

18.03 A report from the CIRB dated 3 April 2006 commented as follows:

"Bribery and punishment of border officials

"Based on consultations with UNHCR's office in Tehran, a UNHCR official provided the following information in 31 March 2006 correspondence:

"It may happen in practice that individuals who have fraudulent travel documents, or outstanding financial, military or legal obligations, or who are sought or under suspicion by the government for political reasons resort to pay[ing] bribes to the Iranian border officials to pass through the control system unharmed. The higher the risk, the more they pay.

"In particular, the UNHCR official noted that bribery was more common in the south-eastern provinces of Sistan and Baluchistan (31 Mar. 2006).

"This information was partially corroborated in a June 2001 report of the 7th European Country of Origin Information Seminar, which claimed that 'corruption certainly exists' in Iran and that bribery of airport officials to facilitate exit may be possible 'in individuals [sic] cases' (UNHCR/ACCORD 11–12 June 2001, 107). On the other hand, the same report stated that departure procedures are still such that it would be highly improbable that anyone with a forged passport in which name and number do not tally would be able to leave the country. Security officials at the airport possess lists of suspected or wanted persons and it is not unusual that passengers wishing to leave are prevented from leaving and told to refer to the security department. In general, the security checks at Tehran airport are still very strict and it is doubtful that anyone with a security record and convictions in Iran for political offences would be able to leave the country legally by air (ibid.).

"Regarding punishment for corruption, the UNHCR official stated that 'border and airport officers who are caught red-handed at the time of taking bribes shall be subject to punishments that become more serious depending on the amount of the bribe' (31 Mar. 2006). For example, individuals found guilty of taking bribes of more than rials 1,000,000 (CAN$128.18 [XE.com 3 Apr. 2006]) can be sentenced [to] 5 to 10 years in prison, fined an amount commensurate to the bribe received, be permanently banned from working for the government, and be subjected to 74 lashes (UNHCR 31 Mar. 2006).

"The International Narcotics Control Strategy Report 2006 reported, without providing details, that 'punishment of corruption can be harsh' (Mar. 2006).

"International and domestic sources have reported on the incidence of generalized corruption in Iran (TI 18 Oct. 2005; ibid. 7 Oct. 2003; INCSR 2006 Mar. 2006; *Iran Daily* 13 Apr. 2005). Transparency International's Corruption Perceptions Index (CPI) score shows a slight increase in the perception of corruption in Iran from 2003 to 2005: Iran's CPI was 3.0 (out of 10.0, which is the score representing the least corruption) and its overall country ranking was 78 (out of 133 countries) in 2003 (TI 7 Oct. 2003), whereas a CPI score of 2.9 and a country ranking of 88 (out of 158 countries) was recorded in 2005 (ibid. 18 Oct. 2005).

"The US Department of State's International Narcotics Control Strategy Report 2006 noted that corruption in relation to drug trafficking is reportedly more serious than previously thought and that such corruption likely exists among lower to mid-level law enforcement authorities (Mar. 2006, Sec. III). The report also mentioned that cases of corruption were heard by the courts and received media attention, and that the government supports such 'high-profile effort[s]' to deter corruption (INCSR Mar. 2006, Sec. III).

"In April 2005, *Iran Daily* reported that economic corruption, specifically illegal smuggling of goods, had increased 'in recent years,' and outlined the government's efforts to contain the problem, which include the drafting of legislative measures (13 Apr. 2005)." **[2z] (p6)**

18.04 A BBC article reported on 16 April 2008 that "Tehran's police chief, who was reportedly discovered in a brothel, has been arrested, it has been confirmed.

"Local media have reported that General Reza Zarei was found with six naked women in a house of prostitution in the Iranian capital last month. …

"Gen Zarei was in charge of enforcing Iran's strict anti-vice laws, which include a ban on prostitution.

"State media had recently reported that Gen Zarei had been replaced as police chief in Tehran, but had not explained why." **[21g]**

18.05 The US State Department Country Report on Human Rights Practices 2007, Iran, released on 11 March 2008, (USSD report for 2007) stated: "Widespread corruption existed in all three branches of government, including the judiciary and the 'bonyads' (tax-exempt foundations designed for charitable activity that control consortia of substantial companies)." **[4t] (Section 3)**

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19. FREEDOM OF RELIGION

OVERVIEW

19.01 A Congressional Research Service (CRS) report 'Iran: Ethnic and Religious Minorities, 25 May 2007' noted that: "Approximately 89% of Iranians are Shia Muslims. The rest, including Baha'i, Christian, Zoroastrian, Sunni Muslim, and Jewish communities, constitute around 11%. Despite their popularity in the country, the total membership of Sufi groups in the population is unclear due to a lack of reliable statistics. Reportedly, all religious minorities suffer varying degrees of officially sanctioned discrimination, particularly in the areas of employment, education, and housing." Further:

"According to a Human Rights Report 2006, released by the U.S. State Department's Bureau of Democracy, Human Rights, and Labor on March 6, 2007, the Iranian government restricts freedom of religion. There was a further deterioration of the poor status of respect for religious freedom during the reporting period, most notably for Baha'is and Sufi Muslims. There were reports of imprisonment, harassment, intimidation, and discrimination based on religious beliefs. Government actions and rhetoric created a threatening atmosphere for nearly all religious minorities, especially Baha'is and Sufi Muslims. To a lesser extent, Zoroastrians, evangelical Christians, and the small Jewish community were also targets of government harassment." **[96a] (p5)**

19.02 According to the USSD International Religious Freedom Report 2008, released on 19 September 2008:

"During the reporting period, respect for religious freedom in the country continued to deteriorate. Government rhetoric and actions created a threatening atmosphere for nearly all non-Shi'a religious groups, most notably for Baha'is, as well as Sufi Muslims, evangelical Christians, and members of the Jewish community. Reports of Government imprisonment, harassment, intimidation, and discrimination based on religious beliefs continued during the reporting period. Baha'i religious groups reported arbitrary arrests, expulsions from universities, and confiscation of property. Government-controlled broadcast and print media intensified negative campaigns against religious minorities, particularly the Baha'is, during the reporting period.

"Although the Constitution gives Christians, Jews, and Zoroastrians the status of 'protected' religious minorities, in practice, those who are not Shi'a Muslims faced substantial societal discrimination. Government actions continued to support elements of society that created a threatening atmosphere for some religious minorities." **[4e]**

19.03 The AI report of 16 February 2006 stated that:

"Since President Ahmadinejad's election, members of Iran's religious minorities have also been killed, detained or harassed solely in connection with their faith. Even the recognized religious minorities of Jews, Christians and Zoroastrians face discrimination in law and practice with respect to employment, marriage, and criminal sanctions. Unrecognized religions such as the Baha'is, Ahl-e Haq and Sabeaens (Mandeaens) are at particular risk of discrimination. Converts from Islam can risk arrest, attack or the death

penalty. Official statements from time to time create an atmosphere in which human rights abuses by non-state actors against minorities may be encouraged. For example, on 20 November 2005, Ayatollah Jannati, the Secretary General of the Council of Guardians which vets legislation passed by the Majles to ensure its conformity with Islamic Law, stated in a speech at a commemoration of those killed in the 1980-1988 war with Iraq that 'human beings, apart from Muslims, are animals who roam the earth and engage in corruption." **[9f] (p6)**

19.04 The USSD International Religious Freedom Report 2008, released on 19 September 2008 added that:

"The Constitution of Iran states that Islam is the official state religion, and the doctrine followed is that of Ja'afari (Twelver) Shi'ism. The Constitution provides that 'other Islamic denominations are to be accorded full respect,' while the country's pre-Islamic religious groups – Zoroastrians, Christians, and Jews – are recognized as 'protected' religious minorities. However, Article 4 of the Constitution states that all laws and regulations must be based on Islamic criteria. In practice, the Government severely restricted freedom of religion." **[4e]**

19.05 According to the FIDH report on discrimination against religious minorities in Iran 2003:

"Article 13 of the Constitution gives a special status to three religious minorities named 'recognized religious minorities': 'Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education.

"Despite the existence of a specific status in the Constitution, these three recognized religious minorities face severe discrimination. First of all, they are being discriminated against by a number of legal provisions, which discriminate per se against all non-Muslims.

"Secondly, since Zoroastrians, Jews and Christians are only free to perform their religion 'within the limits of the law', the authorities have imposed in practice important limits to their right to exercise their religion, a right that is being continuously restricted and interfered with. Conversion from Islam to one of the three recognized religions (apostasy) may still be punishable by death. The government has been particularly vigilant in recent years in curbing proselytising activities by evangelical Christians, whose services are conducted in Persian. Moreover, all three minorities complain of discrimination in the field of employment, report clear limitations imposed upon their upward mobility and complain of being treated like 'second-class citizens'." **[56b] (p6)**

19.06 According to the Danish Fact-Finding Mission Report 2000, Article 14 calls for the respect of the human rights of non-Muslims as long as they refrain from engaging in conspiracy or activities against Islam or the Islamic Republic of Iran. Article 15 protects the use of tribal and regional languages in the press, mass media and in schools. Article 64 provides for Majlis representation of the Zoroastrians, Jews and Christians to reserved Majlis seats. **[41a] (p25)**

19.07 The USSD International Religious Freedom report for 2008 stated that government imprisonment, harassment, intimidation, and discrimination based on religious beliefs continued during the reporting period 1 July 2007 to 30 June 2008.

It continued to state that:

"Members of religious minorities, excluding Sunni Muslims, are prevented from serving in the judiciary and security services and from becoming public school principals. … Applicants for public sector employment are screened for their adherence to and knowledge of Islam, although members of religious minorities could serve in lower ranks of government employment, with the exception of Baha'is. However, government workers who do not observe Islam's principles and rules are subject to penalties. … By law religious minorities are not allowed to be elected to a representative body or to hold senior government or military positions, with the exception that 5 of a total of 290 seats in the Majles are reserved for religious minorities [three for members of Christian religious groups, one for Jewish Iranians and one for Iranian Zoroastrians]. … Members of recognized religious minorities are not required to register with the Government, and religion is not noted on national identity cards; however, their communal, religious, and cultural events and organizations, including schools, were monitored closely. … The Government generally allowed recognized religious minority groups to conduct religious education for their adherents in separate schools, although it restricted this right considerably in some cases." **[4e] (Section II)** All religious minorities suffered varying degrees of officially sanctioned discrimination, particularly in employment, education, and housing. (USSD, 11 March 2008) **[4t] (Section 2c)**

19.08 Inheritance laws favoured Muslim family members over non-Muslims. For example, under existing inheritance laws, if a non-Muslim converted to Islam, that person would inherit all family holdings while non-Muslim relatives would receive nothing. **[4t] (Section 2a)**

19.09 However, the Majlis debated a Bill to equalise blood money for Muslims and non-Muslims and it was reported on 1 September 2002 that a Christian family received the same 'blood money' as that of a Muslim in a murder case. (Reuters, 1 September 2002) **[5aq]** "The legal system previously discriminated against recognized religious minorities in relation to blood money; however, in 2004 the Expediency Council authorized collection of equal blood money for the death of Muslim and non-Muslim men. All women and Baha'i and Sabean-Mandean men remained excluded from the revised ruling. According to the law, Baha'i blood is considered mobah, meaning it can be spilled with impunity." (USSD, 11 March 2008) **[4t] (Section 2c)** The bill was ultimately passed, according to a Payvand News report, by the Guardian Council in December 2003. **[53b]** According to a report issued by the Fédération Internationale des Ligues des Droits de l'Homme (FIDH):

"In November 2002, the Parliament adopted a bill equalizing the 'blood money' compensation for male victim members of recognized religious minorities with that of Muslim men. This bill was received as a significant advance by human rights activists worldwide. However, to take effect, any bill must first be approved by the Guardian Council. In this case, the Council has already rejected the bill twice, in January 2003 and April 2003, citing certain discrepancies with the Constitution and the Sharia of Islam." **[56b]**

19.10 According to the USSD International Religious Freedom Report for 2002: "Muslim men are free to marry non-Muslim women but marriages between Muslim women and non-Muslim men are not recognised." **[4l] (p3)**

19.11 The Government is highly suspicious of any proselytising of Muslims by non-Muslims and intimidation is rife (Dutch report on Situation in Iran, August 2000) **[41b] (p38)**, in particular against Baha'is and evangelical Christians. (UNHCR, June 2001) **[3c]** (USSD, 11 March 2008) **[4t] (Section 2c)**

19.12 The Government does not ensure the right of citizens to change or renounce their religious faith. Apostasy, specifically conversion from Islam, can be punishable by death. **[3c] [4t] (Section 2c)** The Government frequently charged members of religious minorities with crimes such as 'confronting the regime' and apostasy, and conducted trials in these cases in the same manner as threats to national security. **[4t] (Section 1e) [41b] (p38)**

19.13 According to the Annual Report of the United States Commission on International Religious Freedom dated 2 May 2005, which covered the period from May 2004-April 2005:

> "The government of Iran engages in systematic, ongoing, and egregious violations of religious freedom, including prolonged detention, torture, and execution of persons based primarily or entirely upon the religion of the accused. Over the past year, the Iranian government's poor religious freedom record has deteriorated, particularly for Muslims who oppose the regime's interpretation of Islam, Baha'is, and Christians, all of whom have faced intensified harassment, detention, arrests, and imprisonment. Just last month, a Christian man faced a second trial before an Islamic court on charges of apostasy, which carries a death sentence in Iran. For the first time in many years, the Iranian government has confiscated or destroyed Baha'i community property, including holy sites." **[88a] (p29)**

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LEGAL FRAMEWORK

19.14 The European COI Seminar Report 2001 states that laws relating to religion have been used repeatedly to limit freedom of expression. These include, in particular, Article 513 of the Penal Code and Articles 6 and 26 of the Press Code. Under Article 513, offences considered to amount to 'insult' to religion can be punished by death or imprisonment of [between] one to five years. Similarly, Articles 6 and 26 of the Press Code proscribe "writings containing apostasy and matters against Islamic standards 'mavazin-e eslami' and 'the true religion of Islam' ... ", but state that such cases will be heard in a criminal court. **[3c]**

19.15 Both the Penal Code and Press Code do not specifically define what activities constitute insult to religion and have been used to punish people for the expression of their opinion. **[3c]**

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SUNNI MUSLIMS

19.16 Sunnis are an officially recognised minority, the largest in Iran. Their historical-religious characteristics separate them from other followers of non-Shi'a religions. The Sunni minority is concentrated in specific geographic areas (the northwestern and southeastern provinces) and has different ethnic origins (Kurdish, Baluchi, etc.) compared to the Shi'a majority. (FH, 27 March 2008) **[112b]** The Sunni Kurds and the Sunni Baluchis are concurrently victimised by two forms of discrimination, ethnic and religious. **[112b]** The USSD International Religious Freedom report for 2008 states that nine per cent of the population is Sunni (mostly Turkmen and Arabs, Baluchs, and Kurds living in the south-west, south-east, and north-west respectively). **[4e] (Section I)**

19.17 According to the USSD report for 2007:

"Sunni Muslims claimed the government discriminated against them, although it was hard to distinguish whether the cause for discrimination was religious or ethnic since most Sunnis are also ethnic minorities, primarily Arabs, Baluchis, and Kurds. As an example of discrimination, Sunnis cited the lack of a Sunni mosque in Tehran, despite more than a million Sunni inhabitants." **[4t] (Section 2c)**

19.18 The USSD International Religious Freedom report for 2008 stated that:

"During the reporting period, many Sunnis claimed that the Government discriminated against them. It was difficult to distinguish whether the cause of discrimination was religious or ethnic, since most Sunnis are also members of ethnic minorities. Sunnis cited the absence of a Sunni mosque in Tehran, despite the presence of more than one million adherents there, as a prominent example. Sunni leaders reported bans on Sunni religious literature and teachings in public schools, even in predominantly Sunni areas. Sunnis also claimed there was a lack of Sunni representation in government-appointed positions in the provinces where they form a majority, such as Kurdistan and Khuzestan Provinces, as well as their inability to obtain senior governmental positions.

"Sunni Majles representatives asserted that government discrimination led to the lack of Sunni presence in the executive and judicial branches, especially in higher-ranking positions in embassies, universities, and other institutions, as well as anti-Sunni propaganda in the mass media, books, and publications." **[4e] (Section II)**

19.19 The Human Rights Watch 2009 report, released 15 January 2009, stated:

"On September 30, Molavi Abdolhamid, one of the most prominent Sunni clerics in Iran, said that if the government failed to address the problems of the Sunni community, including discrimination, its members would be unlikely to participate in the presidential election in 2009. The 2008 execution of two Sunni clerics in Zahedan, the assassination of two Sunni clerics in Kurdistan, the destruction of the Abu-Hanifeh Sunni religious school near Zahedan, and the arrest of 11 Sunni clerics who protested against this assault, coupled with systematic efforts to remove Sunni citizens from governmental positions, the

army, and the police force, are among the major criticisms Abdolhamid leveled against the government." **[8f]**

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CHRISTIANS

19.20 The USSD International Religious Freedom Report for 2008 stated that:

"According to U.N. figures, 300,000 Christians live in the country, the majority of whom are ethnic Armenians. Unofficial estimates for the Assyrian Christian population are between 10,000 and 20,000. There are also Protestant denominations, including evangelical religious groups. Christian groups outside the country estimate the size of the Protestant Christian community to be less than 10,000, although many Protestant Christians reportedly practice in secret. Sabean-Mandaeans number 5,000 to 10,000. The Government regards Sabean-Mandaeans as Christians, and they are included among the three recognized religious minorities; however, Sabean-Mandaeans do not consider themselves Christians." **[4e] (Section I)** Iran's Armenian Christian community numbers 100,000. (*International Herald Tribune*, 1 January 2008) **[135b]**

19.21 The Christian Solidarity Worldwide (CSW) July 2008 Iran Profile states that Armenian, Assyrian and Chaldean Christians enjoy official recognition as ethnic and religious minorities but suffer limitations and discrimination in terms of access to education, government and army positions. **[116a]** Churches and Christian training centers are routinely monitored and there has been widespread closure of these institutions by the Ministry of Islamic Guidance (MIG), forcing many churches to go underground. The Armenian and Assyrian churches have been allowed to stay open because their services are conducted in the Armenian/Assyrian languages and because they have agreed to the government's demands forbidding Muslims and Muslim converts from attending the church services and refraining from evangelism. (Christian Solidarity Worldwide, accessed 24 November 2008) **[116b]**

19.22 The evangelical Christian ministry, Open Doors, accessed 10 March 2009, reported that:

"Armenian and Assyrian Christians are recognised religious minorities guaranteed religious freedom, but many believers report imprisonment, harassment, and discrimination. They must not share their faith with Muslims. Many church services are monitored by the secret police. In 2007 Muslim-background believers and house church leaders were arrested for conducting religious activities in their own homes." **[127a]**

And also that "Armenian and Assyrian churches are allowed to teach fellow countrymen in their own language, but it is forbidden to minister to people with a Muslim background (speaking Farsi)." **[127b]**

19.23 There are indications that members of all religious minorities are emigrating at a high rate but it is unclear if the reasons for emigration are religious or related to overall poor economic conditions. (USSD IRF, 19 September 3008) **[4e] (Section I)**

19.24 Armenian Christians in Iran are predominantly Gregorian, a branch of the Christian Orthodox and there are 13 Armenian Christian churches in Isfahan alone. (*International Herald Tribune*, 1 January 2008) **[135b]** There are also Protestant denominations, including evangelical religious groups. **[4e] (Section I)** Protestant churches actively proselytise. **[116a]** The authorities became particularly vigilant in recent years in curbing proselytising activities by evangelical Christians. Some unofficial 2004 estimates indicated that there were approximately 100,000 Muslim-born citizens who had converted to Christianity. **[4t] (Section 2c)** The USSD International Religious Freedom Report for 2008, in discussing this vigilance, stated:

"Christians, particularly evangelicals, continued to be subject to harassment and close surveillance. During the reporting period, the Government vigilantly enforced its prohibition on proselytizing by closely monitoring the activities of evangelical Christians, discouraging Muslims from entering church premises, closing their churches, and arresting Christian converts. Members of evangelical congregations were required to carry membership cards, photocopies of which must be provided to the authorities. Worshippers were subjected to identity checks by authorities posted outside congregation centers. The Government restricted meetings for evangelical services to Sundays, and church officials were ordered to inform the Ministry of Information and Islamic Guidance before admitting new members." **[4e] (Section II)**

19.25 According to the USSD report for 2007: "The government took no known steps to resolve the 2004 killing of labor strikers, the killings and disappearances reported in 2001 by the Special Representative for Iran of the Commission on Human Rights, or the killings of members of religious minorities following the revolution." **[4t] (Section p2)**

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Apostasy / conversions

19.26 According to the Danish FFM Report 2000:

"The source thought that converts who are known to the Iranian authorities are summoned to an interview at the Ministry of Information in order to be reprimanded. They are then allowed to go after being warned not to talk about what has taken place at the Ministry. If a criminal case is brought against them, they will be accused of something other than conversion. Many individuals try to convert with a view to emigrating, considering that the opportunities for obtaining asylum in the West are thereby greater. The Christian churches send letters of recommendation to converts and other persons belonging to the church on request. The source stressed that such letters are issued only to persons known to the church. The letters of recommendation may be authenticated by the individual churches. In that connection, the source considered that 80 to 90% of the letters of recommendation presented in the West by the Armenian Church are false." **[41a] (p27)**

19.27 According to the Dutch Report – Situation in Iran, 2000:

"In practice, Muslim converts to Christianity may face obstacles such as not being admitted to university or not being issued a passport. Even Muslim converts, however, in reality appear able to practice their new faith up to a point. On the other hand, those who actively display their new faith in public, in particular by proselytising, can expect to face severe repression, even if their conversion goes back decade's." **[41b] (p38)**

19.28 Apostate converts who have begun preaching Christianity can be sentenced to execution. According to the Danish Fact-Finding Mission to Iran Report, 2000:

"In that connection, a Western embassy said that there had been no reports of persons being executed on the grounds of conversion from Islam since 1994. In the source's opinion, although a convert may still be sentenced to a term of imprisonment if the authorities hear about his conversion, it is very rare nowadays for a criminal case to be brought against a convert. The source stressed that converts often remain Muslim for official purposes." **[41a] (p26)**

19.29 An article in the *Daily Telegraph* dated 11 October 2008 states that " … in the 18 years since Hossein Soodmand's [Christian pastor hanged for apostasy in 1990] execution, there have been no judicially sanctioned killings of apostates in Iran, although there have been many reports of disappearances and even murders." The article adds that Soodmand's son, Rashin, also a Christian, was arrested in August 2008 and is being held in prison without charge. **[134a]**

19.30 A Radio Free Europe / Radio Liberty article dated 5 September 2008 reports that two Christian converts detained in May have been held in solitary confinement and charged with apostasy. **[42i]**

19.31 The Christian Solidarity Worldwide (CSW) July 2008 Religious Freedom Profile for Iran states:

"Muslim converts to Christianity are still the most vulnerable among the Christian community in Iran. However, the death penalty is not applied and there are vibrant house and public churches that are mostly formed by converts. Even though converts are able to continue their faith and meet with others, converts who are in leadership positions and lead Christian ministries face serious risk of detention, intimidation, imprisonment and extra-judicial physical harm." **[116a]**

19.32 According to the USSD report for 2007:

"Proselytizing of Muslims by non-Muslims was illegal. The government did not ensure the right of citizens to change or recant their religion. Apostasy, specifically conversion from Islam, was punishable by death, although there were no reported instances of the death penalty being applied for apostasy during the year." **[4t] (Section 2c)**

19.33 The CSW July 2008 Religious Freedom Profile for Iran notes that:

"The persecution of Muslim converts to Christianity has re-escalated since 2005. The Iranian police continue to detain apostates for brief periods and pressurise them to recant their Christian faith and to sign documents pledging they will stop attending Christian services and refrain from sharing their faith

with others. There have also been increasing reports of apostates being denied exit at the borders, with the authorities confiscating their passports and requiring them to report to the courts to reclaim them. During the court hearings they are coerced to recant their faith with threats of death penalty charges and cancellation of their travel documents." **[116a]**

19.34 Compass Direct News reported on 25 June 2008 that:

"Security police officials in Tehran this month tortured a newly converted couple and threatened to put their 4-year-old daughter in an institution after arresting them for holding Bible studies and attending a house church. A Christian source in Iran said that 28-year-old Tina Rad was charged with 'activities against the holy religion of Islam' for reading the Bible with Muslims in her home in east Tehran and trying to convert them. Officials charged her husband, 31-year-old Makan Arya, with 'activities against national security' after seizing the couple from their home on June 3, forcing them to leave their 4-year-old daughter ill and unattended. Authorities kept them in an unknown jail for four days, which left them badly bruised from beatings, said the source. Rad was released on bail of US$30,000 bail, and her husband was freed on payment of US$20,000. "The next time there may also be an apostasy charge, if you don't stop with your Jesus," a female security police officer told Rad during interrogation, according to the source. Under Iran's strict Islamic laws, Muslims who convert from Islam to another religion can be executed." **[117a]**

19.35 The CSW July 2008 Iran Profile states that verdicts stipulating the death penalty for apostasy are rarely, if ever, carried out but that intense pressure and serious human rights abuses occur regularly, and extra-judicial murder and attacks by official Islamic militias or radical groups are a serious concern. **[116a]**

19.36 The USSD report for 2007 stated that "There was no further information about the 2005 disappearance of a number of evangelical Christians." **[4t] (Section 1b)**

Apostasy bill

19.37 An article on the BBC News website, dated 26 February 2008, reports that the death penalty has been handed down in the past under Sharia law but now the Iranian Parliament is reviewing a draft penal code that would actually legislate the death penalty for apostasy. **[21cx]**

19.38 An article on the Baha'i website dated 22 February 2008 reports that the text of the proposed law uses the word Hadd, meaning that "it explicitly sets death as a fixed punishment that cannot be changed, reduced or annulled." The article continues to add that "In the past, the death penalty has been handed down - and also carried out - in apostasy cases, but it has never before been set down in law." **[11f]**

19.39 A *Daily Telegraph* article dated 11 October 2008 stated that the Iranian parliament has voted in favour of the draft Penal Code bill which would codify the death penalty for male apostates and life imprisonment for female apostates. However, it also says that the new law is not yet in force because it requires another vote in parliament, and then the signature of the Ayatollah. **[134a]** In an article dated 23 September 2008, Compass Direct News, a Christian news service, adds that "The bill still has to make its way through

Iran's policy-making process before it becomes law. Parliament is reviewing it article by article, after which it will be sent to Iran's most influential body, the Guardian Council, which will rule on it." Compass Direct's sources say they do not expect the Guardian Council to reject the new penal code. **[117b]**

19.40 A Hands off Cain article, dated 5 February 2008, states that two types of apostasy are set down in the proposed legislation: parental and innate:

"Innate apostates are those whose parents were Muslim, declared themselves as Muslim as an adult and then leave the faith.

"Parental apostates are those whose parents were non-Muslims, who had become Muslims as adults, and then left the faith.

"Article 225-7 of the code states, 'Punishment for an Innate Apostate is death', while Article 225-8 says, 'Punishment for a Parental Apostate is death, but after the final sentencing for three days he/she would be guided to the right path and encouraged to recant his/her belief and if he/she refused, the death penalty would be carried out'.

"Women apostates would be imprisoned." **[119a]**

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JEWS

19.41 Jews are a constitutionally recognised minority of 20,000 to 25,000 people, the largest Jewish community in the Middle East outside Israel. (CNN, 26 December 2007) **[70b]** Unofficial estimates of the size of the Jewish community vary from 25,000 to 30,000. (USSD IRF, 19 September 2008) **[4e] (Section I)** Five Majles seats are reserved for recognised religious minorities, of which one is for Jews. (USSD, 11 March 2008) **[4t] (Section 2c)** There were limits on the level to which Jews could rise professionally, particularly in government. **[4t] (Section 2c)** Jewish citizens were free to travel out of the country but were subject to the general restriction against travel by the country's citizens to Israel. This restriction, however, was not enforced. **[4e] (Section II)**

19.42 According to the USSD International Religious Freedom report for 2008:

"While the Government recognizes Judaism as an official religious minority, the country's Jewish community experienced official discrimination during the reporting period. There was a rise in officially sanctioned anti-Semitic propaganda involving official statements, media outlets, publications, and books. The Government's anti-Semitic rhetoric, along with a perception among radical Muslims that all Jewish citizens of the country support Zionism and the state of Israel, continued to create a hostile atmosphere for Jews. The rhetorical attacks also further blurred the line between Zionism, Judaism, and Israel and contributed to increased concerns about the future security of the Jewish community.

"Since August 2005 President Ahmadi-Nejad has pursued a virulent anti-Semitic campaign, including commenting on the 2006 conflict between Israel

and Hezbollah as triggering the countdown for the 'destruction of the Zionist regime'. During the reporting period, President Ahmadi-Nejad publicly stated in news conferences that the Zionists infiltrated the world and must be stopped and destroyed together with Israel.

"President Ahmadi-Nejad also regularly questioned the existence and scope of the Holocaust, which created an even more hostile environment for the Jewish community. Friday prayer leaders endorsed the President's Holocaust denial and reported the statements are 'the heartfelt words of all Muslims in the world'.

" … During the reporting period, there were reports of government interference in the elections of Jewish community leaders." **[4e] (Section II)**

19.43 According to the USSD International Religious Freedom report for 2008:

"The Government reportedly allowed Hebrew instruction but limited the distribution of Hebrew texts, particularly nonreligious texts, making it difficult to teach the language. Moreover, the Government required that in conformity with the schedule of other schools, Jewish schools must remain open on Saturdays, which violates Jewish law." **[4e] (Section II)**

19.44 According to the USSD International Religious Freedom report for 2008: "The Government promoted and condoned anti-Semitism in state media; however, with some exceptions, there was little government restriction of, or interference with, Jewish religious practice." **[4e] (Section II)**

19.45 In a BBC News report of 22 September 2006 it was recounted how:

"These days anti-Jewish feeling is periodically stirred by the media.
Mr Hammami says state-run television confuses Zionism and Judaism so that 'ordinary people may think that whatever the Israelis do is supported by all Jews'.

"During the fighting in Lebanon a hardline weekly newspaper, Yalesarat, published two photographs of synagogues on its front page full of people waving Israeli flags celebrating Israeli Independence Day. The paper falsely said the synagogues were in Iran – even describing one as the Yusufabad synagogue in Tehran and locating another in Shiraz.

"'This provoked a number of opportunists in Shiraz,' explains Iran's Jewish MP, Maurice Mohtamed, 'and there was an assault on two synagogues.'

"Mr Mohtamed says the incident was defused by the Iranian security forces, who explained to people that the news was not true. And with the coming to power of an ultra-conservative like President Mahmoud Ahmadinejad, there has been increased concern internationally about the fate of Iranian Jews." **[21ct]**

19.46 The CSW July 2008 Iran Profile states that anti-Semitic books continue to be widely distributed in Iran and the media publishes propaganda against Jews along with international conspiracy theories. **[116a]**

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ZOROASTRIANS

19.47 According to the USSD International Religious Freedom Report for 2008:

"The Government estimates there are 30,000 to 35,000 Zoroastrians, a primarily ethnic Persian minority; however, Zoroastrian groups claim to have 60,000 adherents." **[4e] (Section I)**

19.48 An article on the Persian Journal website, dated 30 January 2008, states:

"Since the 1979 revolution, the Islamic Republic has tolerated Zoroastrians, whom they consider a sect, giving it official status and allowing members to practice their rites.

"Authorities have also eased on the minority some restrictions that apply for Muslims. Zoroastrian men and women, as well as those of other religious minorities, are permitted to dance as couples and play music in public, but only as part of their worship on [sic] special venues in temples and inside covered buildings. In today's Iranian 290-seat parliament, five seats go [to] religious minorities: one for Zoroastrians, one for Jews, two for Armenian Christians and one for other Christians.

"Human rights reports say Zoroastrians - like Iran's Jews and Christians - suffer some discrimination and are kept out of some jobs." **[118a]**

19.49 An article published in *Middle East Times*, dated 4 October 2006, concurs:

"Iran's Zoroastrians are given the same rights in the constitution as Christians and Jews. They have their own representative to the parliament, can freely practice their religion, go to college, own businesses and property.

"However, they are not allowed to be army officers - despite being required to do the two-year military service - or run for president and say that they face obstacles for promotion in the state sector." **[6a]**

19.50 The 2008 US State Department's International Religious Freedom Report notes that:

"The Constitution states that 'within the limits of the law', Zoroastrians, Jews, and Christians are the only recognized religious minorities who are guaranteed freedom to practice their religious beliefs. However, members of these recognized minority religious groups have reported government imprisonment, harassment, intimidation, and discrimination based on their religious beliefs." **[4e] (Section II)**

19.51 The CSW July 2008 Iran Profile notes that Zoroastrians have difficulties in accessing employment in the public sector. **[116a]**

19.52 An article in the Brookings Register dated 11 September 2003, states that "By law, Muslims are not allowed to convert to another religion, and Zoroastrians do not encourage conversions." **[64a]** The FCO position is that "Zoroastrianism is not a religion which accepts converts, as far as we are aware." **[26c]**

However, an undated article on the subject notes "It must be added that most of the anti-conversion sentiment in the Zoroastrian world comes from the Indian Parsis. Iranian Zoroastrians are much more likely to accept converts, marriages to non-Zoroastrians (who are then welcomed into the community) and people of mixed ancestry. The problems with conversion in Iran are mainly political: converting someone away from Islam is an offense against the Islamic Republic and may be seriously penalized. Therefore, conversions in Iran are done very quietly." ('Conversion to Zoroastrianism', by H. M. G. Shapero) **[65]**

19.53 While it was reported in an article from Payvand Iran News on 1 April 2005, that "Zoroastrians perform their religious rituals in total freedom", **[53g]** it was also reported in a March 2005 Reuters article that "Iranian authorities beat up and tear gassed exuberant young revellers as they breathed new life into a pre-Islamic fire festival with a night of dancing, flirting and fireworks." **[5bc]**

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SABEANS (MANDEANS OR MANDAEANS)

19.54 Sabean-Mandaeans number 5,000 to 10,000 persons. The Government regards Sabean-Mandaeans as Christians, and they are included among the three recognised religious minorities; however, Sabean-Mandaeans do not consider themselves Christians. (USSD IRF, 19 September 2008) **[4e] (Section I)** The Sabean-Mandaean religious community reportedly faced harassment and repression by authorities similar to that faced by other religious minorities. There were reports during previous reporting periods that members of the Sabean-Mandaean community experienced societal discrimination and pressure to convert to Islam, and they were often denied access to higher education. **[4e] (Section II)**

19.55 The USSD International Religious Freedom report for 2008 states that:

"The legal system discriminates against religious minorities. Article 297 of the amended 1991 Islamic Punishments Act authorizes collection of equal 'blood money' (diyeh) as restitution to families for the death of both Muslims and non-Muslims. Prior to the 2004 change, the law gave a lesser monetary amount as 'blood money' for non-Muslims. All women, as well as Baha'i and Sabean-Mandaean men, are excluded from the equalization provisions of the bill." **[4e] (Section II)**

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BAHA'IS

19.56 According to the official Baha'i World website in 2007 and the 1985 Minorities Rights Group (MRG) publication, 'The Bahai's of Iran', the Baha'i faith was founded in the mid-19th century in southern Iran as an offshoot of Shi'a Islam. It has since developed into a separate religious faith. Baha'is believe in a God who is completely transcendent and unknowable, and that divine manifestations occur throughout the ages, in the form of prophets or messengers, 'Divine Educators', including Adam, Moses, Jesus, Zoroaster,

Buddha and Mohammad. They believe that the founder of their faith, Baha'ullah, was a divine manifestation, who will be followed by other manifestations as mankind develops, but that this will not happen for at least 1,000 years. Thus Baha'i doctrine accepts all prophetic religions as being true, but claim that theirs is the most suitable to the present age. They do not accept the Islamic belief that Mohammad is the 'seal' of prophets. Unlike Islamic practice, according to which the child of a Muslim is deemed automatically to be a Muslim, the Baha'is believe that each individual is responsible from the age of 15 for his/her own faith. **[11a] [13]**

19.57 According to the official Baha'i World website in 2002 and the 1985 Minorities Rights Group publication, 'The Bahai's of Iran', there is no priesthood in the Baha'i faith, but there is an administrative hierarchy of elected local and national Spiritual Assemblies, with considerable authority. The highest organ of administration is the Universal House of Justice in Haifa. Other institutions include the appointed bodies known as the Hands of the Cause of God and the Continental Board of Counsellors, both concerned with spreading the faith and protecting the Baha'i community. **[11a] [13]**

19.58 According to the USSD Religious Freedom report for 2008, the Baha'i community in Iran numbers 300,000-350,000. **[4e]** Baha'is, Iran's largest non-Muslim minority, are not recognised in the constitution, have virtually no rights under the law, and are banned from practising their faith. Hundreds of Baha'is have been executed since the Islamic Revolution in 1979. (FH, 2008) **[112c]**

19.59 According to various reports, not being one of the protected religious minorities in Iran, Baha'is experience discrimination including, arbitrary arrests, expulsions from universities, and confiscation of property. (USSD IRF, 19 September 2008) **[4e]** Baha'is are regularly denied compensation for injury or criminal victimisation, are denied the right to inherit property and are banned from the social pension system. They are also barred from Government and military leadership posts, from teaching and practicing their faith and maintaining links with coreligionists abroad. **[4e] (Section II)**

19.60 Amnesty International in its 2008 report found that:

"Baha'is throughout the country continued to face persecution on account of their religion. At least 13 Baha'is were arrested in at least 10 cities and were subject to harassment and discriminatory practices, such as denial of access to higher education, bank loans and pension payments. Nine Baha'i cemeteries were desecrated." **[9aag]**

19.61 The Government prohibited the Baha'i community from official assembly and from maintaining administrative institutions by closing them and repeatedly pressured Baha'is to accept relief from mistreatment in exchange for recanting their religious beliefs. **[4e] (Section II)**

19.62 According to the USSD International Religious Freedom report for 2008, Baha'i marriages and divorces are not officially recognised, although the Government allows a civil attestation of marriage to serve as a marriage certificate. **[4e] (Section II)**

19.63 Baha'i groups reported that the Government often denied applications for new or renewed business and trade licenses to Baha'is. **[4e] (Section II)** There were

reports of authorities forcing Baha'i businesses to close, placing restrictions on their businesses, and asking managers of private companies to dismiss their Baha'i employees. **[4e] (Section II)**

19.64 Baha'i students are often barred from attending university and prevented from obtaining their educational records. (FH, 2008) **[112c]**

19.65 According to the USSD Religious Freedom report for 2008:

"The Ministry of Justice states that Baha'is are permitted to enroll in schools only if they do not identify themselves as such, and that Baha'is preferably should be enrolled in schools with a strong and imposing religious ideology. There were reports that Baha'i children in public schools faced attempts to convert them to Islam.

"After a brief policy change during the previous reporting period allowing Baha'i students to enroll in universities, the Government reverted to its previous practice of requiring Baha'i students to identify themselves as a religion other than Baha'i in order to register for the entrance examination. This action precluded Baha'i enrollment in state-run universities, since a tenet of the Baha'i faith is not to deny one's faith. The Ministry of Justice states that Baha'is must be excluded or expelled from universities, either in the admission process or during the course of their studies, if their religious affiliation becomes known. University applicants are required to pass an examination in Islamic, Christian, or Jewish theology, but there was no test for the Baha'i faith." **[4e] (Section II)**

The report continued to note that:

"Public and private universities continued to deny admittance to or expel Baha'i students. During the previous reporting period, the Government briefly suspended its policy against Baha'i matriculation into universities and allowed some Baha'i students to enroll. However, most of these students were expelled once their religious affiliation became known. During this reporting period, the Government reverted to its earlier policy of denying university admittance to Baha'i students." **[4e] (Section II)**

19.66 Further on 29 August 2007, RFE/RL reported that:

"The Baha'i International Community (BIC) said it has obtained a copy of a confidential letter from Iran's Ministry of Science, Research, and Technology that was sent to 81 universities. The letter instructs administrators to expel Baha'i students …more than half of Iran's Baha'i university students enrolled last year have been expelled … two years ago the entrance-exam officials changed the application forms, Baha'i young people were able to take part in university entrance exams … Last year, 200 young people - without being forced to say they were Muslims when they were Baha'is - were able to enroll at university. However, 128 of them were expelled within a year … none of the expellees were involved in any kind of political activity, but were denied further education simply for being Baha'i followers." **[42w]**

19.67 Blood money for Iranians killed is not enforceable where the victim is a Baha'i. A bill was passed by the Majlis (in 2004) which equalised the 'blood money'

paid to the families of crime victims, however, according to law, Baha'i blood is considered mobah, meaning it can be spilled with impunity. **[4e] (Section II)**

19.68 Freedom of movement out of the country can be difficult for Baha'is. Although in recent years some Baha'is have managed to obtain passports and to travel in and out of Iran with relative freedom, lately some Baha'is have had their passports confiscated when trying to travel outside Iran. Some Baha'is, such as those involved in coordinating community activities, have also been placed on 'no fly' lists. An official confiscated the passports of one Baha'i family at the airport telling them it was to prevent them from carrying out spying activities. **[11e]** Registration of Bahai's is a police function. **[4e] (Section II)**

19.69 The Government seized many Baha'i properties following the 1979 revolution and has not returned any, including Baha'i cemeteries, holy places, historical sites, administrative centers, or other assets. Many properties have been destroyed. (USSD IRF, 19 September 2008) **[4e] (Section II)**

19.70 The property rights of Baha'is were generally disregarded, and they suffered frequent government harassment and persecution. The Government raided Baha'i homes and businesses and confiscated large numbers of private and business properties, as well as religious material, belonging to Baha'is. The Government reportedly seized numerous Baha'i homes and handed them over to an agency of Supreme Leader Khamene'i. The Government also seized private homes in which Baha'i youth classes were held, despite the owners having proper ownership documents. In one case on January 27, 2008, members of the Basij militia reportedly bulldozed part of a Baha'i family's home in Abadeh. (USSD IRF, 19 September 2008) **[4e] (Section II)**

19.71 The USSD International Religious Freedom report for 2008 stated that:

"Baha'i graveyards in Abadeh and other cities were desecrated, and the Government did not seek to identify or punish the perpetrators.

"Baha'i groups outside the country reported vandalism of Baha'i cemeteries, the desecration of a body exhumed from a Baha'i grave in Abadeh, and attacks against a Baha'i cemetery in Najafabad." **[4e] (Section III)**

19.72 The USSD International Religious Freedom report for 2008 adds that Baha'is were generally prevented from burying and honouring their dead in accordance with their religious tradition. **[4e] (Section II)**

"On May 27, 2008, security officials arrested two officials of the Baha'i community in Isfahan and one other member of the Baha'i community, reportedly on charges of burying their dead at a particular site that had been used for the past 15 years." (USSD IRF, 19 September 2008) **[4e] (Section II)**

19.73 The Baha'i World News Service reported on 21 September 2007 the bulldozing of Baha'i cemeteries in July and September and details the Iranian government's campaign against Baha'is. **[11d]**

19.74 According to the USSD International Religious Freedom report for 2008:

"The Government continued to imprison and detain Baha'is based on their religious beliefs. The Government arbitrarily arrested Baha'is and charged

them with violating Islamic Penal Code Articles 500 and 698, relating to activities against the state and spreading falsehoods, respectively. Often the charges were not dropped upon release, and those with charges still pending reportedly feared re-arrest at any time. Most were released only after paying large fines or posting high bails.

"Between July 7, 2007, and May 8, 2008, the Government reportedly arrested at least 41 Baha'is. As of March 2008 at least 12 remained in detention. The Government never formally charged many of the others but released them only after they posted bail. For some, bail was in the form of deeds of property; others gained their release in exchange for personal guarantees or work licenses." **[4e] (Section II)**

19.75 The USSD International Religious Freedom report for 2008 also states that:

"According to the National Spiritual Assembly of the Baha'is of the United States, more than 200 Baha'is have been killed since 1979, and 15 have disappeared and are presumed dead.

"Baha'i groups outside the country reported that government authorities increased their harassment and intimidation of the members of the Baha'i community during the reporting period and extended the harassment to sympathetic Muslim neighbors, friends, and colleagues of Baha'is. According to Baha'i groups outside the country, the Baha'i community in the city of Abadeh in southern Iran experienced a particular increase in harassment." **[4e] (Section II)**

19.76 Government officials reportedly offered Baha'is relief from mistreatment in exchange for recanting their religious affiliation, and if incarcerated, recanting their religious affiliation as a precondition for releasing them. (USSD IRF, 19 September 2008) **[4e] (Section II)**

19.77 On 19 May 2008, the BBC reported the arrests of six senior members of the Baha'i faith who, together with another senior member who was arrested in March, comprise the entire Baha'I leadership in Iran. They were taken to Evin Prison in Tehran on 14 May, after Intelligence Ministry officers raided their homes in the middle of the night. The report continued to state that a Foreign Ministry spokesman said it was a 'judicial matter'. **[21cw]**

19.78 The CSW July 2008 Iran Profile also reports these arrests and states it continues to be concerned for their welfare. **[116a]** The Iranian authorities insist that the arrests were made on national security grounds. (UN, 1 October 2008) **[10a] (p15)**

19.79 The Human Rights Watch World Report 2009, released 15 January 2009, stated:

"The government continues to deny Iran's Baha'i community permission to worship publicly or pursue religious activities. On May 14, security forces arrested six leading Baha'i adherents and members of the Baha'i national coordination group, without informing them of the charges against them, and sent them to Evin prison. One associate of this group had already been arrested on March 5. At this writing, all seven remain in detention." **[8f]**

19.80 The latest FCO Human Rights Annual Report 2007 has no mention of any Baha'is being on death row. **[26k]**

19.81 Baha'is were often officially charged with 'espionage on behalf of Zionism', in part due to the fact that the Baha'i world headquarters is located in Israel. These charges are more acute when Baha'is were caught communicating with or sending monetary contributions to the Baha'i headquarters. (USSD IRF, 19 September 2008) **[4e] (Section II)** The Government considers Baha'is to be apostates and defines the Baha'i faith as a political 'sect' **[4e] (Section II)** and agents of Zionism and imperialism. The Baha'i World Centre is in Haifa, Israel, and before 1979 many Baha'is made remittances and pilgrimages to Israel. Baha'i links with an area which is now in Israel lies in Baha'ullah's death in exile in what was at that time Ottoman Palestine. Participation in party politics is not permitted among Baha'is and anyone breaking this rule is liable to expulsion. **[11a] [13]** In 1996 the Head of the Judiciary stated that Baha'ism was an espionage organisation **[4f] (p6)** and Baha'is have since been strictly forbidden to seek probate. (Baha'i statement to the UN, 23 February 1998) **[10l] (p5)** There is no evidence of Baha'is being involved in partisan politics, in Iran or elsewhere. **[11a]**

19.82 In November 2007 the Islamic Revolutionary Guards Corps reportedly published a report entitled 'Looming Damages and Threats', in which it lists Baha'is, Sufis, feminists, and other groups as threats to the regime. (USSD IRF, 19 September 2008) **[4e] (Section II)** The UN Special Rapporteur on Freedom of Religion or Belief reported the existence of internal government documents that requested the Ministry of Information, the Revolutionary Guard, and the Police Force to collect and provide to the Armed Forces Command all information about Baha'is. There were also reports that the Government compiled a list of Baha'is and their trades and employment using information from the Association of Chambers of Commerce and related associations, which are nominally independent bodies that are nonetheless heavily influenced by the Government. (USSD IRF, 19 September 2008) **[4e] (Section II)**

19.83 The USSD Religious Freedom report for 2008 states:

"Since the National Association of Chambers of Commerce began collecting employment data on Baha'is, there were reported problems for Baha'is in different trades around the country. Baha'is experienced an escalation of personal harassment, including receiving threatening notes, CDs, text messages, and tracts. There were reported cases of Baha'i children being harassed in school and subjected to Islamic indoctrination. Baha'i girls were especially targeted by students and educators, with the intention of creating tension between parents and children.

"There was concern from several groups about the rumored resurgence of the banned Hojjatiyeh Society, a secretive religious-economic group that was founded in 1953 to rid the country of the Baha'i faith in order to hasten the return of the 12th Imam (the Mahdi). Although not a government organization, it was believed that many members of the administration were Hojjatiyeh members and using their offices to advance the society's goals. However, it was unknown what role, if any, the group played in the arrests of numerous Baha'is during the reporting period. Many Baha'i human rights groups and news agencies described the goals of the Hojjatiyeh Society as the eradication

of the Baha'is, not just the Baha'i faith. The group's anti-Baha'i orientation reportedly widened to encompass anti-Sunni and anti-Sufi activities as well." **[4e] (Section III)**

19.84 The USSD International Religious Freedom report for 2008 also states that:

"During the reporting period, Baha'is faced an increasing number of public attacks, including a series of negative and defamatory articles in Kayhan, a government-affiliated newspaper whose managing editor was appointed by Supreme Leader Ayatollah Khamene'i. The national daily Etemad and several provincial newspapers also published defamatory articles against Baha'is.

"Following an explosion in April 2008 at a mosque in Shiraz whose prayers leader was known to condemn Baha'is and Salafis in his sermons, Kayhan cited the prayer leader suggesting Baha'i involvement in the bombing. There were news reports in May citing the Friday prayers leader of Mashhad calling for the execution of arrested Baha'is. Radio and television broadcasts also increasingly condemned the Baha'is and their religious beliefs. These reports had the intention of arousing suspicion, distrust, and hatred for the Baha'i community." **[4e] (Section II)**

19.85 On 6 June 2006 Human Rights Watch issued a statement referring to a campaign of religious intolerance directed against the Baha'i community, reporting that Iranian security officials had the previous month arrested scores of Baha'i youths in Shiraz solely on the basis of their religious faith. It further reported that:

"The U.N. Special Rapporteur on the Freedom of Religion or Belief, Asma Jahangir, said in March that she had received a copy of a letter dated October 29 in which the chairman of the Command Headquarters of the Armed Forces in Iran requested the Ministry of Information, the Revolutionary Guard, and the police [to] collect information on Baha'i adherents. The letter stated that Supreme Leader Ayatollah Khamenei had instructed the Command Headquarters to identify members of the Baha'i community and to monitor their activities.

"The October 29 letter came amid an anti-Baha'i campaign in the state-run press that began in September. Since then, the influential government-owned daily Kayhan has published dozens of articles attacking the Baha'i community and defaming their beliefs." **[8w]**

19.86 AI, in a statement dated 24 July 2006, reported that:

"Amnesty International is seeking information from the Iranian government about a letter which calls for government ministries and the Republican Guard to compile information and report to the Armed Forces Command on the activities of adherents of the Baha'i faith (also referred to as Babism), an unrecognized religious minority in Iran, and the authorities' intentions if they are compiling data relating to members of one of Iran's minority religious communities." **[9au]**

19.87 Human Rights Watch also reported, on 6 June 2006, a campaign against Baha'is as well as the letter in which the chairman of the Command Headquarters of the Armed Forces in Iran requested that the Ministry of

Information, the Revolutionary Guard, and the police collect information on Baha'i adherents. **[8w]**

On 24 August 2006 the text of the letter was released. See **[11c]** for the full text.

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AHL-E HAQ (YARESAN)

19.88 In a report on the human rights abuses against the Kurdish minority of July 2008 Amnesty International stated that the Ahl-e Haq is a mainly Kurdish religion, most of whose members live in Kermanshah and in or around the big cities and are known as the People of the Truth, Ali Illahis or Yaresan. The report adds "Their faith, which shares aspects of Islam's tenets, embodies Kurdish religious identity. The Ahl-e Haq are not recognized under Iranian law and their rituals are prohibited. They are also banned from discussing their faith with the media." **[9aai]**

19.89 UNHCR reported in their 'Comments on the Iran Country Report of April 2005' in August 2005 that:

"Please find below a quotation from UN Commission on Human Rights, Report on the situation of human rights in the Islamic Republic of Iran, prepared by the Special Representative of the Commission on Human Rights, Mr. Maurice Danby Copithorne, pursuant to Commission resolution 2001/17, 16 January 2002:

"**82** In the south of the area inhabited by the Kurds, there is a little known community called variously the Yaresan or 'Al Haq'. According to one scholarly writer, the Yaresan are Kurds who practice an apparent form of Zoroastrianism or Yezidism (the only uniquely Kurdish religion), but are labelled Muslems because they adopted several superficial features, including veneration of Ali, the fourth Caliph.

83 The Special Representative has received representations from members of this community concerning local discrimination, both official and social, apparently based on their religion.

84 The Special Representative has received only limited first-hand evidence of the treatment of this community. However, its existence seems to be widely accepted and its treatment to be consistent with the evidence he has received from other non-Shi'ah communities. The Special Representative urges the Government to recognize the existence of the Yaresan, to prevent discriminatory practices against them and to include their representatives in the National Religious Minorities Commission." **[3h] (p2)**

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SUFIS

19.90 According to a Radio Free Europe / Radio Liberty article dated November 2007

"Sufism is growing in popularity in predominantly Shi'ite Iran, though officials and conservative Shi'a clerics have said it is a deviation of Islam. …

" … Sufism is a mystic tradition within Islam in which individuals pursue absolute truth and divine wisdom through mystic revelation. It is best known around the world for its 'whirling dervish' dances and for the mystical poetry of 13th-century Persian poet Molana Jalal ad-Din Rumi.

"In fact, Sufi Muslims believe that rituals involving dance, music, and the recitation of Allah's divine names can give them direct perception of God.

"But although many Sufi orders strictly observe Islamic practices and beliefs, some conservative Shi'a clerics in Iran say Sufism is a danger to Islam.

"Indeed, there have long been tensions in Iran between Sufism and more orthodox traditions of Islam. Observers such as the human-rights group Amnesty International say these tensions have worsened – and state tolerance for Sufi groups in Iran has diminished – since the establishment of an Islamic republic some 28 years ago." **[42ak]**

19.91 According to the USSD International Religious Freedom Report for 2008:

"Sufis within the country and Sufi organizations outside the country remained extremely concerned about growing government repression of their communities and religious practices, including increased harassment and intimidation of prominent Sufi leaders by the intelligence and security services. Government restrictions on Sufi groups and houses of worship (husseiniya) became more pronounced in recent reporting periods. There were numerous reports of Shi'a clerics and prayer leaders denouncing Sufism and the activities of Sufis in the country in both sermons and public statements." **[4e] (Section II)**

19.92 The report continues to note that "There are no official statistics available on the size of the Sufi Muslim population; however, some reports estimate between two million and five million persons practice Sufism." **[4e] (Section I)**

19.93 A Radio Free Europe / Radio Liberty article reported on November 2007 that:

"In February 2006, police closed a building in Qom that was being used as a house of worship by Sufis from the Nematollahi Gonabadi order. When Sufis responded by staging a protest in Qom, clashes broke out and Iranian authorities arrested more than 1,000 people." **[42ak]**

19.94 The USSD International Religious Freedom report for 2008 states:

"In November 2007 the Islamic Revolutionary Guards Corps reportedly published a report entitled 'Looming Damages and Threats', in which it lists Baha'is, Sufis, feminists, and other groups as threats to the regime." **[4e] (Section II)**

19.95 The BBC reported on 12 November 2007 that:

"Around 180 Sufi Muslims have been arrested in Iran after attacking a Shia mosque where a cleric labelled their religion 'illegitimate', say reports. The confrontation in the western city of Boroujerd led to a shootout between the Sufis and police that reportedly left about 80 people injured." **[21z]**

19.96 Radio Free Europe / Radio Liberty reported on November 2007:

"Dozens of people were injured and arrested during the November 11 clashes in the western city of Borujerd, and parts of the Sufis' monastery there were destroyed. Official media said the clashes came after Sufis attacked a Shi'a mosque in the city where clerics had been criticising Sufism." **[42ak]**

19.97 The USSD International Religious Freedom report for 2008 stated that Sufi Muslims faced an increasing repression campaign, including defamatory attacks in newspapers and in sermons by Shi'a clerics. **[4e] (Section II)**

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20. ETHNIC GROUPS

20.01 The US State Department (USSD) Country Report on Human Rights Practices for 2007 stated that:

"The constitution grants equal rights to all ethnic minorities and allows for minority languages to be used in the media and schools. The government disproportionately targeted minority groups, including Kurds, Arabs, Azeris, and Baluch, for arbitrary arrest, prolonged detention, and physical abuse. These groups also reported political and economic discrimination, particularly in the provision of economic aid, granting of business licenses, university admissions, permission to publish books, and housing and land rights. State broadcasting had weekly programs in ethnic languages, but the government consistently denied minorities their constitutional right to study and use their language in school." **[4t] (Section 5)**

20.02 The Congressional Research Service (CRS) report 'Iran: Ethnic and Religious Minorities', 25 May 2007, informs us that:

"To varying degrees these minorities face discrimination, particularly in employment, education, and housing, and they tend to live in underdeveloped regions. Over the years they have held protests demanding greater rights. Even though the constitution guarantees the rights of ethnic and religious minorities, in reality, the central government emphasizes the Persian and Shiite nature of the state. Analysts argue that globalization, a large number of organized ethnic groups and political activists in Europe and North America, and modern communications systems are making significant changes to the internal dynamics of the country. International media and human rights agencies and associated organizations outside Iran are also helping these issues become known internationally." **[96a] (p1)**

20.03 However, the Human Rights Watch World Report 2009, released 15 January 2009, stated that:

"Iran's ethnic and religious minorities are subject to discrimination and, in some cases, persecution. In the northwestern provinces of Azerbaijan and Kurdistan, the government restricts cultural and political activities by the Azerbaijani and Kurdish populations, including the operation of NGOs that focus on social issues. The government also restricts the promotion of minority cultures and languages. On September 10, for example, plainclothes Intelligence Ministry agents arrested 19 prominent Azerbaijani cultural activists and academics during a private Ramadan celebration and detained them in Evin Prison. The Iranian government accuses them of siding with armed opposition groups and acting against national security." **[8f]**

20.04 In the report issued by the Special Rapporteur on Adequate Housing, dated 21 March 2006, it was noted that:

"The Special Rapporteur observed disproportionately poor living conditions that may point to a significant degree of neglect in relation to the housing necessities of ethnic minorities. Such groups seem to have been suffering from uneven distribution of development resources from the national authorities in Tehran." **[10ac] (p18)**

20.05 In a public statement dated 26 February 2007 Amnesty International stated its concerns over the deteriorating human rights situation facing ethnic minorities:

"Amnesty International is greatly concerned by continuing violations of the rights of members of Iran's ethnic minorities, including Iranian Azerbaijanis, Kurds, Baluchis, and Arabs. Within the past two weeks, hundreds of Iranian Azerbaijani linguistic and cultural rights activists have been arrested in connection with demands that they should be allowed to be educated in their own language; Kurdish rights activists have been detained, and demonstrators killed or injured; and a Baluchi accused of responsibility for a bomb explosion on 14 February 2007 was executed just five days later." **[9ay]**

20.06 The Amnesty International report on human rights abuses against the Baluchi minority, dated 17 September 2007 states:

"A practice that has led to discrimination against Baluchis and other minority groups is gozinesh - an ideological selection procedure that requires state officials and employees to demonstrate, among other things, allegiance to Islam and the Islamic Republic of Iran, including the concept of velayat-e faqih (Rule of the Jurisconsult), which is the political basis of the Islamic Republic of Iran. In law and practice, this process impairs – on grounds of political opinion, previous political affiliation or support or religious affiliation – equality of opportunity or treatment in employment or occupation for all those who seek employment in the public and parastatal sector (such as the Bonyads or Foundations) and, reportedly, in some instances in parts of the private sector. Access to further education may also be subject to gozinesh scrutiny. Under gozinesh rules, non-Shi'a Iranians are excluded from certain state positions such as that of President." **[9aab]**

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KURDS

20.07 According to Freedom House's Freedom in the World report, 2 July 2008, there are roughly five million Kurds in Iran, **[112c]** although an Amnesty International report estimates that 12 million Kurds live in Iran, between 15-17 per cent of the population. **[9aai]** The Sunni Kurds are concurrently victimised by two forms of discrimination, ethnic and religious. **[112b]** Kurdish opposition groups suspected of separatist aspirations, such as the Democratic Party of Iranian Kurdistan (KDPI), are brutally suppressed. **[112c]** The Party for a Free Life in Kurdistan (PJAK), a militant separatist group, conducted a number of guerrilla attacks in 2007. **[112c]** Kurds are found in the Kurdistan Province in northwestern Iran. **[80e]** A UNHCR report stated, however, that ethnic Kurds can be found in all walks of life in Iran both in the private and public economic sectors as well as in Iran's military and civilian establishments. **[3a] (p30)**

See also Opposition groups and political activists and Freedom of religion.

20.08 Human Rights Watch states in their World Report 2009, released on 15 January 2009:

"In the northwestern provinces of Azerbaijan and Kurdistan, the government restricts cultural and political activities by the Azerbaijani and Kurdish populations, including the operation of NGOs that focus on social issues." **[8f]**

The same report added:

"Government intelligence officials forced Mohammad Sadigh Kaboudvand, a journalist and human rights activist in the western province of Kurdistan, to shut down his NGO Defending the Human Rights in Kurdistan, and in July 2007 arrested him. He was sentenced to 11 years' imprisonment in June 2008 for acting against national security and engaging in propaganda against the state." (HRW report 2009, 15 January 2009) **[8f]**

20.09 According to the Minorities at Risk Project 2001, most Kurds are Sunni Muslims but there is a minority of Shi'ia Muslim Kurds in Iran, primarily in the province of Kermanshah. While the Kurds in Iran traditionally had a nomadic component to their society, most have been settled due to government policy. **[33]** They live mainly in the provinces of West Azerbaijan, Kordestan, Kermanshah and Ilam in the west and south-west of the country, although many have moved to the big cities such as Tehran. Sanandaj is the administrative centre of Kordestan. There is also a community of Kurds in North Khorasan province in north-eastern Iran. **[9aai]** The Kurds speak several dialects of the Kurdish language and are divided into many tribes. **[33]** The Kurdish language is divided into two main dialects: Sorani and Kurmanji. Smaller communities of Gorani and other Kurdish-dialect speakers are present in Iran. **[9aai]** Sorani Kurdish is spoken by Iraqi Kurds living south of the Greater Zab, and by the Iranian Kurds living in Kordestan Province. Sorani Kurdish is typically written in a modified Arabic script; such modern literature as exists in Kurdish is usually in Sorani, because there has been more opportunity to publish in Iraq than in other countries in recent times. (Centre for Applied Linguistics, 18 February 2004) **[23a]** The status of the Kurds in Iran remains basically unchanged since 1989. **[33]**

20.10 According to a UN report of May 2003, in late 2000, a Kurdish Member of Parliament publicly alleged the existence of a campaign of repression and serial killings against the Kurdish community in Iran and in the following year, in October 2001, all six members of the Iranian Parliament from Kurdistan province collectively resigned. Their joint letter to the Interior Minister claimed that the legitimate rights of the Kurds, especially the Sunni amongst them, were being denied. Whilst there are a number of Kurdish MPs they are not able to form a pro-Kurdish party and they hold their seats as independent candidates. **[10u] (p8)** According to the USSD report for 2007, the government "… consistently denied minorities their constitutional right to study and use their language in schools, particularly Kurds, Azeris, and Ahvazi Arabs." **[4t] (Section 5)**

20.11 According to news reports from BBC Monitoring during October 2003, there had been sporadic civil disruption within the Kurdish area of Iran. On 17 October 2003, a demonstration was held in the town of Sardasht when security forces opened fire killing one and injuring at least two others. The demonstration was originally held in protest at the killing, by the security forces, apparently by accident, of three citizens on the road between Sardasht and Piran. **[21ce]** It was also reported by the Kurdish press in March 2004 that larger demonstrations were triggered by events within the Kurdish area of Iraq

when, as a result of the signing of the Iraqi Constitution it transpired that Iraqi Kurdistan had gained considerable status within the Iraqi federal plan. The demonstrations followed as a result of Iranian Kurds showing solidarity and support with the Iraqi Kurds. The security forces reacted vigorously to the demonstrators. **[55a]**

20.12 It was reported in the *New York Times* on 14 November 2004 that:

"Iranian Kurds have not sought full independence since the 1979 Islamic revolution, which was followed by a period of fighting with the government, but they have demanded greater autonomy, democracy and freedom. They refer to their historical and cultural ties with Persian Iranians and say their Iranian identity is as important as their Kurdish identity. The Kurdish language is close to Farsi, the main language spoken in Iran, and Kurds say they were the founders of the civilization where Iran is today. They took part in the political process along with other Iranians, and voted overwhelmingly for President Mohammad Khatami, a reformist, in 1997 in the hope of achieving more democracy. Reformist Kurdish members of Parliament, who were elected after the brief period of political openness after Mr. Khatami's election, formed a Kurdish bloc in Parliament and managed to win a fivefold increase in the budget for their part of the country. One member spoke in the Kurdish language for the first time in Parliament, and the language will be taught for the first time at universities in Kurdish areas this year. However, the Iranian Kurds feel marginalized again, after Kurdish candidates, along with other reformists, were removed by a hard-line watchdog council before the last parliamentary elections. With many reformers prevented from running and voters angry that the pro-reform Parliament was able to achieve so little, hard-liners recaptured Parliament again this year." **[77b]**

20.13 In July 2005, civil unrest broke out in the province of Kordestan. In a report from RFE/RL, dated 22 July 2005, it was reported that:

"Unrest among Kurds living in western Iran, which has been continuing for several weeks, has prompted a government investigation that began on 20 July. This comes on the heels of low levels of Kurdish participation in the June presidential election, which may be indicative of their sense of exclusion from the country's politics. The Kurds are not promoting separatism, and the central government may find that meeting their demands will be more effective than arrests and violence in settling the unrest.

"The most recent incident occurred when Kurds living in Mahabad, West Azerbaijan Province, clashed with police after a local activist was reported killed by state security agents, Radio Farda reported on 12 July, quoting local journalist Masud Kurdpur. Kurdpur told Radio Farda that 'security agents' killed activist Seyyed Kamal Seyyed Qader (known as Shavaneh and identified elsewhere as Seyyed Kamal Astam), whose death provoked clashes on 11 July between police and Mahabad residents.

"Kurdpur told Radio Farda that Qader was arrested for unspecified political activities and the violent police response to the subsequent protest shows that the Iranian government is hardening its attitude to protests. 'Unfortunately, now that the elections are over and [President Hojatoleslam Mohammad] Khatami's government is coming to an end, this is a new type of approach that has led to deaths,' Kurdpur said. 'Most gatherings so far were tolerated.'" **[42g]**

20.14 According to Amnesty International in a report dated July 2008:

"A key moment for Kurdish activists in recent times was in July 2005, when Iranian security officials shot dead Kurdish opposition leader Shawan Qaderi and two other men in Mahabad. The security forces tied Shawan Qaderi's body to a jeep and dragged the corpse through the streets. This sparked violent protests that shattered years of relative peace in Kordestan. The protests also marked the start of a new wave of state repression against Kurds in which those who spoke up for Kurdish rights were targeted." **[9aai]**

20.15 According to a Human Rights Watch report of 11 August 2005:

"On August 2 [2005], the government shut down Ashti newspaper and the weekly Asu in Kurdistan. Authorities detained Roya Toloui, a leading women's rights activist, at her home in Sanandaj for 'disturbing the peace' and 'acting against national security.'

"On the same day, security forces detained other prominent journalists and human rights defenders at their homes and offices including Azad Zamani, a member of the Association for the Defense of Children's Rights; Mohammad Sadeq Kabudvand, journalist and co-founder of Kurdistan Human Rights Organization; Jalal Qavami, editor of the journal Payam-e Mardom; and Mahmoud Salehi, the spokesman for the Organizational Committee to Establish Trade Unions.

"Human Rights Watch called on the Iranian government to immediately and unconditionally release detained journalists, human rights defenders and activists." **[8n]**

20.16 Amnesty International in a report published on 16 February 2006 stated that:

"Following the unrest, enquiries were opened into the unrest by the government and the Majles, but the findings were not made public. Several Kurdish members of the Majles are reported to have criticised the government's handling of Kurdish grievances, including Hushang Hamidi, member for Sanandaj. He said 'We have no problem raising the issue, but, although our demands are legal, we have problems coming up with solutions and removing the shortcomings... We have civil demands. We want citizenship rights. We want welfare and the observation of legal rights and equality in various aspects including management, and meritocracy in the Kurdish regions. These are the areas in which Article 48 of the Constitution has not been observed.' Amin Shabani, another Kurdish member of the Majles said, 'The real root and origin of these disturbances was the promises that the officials have given when they have come face to face with the demands of the Kurds, but up to now, these promises have remained unfulfilled'. He accused the Law Enforcement Forces of using excessive force, criticized state radio and television for not providing accurate information and pointed to unemployment as a factor in the unrest. He also criticised the lack of Sunni Muslims in the cabinet." **[9f] (p4)**

20.17 AI reported on 26 February 2007 that:

"On 20 February 2007, Kurdish students held an event at Tehran University's Department of Literature. They called for the teaching of Kurdish in Iran's education system and at the University of Sanandaj, the capital of Kurdistan province. The students reportedly signed a public statement which stated, in part, that 'In today's multicultural climate in the world, based on the Universal Declaration of Human Rights and other humanitarian principles, every nation should have a right to develop and advance its language.'

"In recent months, several Kurdish journalists and human rights defenders have been detained and some are facing trial. In addition, on 16 February 2007, three Kurds, including one woman, were reportedly killed in the course of a demonstration in Mahabad. An unconfirmed report states that a dispute between demonstrators and security forces resulted in the death of Bahman Moradi, aged 18, a woman called Malihe, whose surname is not known to Amnesty International, and one other. Dozens were reportedly injured in the course of the demonstration." **[9ay]**

20.18 Human Rights Watch reported on 26 February 2008 that a Kurdish teacher, active in a number of civil society organisations, was tortured, subjected to an unfair trial and has now been sentenced to death on charges of 'endangering national security' due to claims by the prosecution that he is a member of the Kurdistan Workers Party (PKK). **[8e]**

20.19 Amnesty International in their 2008 International Report stated that:

"Members of the Party for a Free Life in Kurdistan (Partiya Jiyana Azadîya Kurdistanê, PJAK) attacked Iranian forces, who shelled parts of northern Iraq where they believed PJAK forces were hiding. Numerous Kurds were arrested, many accused of membership of, or contact with, proscribed groups. Kurdish journalists and human rights defenders were particularly at risk of harassment and detention.

"Mohammad Sadiq Kabudvand, head of the Human Rights Organization of Kurdistan (HROK) and editor of the banned weekly newspaper Payam-e Mardom, was detained in July apparently for 'acting against national security', 'propaganda against the system' and 'co-operating with groups opposed to the system', although he was not formally charged. He complained of poor prison conditions and ill-treatment, including denial of access to the toilet, which was apparently intended to force other leading HROK members to turn themselves in to security officials for questioning." **[9aag]**

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ARABS

20.20 According to an article dated 6 September 2007 in the New York Post, there are about 2.2 million ethnic Arabs in Iran (more than three per cent of the population) and more than half live in Khuzestan. **[126a]** According to the Minorities at Risk Project 2001, the Arabs in Iran probably date back to the Arab conquest during the 7th and 8th centuries which brought Islam to Iran. The main factor that differentiates them from Iran's Persian-speaking majority is that they speak one of several dialects of Arabic. **[33]** UNHCR stated in 1998 that at least two million Arabs, mainly Shi'a Muslims, live in Iran, chiefly in

Khuzestan and in the south. The Sunni Arabs tend to live on the Gulf coastline. **[3a] (p30)** About 40 per cent live in urban areas and the majority of these urban Arabs are unskilled workers. Some urban Arabs and most rural Arabs are tribally organised. These tribal loyalties can have a major impact not only on a societal level but also on political considerations. The rural Arabs of Khuzestan are mostly farmers and fishermen and many of those that live along the Persian Gulf coastal plains are pastoral nomads. **[33]** Many Arabs are employed in the agriculture and oil industries. **[3a] (p30)** Khuzestan province produces almost 70 per cent of the oil that Iran exports each day. **[126a]**

20.21 According to the Minorities at Risk Project 2001, both the urban and rural Arabs of Khuzestan are intermingled with the Persians, Turks and Lurs who also live in the province and often inter-marry with them. Despite this, Iranian Arabs are regarded by themselves and by Iran's other ethnic groups as separate and distinct from non-Arabs. **[33]** Many Arab Shiite tribes around the Iran-Iraq border retain their ethnic, tribal, linguistic and religious ties which go back 1,300 years. The Bani Kaab, Bani Amer, Bani Tamim and other tribes move and inter-marry regardless of the border. **[126a]** Outside of Khuzestan there is little ethnic solidarity among Iran's Arabs. The division between Shi'ia and Sunni Muslims also hampers ethnic solidarity. **[33]** Better-educated ethnic Arabs moved to Tehran and other cities in Iran, gradually losing their Arab identity, and whole families and clans emigrated to avoid the military draft. **[126a]**

20.22 According to the Berlin European COI Information Seminar Report 2001: "Like every other group, (in terms of levels of discrimination), Arabs do not openly express their ethnic identity." **[3c] (p101)**

20.23 UNHCR stated in 1998 and, according to the Minorities at Risk Project 2001, the Government of Iraq, both before and after Iran's 1979 revolution, accused Iran of discrimination against its Arab population. Despite this, the Arab population of Khuzestan sided with Iran during the Iran-Iraq war. **[3a] (p30) [33]** Data from the Foundation of Martyrs (created to help war veterans and the families of those killed in the 1980-88 Iran-Iraq war) shows that proportionally, four times as many ethnic Arabs died fighting in the Iran-Iraq war than Iranians with other ethnic backgrounds. **[126a]**

20.24 According to the USSD report for 2007: "Foreign representatives of the Ahvazi Arabs of Khuzestan claimed their community of two to four million in the southwest section of the country suffered from persecution and discrimination, including the lack of freedom to study and speak Arabic." **[4t] (Section 5)** Entry into Iranian universities is through a set of exams (konkour) in Persian but ethnic Arabs usually come from badly-rated secondary schools, are not fluent in Persian and are unfamiliar with Persian culture and literature. As a result, an ethnic Arab's chance of getting into university is twelve times lower than that of someone from Tehran, Shiraz or Isfahan but demands that ten per cent of university places be reserved for ethnic Arabs have been refused by the government with Ahmadinejad regarding such policies as 'un-Islamic'. **[126a]** Within state-owned corporations, Arabs are at a disadvantage as regards job opportunities, grades and pay. **[126a]**

20.25 According to the Minorities at Risk Project 2001, the Arab Political Cultural Organization (APCO) was formed in 1979. It requested some concessions in April 1979 and was given the green light to form a provincial council with

limited autonomy. Unrest occurred afterwards due to the presence of Revolutionary Guards, especially in the Khuzestani city of Khorramshahr. The unrest continued and escalated when the Arabs started bombing oil refineries and pipelines on 'Black Wednesday', 14 June 1979. On 30 April 1980, they seized the Iranian embassy in London in order to free 91 Arabs imprisoned in Iran. **[33]**

20.26 According to an article, dated 6 September 2007, in the *New York Post*, some of the armed groups were set up by Saddam Hussein in the 1970s as a means of exerting pressure on Tehran. They are often linked to smuggling networks operating in both Iran and Iraq and have been mainly responsible for attacks on border posts and police stations in towns near the border. The Khuzestan Welfare Party calls for greater autonomy for the province within the Iranian state. It was created in 1946, disappeared in the 1950s and reappeared in 2005 but no one can gauge its strength. It provides a moderate alternative to the radical Ahvaz Liberation Front (ALF), which has preached armed struggle since the 1970s. **[126a]**

20.27 The Berlin European COI Information Seminar Report 2001 further states: "In terms of levels of discrimination there is some evidence of riots in Abadan that have been connected to the fact that Khuzestan as a province has been neglected by the central Government." **[3c] (p101)**

20.28 According to the CEDOCA Mission Report of 2002, the riots in Abadan began on 5 July 2000 with a peaceful demonstration outside the office of the Governor of Abadan, Mr Nazemi, close to Bassij Square, which was formerly Taiib Square. Between 7,000 and 8,000 demonstrators (residents of Abadan) protested from 8 am against the poor quality of the drinking water. The fact that the drinking water contained too much salt was a problem which was known to everyone. The first three hours of the demonstration went by peacefully. Riots then broke out on and around Bassij Square, and the tone of the demonstration became political rather than social. A total of around 300 people were arrested and it was rumoured that a few people were killed. **[43] (p13)**

20.29 According to the Berlin European COI Information Seminar Report 2001, there had been death sentences, although those convicted had been involved in violent acts such as the bombing of offices and liaisons, etc. **[3c]** The USCRI 2008 Survey for Iraq stated that around 100 Ahwazi Iranians fled to Trebil on the Iraqi-Jordanian border after Iranian agents assassinated four of them. **[35b]**

According to Amnesty International, in their 2008 report, published on 28 May 2008:

"At least eight Iranian Ahwazi Arabs were executed after being convicted in connection with bomb explosions in Khuzestan in 2005. At least 17 other Iranian Arabs were believed to be facing execution after unfair trials related to the bombings. Scores, possibly hundreds, of Ahwazi Arabs were reportedly arrested in April, in advance of the anniversary of riots in 2005 protesting against a letter allegedly written by a presidential adviser, who denied its authenticity, which set out policies for the reduction of the Arab population of Khuzestan.

"In April, journalist Mohammad Hassan Fallahiya was sentenced to three years in prison with hard labour for writing articles critical of the government and for allegedly contacting opposition groups based outside Iran. He was detained in November 2006 and denied access to a lawyer throughout the judicial process. His family said the Evin Prison authorities refused to allow them to take him medicines required to treat heart and blood disorders, endangering his life." **[9aag]**

20.30 According to a report from RFE/RL, dated 17 August 2005:

"Large-scale riots in Ahvaz in mid-April followed rumors of a government plan to forcibly replace local Arabs with Persians from other parts of the country. The government acknowledged making numerous arrests, and dissident websites alleged that there was wide-scale bloodshed.

"Tehran's reaction to the unrest has been to blame it on foreigners, particularly the British. Accusations of British interference in the southwestern part of the country have historical roots, but they might also be connected with Iranian hard-liners' isolationist tendencies. As a recent UN study notes, however, Tehran's policies contribute to the problems in the southwest." **[42h]**

20.31 According to Amnesty International in a report dated 17 May 2006:

"The unrest began on 15 April 2005 in the Shalang Abad (also known as Da'ira) area of central Ahvaz, where around 1000 demonstrators had reportedly assembled to protest at the contents of a letter, reports of which began to circulate on 9 April, allegedly written in 1999 by an advisor in the office of President Khatami. The letter, whose authenticity has been strongly denied by the author and other governmental sources, sets out policies for the reduction of the Arab population of the province of Khuzestan, including their transfer to other regions of Iran; the transfer of non-Arabs, including Persians and Turkic-speaking Azeris to the province; and the elimination of Arab place names along with their replacement by Persian names. Scores of Iranian Arabs were killed, hundreds were injured and hundreds more were detained during and following these demonstrations, during which the security forces appear to have used excessive force in their policing resulting in unlawful killings, including possible extrajudicial executions. It is feared that many of those detained may have been tortured or illtreated." **[9aaj]**

20.32 In its 2008 World Report, dated 31 January 2008, Human Rights Watch stated:

"The government increased its surveillance of the ethnic Arab population of Khuzistan after bombings in 2005 in this southwestern province. In 2006 Revolutionary Courts, whose secret proceedings did not meet international fair trial standards, condemned at least 16 Iranians of Arab origin to death on charges of armed activity against the state. In 2007 at least seven Iranian Arabs were executed in connection with the bombings after secret trials during which they were denied due process rights." **[8ai]**

20.33 Amnesty International, in a report published on 16 February 2006, stated that:

"Since President Ahmadinejad's election, several people have been killed and scores injured by security forces possibly using excessive force, in the context

of ongoing violent unrest in Khuzestan Province. This began in April 2005 and has included bomb explosions in Ahvaz city in October 2005 and January 2006 which killed at least 12 people and injured hundreds, and attacks on the economically important oil installations in September and October 2005. The Iranian authorities have accused the United Kingdom (UK) government of involvement in the blasts, which the UK has denied." **[9f] (p1)**

And continued:

"Hundreds of Arabs have been arrested since President Ahmadinejad's election and many are feared to have been tortured or ill-treated. The prisons in Khuzestan province, and particularly the capital Ahvaz, are reported to be extremely overcrowded as a result of the large numbers of arrests. One ex-detainee is said to have estimated that during his time in detention, there may have been over 3,000 prisoners held in Karoun Prison, reportedly designed to accommodate about 800 and that the cells were so crowded that detainees were forced to sleep in shifts, as there was insufficient space for them all to lie down at once. This degree of over-crowding reportedly led to extremely unsanitary conditions. Children as young as 12 are reported to have been detained with adult prisoners. Some of those detained are believed to have been sentenced to imprisonment or death after grossly unfair trials before Revolutionary Courts. Of those reported detained since the election of President Ahmadinejad, Amnesty International has received the names of over 250." **[9f] (p2)**

20.34 A government policy, created in 1928, sought to 'Persianise' majority-Arab areas by bringing in farmers from other provinces to revive the agriculture and introduce new crops. **[126a]** According to the USSD report for 2007:

"In 2005 … The Ahvazi representative in the previous Majles wrote a letter to then-president Khatami, complaining that Arab land was being bought at very low prices or even confiscated. He also said Arab political parties were not allowed to compete in elections, and Arabic newspapers and magazines were banned." **[4t] (Section 5)**

20.35 An article published by Qantara on 17 August 2007 reported that:

"Since 1999, and particularly in the last few years, more than a million citizens of Arab descent have been forced to relocate from the province of Khuzestan and its capital Ahwaz to various other provinces. The resettlement of this population is apparently part of a comprehensive plan aimed at the Iranization of this ethnic group and the re-Iranization of the main region in which they previously lived.

"The measures undertaken by the government have not only been aimed at breaking up the regional demographic concentration of the minority. They appear to be aimed at systematically replacing the Arabs relocated to other areas with Iranians of Persian descent because greater loyalty is anticipated from the latter. Considerable effort is being expended presumably because the Khuzestan province, where more than 80 percent of Iran's oil is found, is strategically vital to the national economy.

"Arabic human rights activists from the region – those of Arabic heritage generally call themselves '*Ahwazis*' – say that around one and a half million

new settlers, the majority of them Iranian-Persian, have arrived in place of those forced to relocate." **[98a]**

20.36 In a written statement submitted on 16 June 2006 by the International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic & Other Minorities, a non-governmental organisation on the roster to the UN it was reported that:

"During the recent months of 2006, and as reported by several human rights organizations, a number of Ahwazi women, among them some pregnant and/or with their children, have been held for longer periods without access to legal aid or due process. On 27 February 2006, Mrs. Sakina Naisi (40), three months pregnant, was arrested and put in Sepidar Prison. Her treatment in prison eventually led to a forced abortion. On 08 March 2006, Mrs. Masouma Kaabi (28) and her son Aimad (4) were arrested and imprisoned in Sepidar. On 31 March 2006, Mrs. Hoda Hawashem (24) with her sons Ahmed (4) and Osameh (2) were arrested and held at an unknown location. Mrs. Soghra Khudayrawi with her son Zeidan (4) were arrested on an unknown date, and also held in Sepidar prison. Furthermore, Ms. Fahima Isma'ili recently gave birth to her child Sal'ma whilst held in detention. The arrested women were all wives and relatives of politically active Ahwazi men.

"In early June 2006 the South-western Governor-General of Khuzestan (Al-Ahwaz) Amir Hayat-Moqaddam reportedly announced publicly that ongoing Ahwazi executions would continue, with twenty-one detainees facing imminent execution by Iranian security forces. To date, over 150 individuals have disappeared and are believed to have been held, tortured and executed by the Iranian security forces." **[10ab] (p4)**

20.37 On 15 February 2007, AI reported that:

"On 10 January 2007, three leading UN human rights experts - Philip Alston, UN Special Rapporteur on extrajudicial, summary or arbitrary executions; Leandro Despouy, UN Special Rapporteur on the independence of judges and lawyers; and Manfred Nowak, UN Special Rapporteur on torture - jointly called on the government of Iran to 'stop the imminent execution of seven men belonging to the Ahwazi Arab minority and grant them a fair and public hearing.' The UN experts stated: 'We are fully aware that these men are accused of serious crimes… However, this cannot justify their conviction and execution after trials that made a mockery of due process requirements.'

"The seven individuals to whom the UN experts referred were Mohammad Jaab Pour, Abdulamir Farjallah Jaab, Alireza Asakreh and Khalaf Derhab Khudayrawi, all of whom were executed on 24 January 2007 and the three men who were executed earlier today." **[9az]**

20.38 On 21 August 2007 the Fars News Agency reported that: "the Intelligence Ministry arrested six members of a separist group which intended to assassinate religious figures…" The six had already assassinated a cleric in the provincial capital city of Ahwaz. **[97a]**

20.39 An article, dated 6 September 2007, in the *New York Post* reports:

The main text of this COI Report contains the most up to date publicly available information as at 1 February 2009. Further brief information on recent events and reports has been provided in the Latest News section to 16 March 2009.

"Last year, rising tension in a number of towns and villages forced Ahmadinejad to cancel a much-publicized visit to the southwestern province of Khuzestan. (He later managed a shortened version of the trip, amid tight security.)

"In the last few weeks, the authorities have executed 11 men in connection with the nascent Arab revolt. Hundreds more have been arrested and shipped to jails in unknown destinations.

"Last month, bands of Arab youths ran riot in the streets of Ahvaz (Khuzestan's capital), attacking government offices and banks and setting official cars on fire. Eyewitnesses say the authorities had to bring in special Baseej (Mobilization) militia units to regain control.

"The pro-government militia later raided several neighborhoods where ethnic Arabs form a majority, arresting dozens. Among them was Thamer Ahvazi, a top pop star. His crime? Singing 'defiant' rap-style songs in Arabic." **[126a]**

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BALUCHIS

20.40 Iran's Baluchi minority is believed to number 2 million, representing one to three per cent of the country's total population of around 70 million. Most ethnic Baluchis live in Sistan-Baluchistan province, one of the poorest and most deprived provinces in Iran which has suffered droughts and extreme weather conditions, with smaller numbers in Kerman province. Baluchis in Iran mostly speak Baluchi as a first language, with a minority speaking Brahoui and most are Sunni Muslims. (AI, 27 September 2007) **[9aab] [42ai]** The Baluchis are subject to economic and cultural discrimination and Sunni Baluchis are discriminated against on both ethnic and religious grounds. (FH, 27 March 2008) **[112b] [42ai]** The Iranian authorities do not have control over large areas of the Sistan-Baluchistan province. In addition, the jails are overcrowded with Afghans and Baluchis who have been lured into the lucrative drug trade. (UNHCR, June 2001) **[3c] (p100)** Baluchi activists claim that economic deprivation leaves their community with few alternatives to involvement in smuggling. **[9aab]**

20.41 According to the Amnesty International report on abuses against the Baluchi minority, dated 17 September 2007, "Baluchis say they have suffered systematic discrimination by the Iranian authorities both under the Pahlavi monarchy which ended with the fall of the Shah and throughout the period since the Islamic Revolution in Iran in 1979." **[9aab]** The Baluchi grievances have related to discrimination against them in the economic, educational, cultural and political fields. A number of Baluchi Sunni leaders have been killed, and it has been suggested that the circumstances could be taken to suggest the involvement of the authorities in their deaths. (UN, 5 May 2003) **[10u] (p9)** According to the Berlin European COI Information Seminar Report 2001, Iranian Baluchis are not targeted as a group and not persecuted unless they are involved in some general opposition-related activities. **[3c] (p100)**

20.42 The Amnesty International report, dated 17 September 2007, states the effect of gozinesh (for definition, see paragraph 20.06) on Baluchis in areas such as the Sistan-Baluchistan province as seen by a Baluchi cleric in 1997:

"'If a Baluchi wants to open a shop, he must first go to the government and get his political beliefs thoroughly examined by the Pasdaran [Revolutionary Guards] and the intelligence services. They ask: have you done anything for the Islamic Republic? Did you fight in the Iraq-Iran war? Do you believe in the Velayat-e faghih? Sunnis don't believe in the Velayat-e faghih [Rule of the Jurisconsult, which is the political basis of the Islamic Republic of Iran] - it is against our beliefs, and because we don't believe in taqiyah [the concealment or disguise of one's beliefs or convictions at a time of imminent danger, to save oneself from injury or death], which we consider to be lying, we must answer the truth. The result is that Sunnis don't get the permit to open the shop, they don't get jobs, they don't get places in the university - unless they agree to become informers for the intelligence services. Out of 5,000 students at Baluchistan University in Zahedan, there are only 10 or 15 Baluchis. Even the education law of the Islamic Republic says that 75 per cent should be Baluchis - and now, 99 per cent are non-Baluchi. They treat us like the Untouchables in India'." **[9aab]**

20.43 The report continues to note that Baluchi participation in higher education appeared to increase after the election of President Khatami in 1997 and that some Baluchis gained employment in state-run institutions. After the election of President Ahmadinejad in 2005, however, many Baluchis were reported to have been forced from their jobs in a widespread purge of government employees. However, in March 2007, the Majles (parliament) member for Zahedan, Hossein Ali Shahryari, denied this and said that under former President Khatami, there had been only one Sunni [city] governor as well as a Sunni deputy governor-general and several directors general, whereas there were now 14 Sunni managers in the province. **[9aab]**

20.44 An article on Radio Free Europe / Radio Liberty, dated 25 October 2007, states that Jondallah has reportedly been renamed the Iranian Peoples' Resistance Movement and:

"Since 2005, Jondallah appears to have carried out lethal attacks on Iranian security forces, and taken and executed hostages. Iranian authorities have blamed Jondollah [sic] for other attacks that resulted in civilian casualties, but the group has denied responsibility." **[42ai]**

20.45 The Amnesty International report of September 2007 states:

"Jondallah, also known as the Iranian Peoples' Resistance Movement (Jonbesh-e Moqavemat-e Mardom-e Iran), came to attention in 2005 when it took eight Iranian soldiers hostage. Led by Abdolmalek Rigi, aged about 24, and reportedly comprising around 1,000 trained fighters, it appears to operate in Baluchi areas in Iran and to have bases across the border in Pakistan. In the past, Iranian officials have linked Jondallah to al-Qa'ida, but have also claimed that it has links to foreign states, particularly the USA and the UK. The Iranian authorities have frequently described Jondallah attacks as being carried out by 'armed bandits'.

"The aims of Jondallah are not entirely clear, but statements by the group's leaders have referred to discrimination against Iran's Baluchi population as a driving force for their actions." **[9aab]**

20.46 Amnesty International in its report, dated 26 June 2007, states:

"Jondallah, which has carried out a number of armed attacks on Iranian officials and has on occasion killed hostages, reportedly seeks to defend the rights of the Baluchi people. Government officials have claimed that it is involved in drug smuggling and has ties to terrorist groups and foreign governments. In March 2006, Jondallah killed 22 Iranian officials and took at least seven people hostage in Sistan-Baluchistan province. Following the incident, scores, possibly hundreds, of people were arrested; many were reportedly taken to unknown locations. In the months following the attacks, the number of executions announced in Baluchi areas increased dramatically. Dozens of people were reported to have been executed by the end of the year." **[9aac]**

20.47 The Amnesty International Report 2008, dated 28 May 2008, states:

"Jondallah, a Baluchi armed group, carried out attacks on Iranian officials, including bombing a bus carrying Revolutionary Guards in February. It also took hostages, at least one of whom was killed.

"Nasrollah Shanbeh-zehi was arrested following the bus bombing. Five days later he was publicly executed following a summary trial.

"Ya'qub Mehrnehad, head of the Voice of Justice Young People's Society, a recognized NGO, was detained in April in Zahedan, initially by the Ministry of Intelligence, following a meeting in the Provincial Office of the Ministry of Culture and Islamic Guidance that the Governor of Zahedan reportedly attended. He remained in Zahedan Prison at the end of the year, without access to a lawyer. He may have been tortured.

"In May police shot dead Roya Sarani, an 11-year-old Baluchi girl, while she was being driven home from school by her father in Zahedan. The authorities reportedly put pressure on her family to hold a small funeral. No official investigation was believed to have been held into her killing." **[9aag]**

20.48 According to the USSD report for 2007:

"Baluchi groups in the southeastern province of Sistan va Baluchestan alleged numerous executions during the year after reportedly unfair trials for attacks against government officials. A September Amnesty International (AI) report estimated that authorities executed at least 50 Baluchis since the beginning of the year, almost all following the February 14 bombing in Zahedan of a bus carrying members of the Islamic Revolutionary Guard Corps (IRGC), which killed 11 IRGC members. On February 15, the militant opposition group Jundallah claimed responsibility for the attack. Many of those executed following the bombing made televised 'confessions' of responsibility, which Baluchi groups alleged were extracted under torture. According to AI, Baluchi groups alleged that authorities sought to dispel the appearance of ethnic targeting by taking Baluchis to other provinces to execute them after human

rights groups drew attention to the rise in executions of Baluchis." **[4t] (Section 1a)**

20.49 In their 2008 World Report, Human Rights Watch adds:

"After a February 2007 bombing of a bus carrying members of Iran's Revolutionary Guards Corps in the southeastern province of Sistan and Baluchistan, the government arrested dozens of members of the Baluchi minority. Less than a week after the bombings, the government publicly hanged Nasrollah Shanbezehi after televising his 'confession' and following a rushed trial in which he had no access to a lawyer. In a March interview, Iranian parliament member Hossein Ali Shahryari stated that 700 people awaited execution in Sistan and Baluchistan. In May authorities hanged seven in connection with the bombings; one of them was Said Qanbar Zahi, mentioned above." **[8ai]**

20.50 In its report dated 26 June 2007, 'Iran: The Last Executioner of Children', Amnesty International stated:

"Sa'id Qanbar Zahi was hanged in Zahedan prison on 27 May 2007. A member of Iran's Baluchi minority, he was sentenced to death at the age of 17 along with six other Baluchi men in March 2007. Information provided to Amnesty International suggests that the seven may have been arrested because of their family ties to those suspected of involvement in blowing up a bus carrying members of Iran's Revolutionary Guards Corps on 14 February 2007 in Zahedan, in which at least 14 people were killed. According to media reports, Sa'id Qanbar Zahi and the six others all 'confessed' on Iranian state television to a number of crimes that allegedly took place in Sistan-Baluchistan province, including attacks and carjackings. The 'confessions' linked an Iranian Baluchi armed opposition group, Jondallah, also known as the Iranian Peoples' Resistance Movement (Jonbesh-e Moqavemat-e Mardom-e Iran), to these crimes, and to the attack on the bus. Unconfirmed reports suggest that those who 'confessed' were tortured, including by having bones in their hands and feet broken, by being 'branded' with a red-hot iron, and by having an electric drill applied to their limbs, shredding their muscles. According to Iranian state television, Sa'id Qanbar Zahi was tried on 11 March 2007. The report said that he was tried in open court attended by the families of his alleged victims. He was accused of murder, participation in a bombing in December 2006 and of guarding hostages in Pakistan in 2006. Particular concerns about the fairness of trials of Baluchis, especially in the wake of the bus bombing, were raised by the summary trial and execution of an Iranian Baluchi man, Nasrollah Shanbeh-Zehi, who was also shown 'confessing' to the bus bombing on Iranian television on behalf of Jondallah. He was executed in public at the site of the bombing on 19 February 2007, five days after his trial." **[9aac]**

20.51 An article on Radio Free Europe / Radio Liberty, dated 25 October 2007, states:

"Amnesty International has criticized the arrest of suspected Baluchi militants who might have been subjected to torture to produce forced confessions. The group has expressed concern over special judicial procedures put in place by Iranian authorities, and a steep rise in the number of Baluchis who have been targeted.

"Dyke [Drewery Dyke, a Middle East researcher for human rights watchdog Amnesty International in London] said the Iranian authorities 'have established a special court...almost like a security court to deal with what is obviously a very severe situation – in some respects, an insurgency in the country. It appears to [have led] to a decline, an erosion of the safeguards, [of] the fair-trial standards and a massive rise in the implementation of the death penalty against the Baluchis'." **[42ai]**

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AZERIS

20.52 According to the Minorities at Risk Project 2001:

"As has been the case since the mid-1980s, the Azeris have not had to deal with much repression or discrimination. The Iranian government prefers to emphasize the cultural similarities between the Persian speaking majority of Iran and the Azeris. The only repression or discrimination that occurred since the revolution has been immediately after the revolution in order to repress the stirring Azeri nationalism and demands for autonomy.

"Thus, it is clear that as long as the Azeris are content to be part of the Iranian state, they will be treated more or less the same as the Persian speaking majority. However, the declaration of independence by the bordering state of Azerbaijan and its struggle with the Armenians is likely to arouse feelings of nationalism and demands for autonomy or even secession among Iranian Azeris. The only group political activity between 1990 and 1999 by Iranian Azeris was in support of their brothers across the border." **[33]**

The Azerbaijanis, also known as the Azeris, are the largest minority in Iran, comprising between one-quarter and one-third of Iran's population. Estimates vary because the Iranian census does not count Azeris specifically. They are Shi'ia Muslims and in most respects similar to the rest of the Iranian population. Many prominent Iranian Shi'ia clerics have been and are Azeris. The one factor that differentiates them from the rest of the Iranian population is that their native language is Azeri Turkish. They live in the north-western provinces of East and West Azerbaijan as well as in Tehran and scattered communities in between these provinces and Tehran. **[33]**

20.53 According to the Minorities at Risk Project 2001, for a brief period after the revolution, the Azeri-language press flourished. Also, with Soviet encouragement and support, Azeri nationalism and the desire for autonomy began to resurge. However, the Iranian Government considered this nationalism to be the result of Soviet interference in Iranian affairs and began to repress this resurgent nationalism in the early 1980s. After 1981, there were few reports of disturbances and by 1984, only one of the many Azeri-language publications remained. The Azeris, particularly since the late 1980s, have participated in the Iranian government at a national level as much as any other group, including ethnic Iranians, up to the highest levels of government. **[33]** However, the USSD report for 2007 reported that in September 2006, according to Amnesty International, at least nine Azeri Iranians were arrested following demonstrations calling for a school boycott in the northwest. Azeri

Iranians were protesting for their constitutional right to use the Azeri language in schools. At year's end, it was not clear whether they had been released. **[4t] (Section 1d)**

20.54 According to the Minorities at Risk Project 2001, the Azeris have no illegal or legal political parties or organisations. **[33]** Nevertheless, there have been complaints about discrimination against Azeris by the Iranian regime, particularly against Turkic-speaking Azeris. One commentator writes of the dominance of a policy of 'Persian chauvinism' leading to the removal of the Azeri language from official use in all areas such as schools, courts, government structures and the army as well as the prohibition of some forms of Azeri cultural expression. (UN, 5 May 2003) **[10u] (p7)**

20.55 UNHCR commented in their 'Comments on the Iran Country Report of April 2005' of August 2005 that:

"The statement 'the Azeris have no illegal or legal political parties or organizations' (para. 6.138) may be misleading. A major illegal Azeri organisation active in Iran is the National Revival Movement of Southern Azerbaijan (GAMOH in Turkish abbreviation), and a smaller one is the National Council of Azerbaijan. Many cultural organisations also form a venue for Azeri organisation. Azeris are also politically active, seeking minority rights and recognition as a minority under a federal arrangement. (GAMOH seeks independence.) For instance: According to Armenian Arminfo News Agency on 28 April 2004, nearly one thousand students of private Azadi University in Tabriz held a protest action. Sources in Baku office of National Revival Movement of Southern Azerbaijan said that students condemned violence of Iranian security forces against Azeris in Tehran on 24 April (2004). Students reportedly demanded the release of Azeris arrested on April 24. Police reportedly interfered into the action and detained several students.

"According to Azerbaijani Turan Information Agency, National Movement of Southern [Iranian] Azerbaijan (NMSA) said one of leaders of NMSA, Yurush Mekhralibeyli, was arrested in Tabriz. Another leader Gulamrza Amani was also reportedly arrested several days ago. Although he was released on July 8, government reportedly hinders leaving activists from Tabriz city [in connection with annual Kala Babek rally by Azeri activists].

"Iranian Baztab news site reported on July 11 (2004): Police detained an unspecified number of 'separatist elements' in the northwestern East Azarbaijan Province. The incident came as Iranians had gathered in a reputed castle in the province for a traditional ceremony. 'Opportunist separatist elements brandished Azeri flags and chanted separatist slogans.' They reportedly clashed with the officials, in which two officers were wounded." **[3h] (p3)**

20.56 According to the USSD report for 2007:

"Ethnic Azeris composed approximately one-quarter of the country's population, were well integrated into the government and society and included the supreme leader. However, Azeris complained of ethnic and linguistic discrimination, including banning the Azeri language in schools, harassing Azeri activists or organizers, and changing Azeri geographic names. The government traditionally viewed Azeri nationalism as threatening, particularly

since the dissolution of the Soviet Union and the creation of an independent Azerbaijan. Azeri groups also claimed that there were a number of Azeri political prisoners jailed for advocating cultural and language rights for Iranian Azerbaijanis. The government has charged several of them with 'revolting against the Islamic state'." **[4t] (Section 5)**

20.57 An AI report of 16 February 2006 records that:

"As Shi'a, they are not subject to the same kinds of discrimination as minorities of other religions, and are well-integrated into the economy, but there is a growing demand for greater cultural and linguistic rights, including implementation of their constitutional right to education through the medium of Turkish. A small minority advocate secession of Iranian Azerbaijan from the Islamic Republic of Iran and union with the Republic of Azerbaijan. Those who seek to promote Azeri Turkish cultural identity are viewed with suspicion by the Iranian authorities, who often accuse them of vague charges such as 'promoting pan-Turkism'." **[9f] (p5)**

20.58 An article on Radio Free Europe / Radio Liberty reported on 22 May 2007 that more than 15 people were arrested in the East Azerbaijan Province after they allegedly called for a demonstration to mark the anniversary of the publication by a government-run newspaper of a cartoon depicting an ethnic Azeri as a cockroach. The publication sparked days of clashes between police and protesters which left four dead. **[42al]**

20.59 In their 2008 report, Amnesty International reported that:

"Hundreds of Iranian Azerbaijani activists were arrested in connection with a peaceful demonstration on International Mother Language Day, 21 February. The demonstrators called for their own language to be used in schools and other education institutions in the areas of north-west Iran where most Iranian Azerbaijanis reside.

"Prisoner of conscience Saleh Kamrani, a lawyer and human rights defender, was detained in Evin Prison between August and December. In September 2006 he had been sentenced to a year in prison – suspended for five years – for 'spreading propaganda against the system'. It was unclear whether his arrest was connected to this sentence." **[9aag]**

20.60 A Radio Free Europe / Radio Liberty article, dated 26 July 2008, reported that Vedud Asadi, well-known for promoting the cultural and language rights of Iran's Azeri minority, was arrested without charge two weeks after his wedding. The report added:

"The ethnic-Azeri minority makes up 25-33 percent of Iran's population. While the Iranian Constitution provides language and cultural rights for the country's minorities, the regime has banned the teaching of the Azeri language in schools, and harassed and jailed activists like Asadi." **[42m]**

QASHQAIS

20.61 Undated information on OldCarpet.com states that:

"The Qashqai are the second largest Turkic group (numbering about 250,000 people) in Iran. They are a confederation of several Turkic-speaking tribes and their territory extends from Abadeh and Shah-Reza in the Isfahan province to the Persian Gulf Coast in southern Iran. The Qashqai are pastoral nomads who move with their herds of sheep and goats between summer pastures in the higher elevations of the Zagros south of Shiraz and winter pastures at low elevations north of Shiraz." **[37a]**

20.62 The same source continues to state that the Qashqai revolted in 1962-1964 when the government tried to take away their pastures under the land reform program. (OldCarpet.com, accessed 5 December 2008) **[37a]** On 17 August 2005, the Habitat International Coalition, commenting on the 2005 UN report into adequate housing, adds that nomads such as the southern Qashqai tribe face discrimination, with traditional pasture land being sold to the private sector. **[39a]**

20.63 The major Qashqai clans include:

"Kashkooli
Sheesh Blocki
Khalaj
Farsi Madan
Safi Khani
Rahimi
Bayat
Darreh Shuyee" (OldCarpet.com, accessed 5 December 2008) **[37a]**

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21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

OVERVIEW

21.01 Violence, and legal and societal discrimination against, amongst others, "homosexuals… remained problems". (USSD report for 2007) **[4t] (Introduction)** The same source added that "the law prohibited and punished homosexuality; sodomy between consenting adults was a capital crime. The punishment of a non-Muslim homosexual was harsher if the homosexual's partner was Muslim." **[4t] (Section 5)** The report by International Lesbian and Gay Association (ILGA) titled 'State Homophobia', dated April 2007, (ILGA Report 2007) observed that same-sex relations for men and women were illegal. **[104] (p17]**

21.02 The USSD report for 2007 also observed that during a speech at Colombia University in September 2007, President Ahmadinejad denied "the existence of homosexuals in the country". **[4t] (Section 5)**

21.03 The FCO stated in a letter dated 20 April 2008:

- "We have concerns about the treatment of homosexuals in Iran.
- Homosexual activities are illegal and can carry the death penalty.
- We are not aware of any individual that has been executed in Iran in recent years solely on the grounds of homosexuality.
- We are aware of concerns that homosexuals have been charged with crimes such as rape and kidnap and then executed.
- Although homosexuality is illegal in Iran and homosexuals do experience discrimination, we do not believe that homosexuals are systematically persecuted." **[26l]**

21.04 However the same source also stated:

"It is worth noting that it can be difficult to obtain information on human rights concerns and specific cases in Iran, especially on an issue as sensitive as homosexuality. Our Embassy can only make a limited judgement of the situation based upon publicly available information such as official public statements and media reporting and informal contacts with the gay community in Tehran. This by no means provides us with a full picture of the overall treatment of homosexuals in Iran, and as a result our assessment is necessarily limited." **[26l]**

LEGISLATIVE POSITION AND PENALTIES

21.05 The ILGA Report 2007 listed articles from the Iranian Penal Code of 1991 that pertain to same-sex physical acts, how they are defined and proven, and the corresponding penalties:

"**Part 2: Punishment for Sodomy**

"Chapter 1: Definition of Sodomy

"Article 108: Sodomy is sexual intercourse with a male.

Article 109: In case of sodomy both the active and the passive persons will be condemned to its punishment.
Article 110: Punishment for sodomy is killing; the Sharia judge decides on how to carry out the killing.
Article 111: Sodomy involves killing if both the active and passive persons are mature, of sound mind and have free will.
Article 112: If a mature man of sound mind commits sexual intercourse with an immature person, the doer will be killed and the passive one will be subject to Ta'azir of 74 lashes if not under duress.
Article 113: If an immature person commits sexual intercourse with another immature person, both of them will be subject to Ta'azir of 74 lashes unless one of them was under duress.

"Chapter 2: Ways of proving sodomy in court

"Article 114: By confessing four lashes to having committed sodomy, punishment is established against the one making the confession.
Article 115: A confession made less than four lashes (to having committed sodomy) does not involve punishment of 'Had' but the confessor will be subject to Ta'azir (lesser punishments).
Article 116: A confession is valid only if the confessor is mature, of sound mind, has will and intention.
Article 117: Sodomy is proved by the testimony of four righteous men who might have observed it.
Article 118: If less than four righteous men testify, sodomy is not proved and the witnesses shall be condemned to punishment for Qazf (malicious accusation).
Article 119: Testimony of women alone or together with a man does not prove sodomy.
Article 120: The Sharia judge may act according to his own knowledge which is derived through customary methods.
Article 121: Punishment for Tafhiz (the rubbing of the thighs or buttocks) and the like committed by two men without entry, shall be hundred lashes for each of them.
Article 122: If Tafhiz and the like are repeated three lashes without entry and punishment is enforced after each time, the punishment for the fourth time would be death.
Article 123: If two men not related by blood stand naked under one cover without any necessity, both of them will be subject to Ta'azir of up to 99 lashes.
Article 124: If someone kisses another with lust, he will be subject to Ta'azir of 60 lashes.
Article 125: If the one committing Tafhiz and the like or a homosexual man, repents before the giving of testimony by the witnesses, his punishment will be quashed; if he repents after the giving of testimony, the punishment will not be quashed.
Article 126: If sodomy or Tafhizis proved by confession and thereafter he repents the Sharia judge may request the leader (Valie Amr) to pardon him.

"Part 3: Lesbianism

"Article 127: Mosaheqeh (lesbianism) is homosexuality of women by genitals.
Article 128: The ways of proving lesbianism in court are the same by which the homosexuality (of men) is proved.

Article 129: Punishment for lesbianism is hundred (100) lashes for each party.
Article 130: Punishment for lesbianism will be established vis-a-vis someone who is mature, of sound mind, has free will and intention. Note: In the punishment for lesbianism there will be no distinction between the doer and the subject as well as a Muslim or non-Muslim.
Article 131: If the act of lesbianism is repeated three lashes and punishment is enforced each time, death sentence will be issued the fourth time.
Article 132: If a lesbian repents before the giving of testimony by the witnesses, the punishment will be quashed; if she does so after the giving of testimony, the punishment will not be quashed.
Article 133: If the act of lesbianism is proved by the confession of the doer and she repents accordingly, the Sharia judge may request the leader (Valie Amr) to pardon her.
Article 134: If two women not related by consanguinity stand naked under one cover without necessity, they will be punished to less than hundred (100) lashes (Ta'azir). In case of its repetition as well as the repetition of punishment, hundred (100) lashes will be hit the third time." **[104]**

21.06 Other sources, including the United Nations High Commissioner for Refugees (UNHCR) / Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) Berlin COI Information Seminar Report 2001 **[3c] (p105)** and the NGO Mission for the Establishment of Human Rights in Iran (MEHR) **[66a]** also referred to the sections of the Islamic Penal Code as noted above as legislating on same-sex relations, albeit with slightly differing translations. The MEHR version noted that the Penal Code is divided into five books (most of the legislation affecting LGBT persons is in Book Two, Haads – punishments specified by Shari'a); the first four books were ratified in 1991, the fifth (the Ta'azirat, i.e. punishments not specificed under Shari'a) in 1996. **[66a]**

See also Penal code above.

21.07 The Amnesty International report, Sexual Minorities and the Law: A World Survey, updated July 2006 reported, with regard to transgender persons, "Gender reassignment ('sex change') [is] legal or openly performed without prosecution. It is illegal to change [a] birth certificate or marry after gender reassignment." **[9aam]** Though a BBC news article dated 25 February 2008 noted that it was possible to change an individuals sex on their birth certificate after gender-realignment treatment. **[21ag]**

See subsection Transgender and Transsexuals below.

Evidence and repenting

21.08 The Berlin European COI Information Seminar Report 2001 states that:

"The burden of proof is quite high and it would be difficult to prove homosexual liaisons or intercourse. According to some reports in local papers there have been instances of execution of homosexuals. It is not confirmed whether the homosexual act alone led to execution or whether the person was accused on other charges too. However, the fact that, irrespective of the standard/burden of proof, the sentence for homosexuality is death is a very important element in any assessment. It would be inappropriate to water down the existence of the death sentence with arguments of a high burden of proof, relative

tolerance or the fact that there is no systematic effort to prosecute homosexuals. The subjective element is essential." **[3c] (p105-106)**

21.09 The Danish Immigration Service report from their 2005 fact-finding mission states that:

"Under the penal code, homosexuality between men is a serious crime and, if there is the necessary evidence or confessions, it can incur the death penalty. According to [Article] 114, the necessary proof is confessions to the judge or the testimony of four men. [Article] 120 also prescribes '…That the judge can make a decision in accordance with his own knowledge that is based on general knowledge and judgement.' …

"Two female defence lawyers with many years' experience of court cases in Teheran reported that if the judge had detailed knowledge of the homosexuality, this knowledge could be sufficient testimony to pass judgement. …

"UNHCR in Ankara reported that the judge's knowledge of the circumstances of the case in cases of homosexuality could be sufficient evidence." **[86a] (p10)**

21.10 According to information from the Canadian Immigration and Refugee Board (CIRB), dated 1 February 1998, technically, same-sex behaviour is sharply condemned by Islam, and the Islamic Sharia law adopted by Iran. Sodomy is punishable by death if both parties are considered to be adults of sound mind and free will. **[2j]** It must be proven by either four confessions from the accused, the testimony of four righteous men who witnessed the act (HRW, 28 March 2008) **[8a] [2j]** or the judge's 'knowledge'. (AI, 20 June 2007) **[9aaf]**

See also Knowledge of the judge.

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ENFORCEMENT OF THE LAWS AND EXECUTIONS

21.11 The Foreign and Commonwealth Office's (FCO) Human Rights Report for 2007 states that the death penalty remains on the statute books for consenting same-sex relations although the FCO has not confirmed any executions for this in 2006 and 2007 but continues to monitor the issue carefully. **[26k] (p155)**

21.12 In a letter dated 15 April 2008, FCO stated that:

"We are not aware of any individual who has been executed in Iran in recent years solely on the grounds of homosexuality. A recent press release from Human Rights Watch (dated 28 March) suggested that the last documented death sentences for consensual homosexual conduct in Iran were handed down in March 2005, but that it was not known whether they were carried out. We have not been able to confirm these cases. We are aware of concerns that homosexuals may have been charged with crimes such as rape and kidnap and then executed, but again cannot confirm that this has happened.

"Although Iran does not publish official execution figures, the impression from our Embassy is that the authorities are usually prepared to announce or

confirm executions that have taken place, even for cases that are likely to attract international criticism. However, it is possible that this may have happened and gone unreported, especially in provincial areas." **[26l]**

21.13 The Human Rights Watch report, 'Private Homes Raided for Immorality', dated 28 March 2008, states that:

"The last documented death sentences for consensual homosexual conduct in Iran were handed down in March 2005. It is not known whether they were carried out. In extensive interviews with men and women inside and outside Iran, Human Rights Watch has documented widespread patterns of arbitrary arrest and torture based on sexual orientation and gender identity.

"Western sources have suggested that charges of consensual homosexual conduct are converted to charges of rape in the Iranian judicial system, but Human Rights Watch has found no evidence of this." **[8a]**

21.14 An article on Radio Free Europe/Radio Liberty (RFE/RL) titled, 'Persian Gay and Lesbian Activist Urges Tolerance', dated 17 May 2007 reports:

"Under Islamic laws as applied in Iran, homosexuality is punishable by death. But in recent years, there have been only a few reported cases of individuals being officially charged with homosexuality.

"Yet Parsi [Arsham Parsi, Secretary-General of the Toronto-based Iranian Queer Organisation] says the spectre of the harsh sentences casts a shadow on the life of homosexuals." **[42ae]**

Parsi continued:

"… in the case of homosexuals, even if nothing happens, they always face fear. Many believe that the punishments for homosexuals are only on the books and they are not being applied. But we don't accept this - we think homosexuals are being sentenced, but perhaps [these cases] don't get reported." **[42ae]**

21.15 A letter from HRW to Minister Verdonk, the Dutch Minister of Alien Affairs and Integration, Ministry of Justice, titled 'No Deportations of LGBT Iranians to Torture' and dated 5 October 2006 stated:

"Trials on morals charges in Iran are held in camera, and international outrage over the frequency of executions (Iran has the highest rate of executions per capita in the world) has led the government to exercise tight controls over press reporting of the death penalty. For these reasons, confirming the frequency of executions for lavat [sexual acts between men] is effectively impossible." **[8ae]**

21.16 A number of sources, including the BBC in an article titled, 'Gay Iranian deportation reviewed' dated 13 March 2008 and some gay rights groups, have reported that more than 4,000 gay men and lesbians have been executed in the country since the Ayatollahs seized power in 1979. However, no original source for this information has been identified. **[21ah]**

21.17 Regarding the claim that 4,000 Iranian homosexuals have been executed since 1979, the April 2008 FCO letter states:

"It is believed that vast numbers of people (possibly tens of thousands) were executed in the 1980s for a range of political and moral 'crimes' often with little or no respect for due process of law. This is likely to have included executions for controversial offences such as homosexuality and apostasy. We are not able to put a figure on how many individuals might have been executed specifically for homosexuality, but documentary evidence and our Embassy's discussions with human rights campaigners and members of the Iranian gay community suggest that such executions would have been carried out in the first 10-15 years after the 1979 revolution. We are not aware of executions solely on the grounds of homosexuality in recent years." **[26l]**

21.18 On this issue, the USSD report for 2005 commented:

"According to the Paris-based International Federation of Human Rights, the justice system did not actively investigate charges of homosexuality. … there had been no recent reports of homosexuals executed. However, the group acknowledged it was possible that a case against a homosexual could be pursued. Conversely, the London-based homosexual rights group OutRage! claimed over four thousand homosexuals had been executed in the country since the Islamic revolution in 1979." **[4q] (p24)**

Additionally, part of an entry on the San Francisco Bay Times website, published on 12 October 2006, titled 'Sweden to Deport Gay Iranian' stated:

"The claim that 4,000 Iranian homosexuals have been executed since the revolution is put forth by the Iranian exile gay group Homan. Documentation for the claim is lacking, but Peter Tatchell of the British gay group OutRage!, which says its extensive research confirms that Iran executes gays, explained: 'Homan [based the figure] on Iranian media reports of LGBT executions and personal reports from people who had gay friends executed or arrested at private parties who were never seen again and presumed executed.

"'They told me of cases where 20 or 30 or more people were arrested in a single raid and who subsequently disappeared forever. This was mostly in the early 1980s and again in the late 1980s. Tens of thousands of people were executed in the early 1980s alone for all kinds of reasons - mostly students and leftists. So the idea of 4,000 LGBTs executed does not seem wildly off the mark.'" **[108]**

21.19 A number of sources have reported on the execution of Makwan Mouloudzadeh in December 2007.

The HRW article, 'The issue is torture', dated 31 March 2008 states that:

"In November 2007 in Kermanshah, Makwan Mouloudzadeh, 20, faced the death penalty on false charges of raping several boys seven years before. His accusers retracted their claims. No evidence suggested he had committed any crime under Iranian law.

"However, European activists wildly seized on him as another 'gay' victim. They organised a mass petition to Ahmadinejad for mercy for 'the young

Iranian gay'. Their pleas sent an inadvertent message: Makwan was innocent of one capital crime, but Europe believed him guilty of another. On December 5, Makwan Mouloudzadeh, probably neither gay nor a rapist, went to the gallows." **[8ac]**

21.20 The FCO letter of April 2008 includes the following comments regarding the significance of the Makwan Moloudzadeh case in terms of the general risk to homosexuals:

"Makwan Moloudzadeh was convicted of the rape of eleven individuals, threatening behaviour and blackmail. His flawed trial does raise questions about due process of law in Iran and the use of the death penalty for crimes committed before the age of eighteen, but we do not think his case tells us anything new about the risks for those involved in consensual same-sex relations." **[26l]**

21.21 In an article titled, 'Execution of child offender Makwan Moloudazdeh is a Mockery of Justice', Amnesty International reported the case on 6 December 2007 as "Makwan Moloudzadeh, 21, was convicted of lavat-e iqabi (anal sex) for the alleged rape of three individuals, eight years ago, when he was 13." **[9aae]**

The article continued:

"Makwan Moloudzadeh's trial was grossly flawed. The alleged victims withdrew their accusations in the course of the trial, held in a criminal court in Kermanshah and with sessions held in Paveh, western Iran, in July 2007, and reportedly stated that they had either lied previously or had been forced to 'confess'. In sentencing Makwan Moloudzadeh to death, the judge relied on his 'knowledge' that Makwan Moloudzadeh could be tried as an adult and that the alleged offence had been committed, as is allowed by Iranian law.

"According to Article 120 of the Penal Code, in cases of anal sex between men, the judge 'can make his judgement according to his knowledge which is obtained through conventional methods'." **[9aae]**

21.22 Prior to Mouloudzadeh's execution, Human Rights Watch highlighted his case in an article titled 'Revoke Death Sentence in Juvenile Case', dated 3 November 2007. HRW reported that three men complained to police in 2006 that Mouloudzadeh had raped them seven years earlier. The police then arrested him, shaved his head and paraded him around town on a donkey. During court proceedings, Mouloudzadeh claimed that all confessions he had made were false and coerced which the judge refused to accept. **[8af]**

21.23 An article on Radio Free Europe/Radio Liberty, 'Child Offenders Face 'Imminent Execution' on Death Row', dated 15 January 2008, reports:

"… according to recent Iranian press reports, two men convicted of homosexual rape in Fars, southern Iran, were sentenced to death by putting them in a sack and throwing it off the top of a cliff.

"According to Iran's form of Islamic Shari'a law, homosexuality is punishable by death and the judge can choose from five methods including throwing off a

height and demolishing a wall on the offender, a method whose use has not been reported in the past 30 years." **[42x]**

21.24 An earlier HRW article, dated 8 March 2006, states:

"'Men and women suspected of homosexual conduct in Iran face the threat of execution', said Scott Long, director of Human Rights Watch's Lesbian, Gay, Bisexual, and Transgender Rights Program. 'We have documented brutal floggings imposed by courts as punishment, and torture and ill-treatment, including sexual abuse, in police custody.'…'" **[8ad]**

21.25 On 22 November 2005, Human Rights Watch reported:

"Iran's execution of two men last week for homosexual conduct highlights a pattern of persecution of gay men that stands in stark violation of the rights to life and privacy…

"… On Sunday, November 13, the semi-official Tehran daily Kayhan reported that the Iranian government publicly hung two men, Mokhtar N. (24 years old) and Ali A. (25 years old), in the Shahid Bahonar Square of the northern town of Gorgan.

"The government reportedly executed the two men for the crime of 'lavat.' Iran's Shari'a-based penal code defines lavat as penetrative and non-penetrative sexual acts between men. Iranian law punishes all penetrative sexual acts between adult men with the death penalty. Non-penetrative sexual acts between men are punished with lashes until the fourth offense, when they are punished with death…

"… 'The Iranian government's persecution of gay men flouts international human rights standards.'

"In addition to the two executions…, there have been other cases of persecution and execution of gay men in Iran in recent years." **[8t]**

The report continued:

"On March 15, 2005, the daily newspaper Etemaad reported that the Tehran Criminal Court sentenced two men to death following the discovery of a video showing them engaged in homosexual acts. According to the paper, one of the men confessed that he had shot the video as a precaution in case his partner withdrew the financial support he had been providing in return for sex. In response to the man's confession, his partner was summoned to the authorities and both men were sentenced to death. As the death penalty was pronounced against both men, it appears to have been based on their sexual activity.

"These abuses have created an atmosphere of terror for lesbians, gays, bisexuals and transgender people throughout Iran." **[8t]**

21.26 An article from RFE/RL dated 1 September 2005 reported on the question of an anti-homosexual campaign:

"According to Islamic law, homosexuality is a capital crime. The execution of two Iranian males in July and current allegations that two more Iranian men are on death row because they are gay has led to allegations of an anti-homosexual campaign in Iran. But homosexuality is just part of the laundry list of charges leveled against people caught up in the Iranian justice system, and in a country with such a reprehensible human rights record, the actual charges rarely have a connection with reality... Several recent cases have garnered a great deal of attention in this regard, but they appear to be overshadowed by concern over the execution of minors. The freshest allegations are that a homosexual was executed in the city of Arak in mid-August and that two more men there are awaiting execution on similar charges." **[42f] (p1)**

The article continued, reporting on the case of two males who were hanged:

"In July 2005, two males – one of them reportedly a minor – were hanged after being found guilty of raping a 13-year-old boy. However, exile sources claimed that the execution of the two, Mahmud Asgari and Ayaz Marhoni, related to their engagement in homosexual activities. Human Rights Watch, in a 27 July letter to judiciary chief Ayatollah Mahmud Hashemi-Shahrudi, expressed concern with the execution of juvenile offenders, but did not refer to any other aspect of the case." **[42f] (p1)**

21.27 An IRIN News article dated 25 July 2005 also reported on the same case, which led to:

"… public hangings of Mahmoud Asgari, 16, and Ayaz Marhoni, 18, on 19 July in Mashad, provincial capital of Iran's northeastern Khorasan province, on charges of homosexuality.

"Asgari had been accused of raping a 13-year-old boy, though Outrage [a London-based Lesbian, Gay, Bisexual and Transexual advocacy group] said [they] believed those allegations were trumped up to undermine public sympathy for the two youths, both of whom maintained they were unaware homosexual acts were punishable by death…'The judiciary has trampled its own laws,' Asgari's lawyer, Rohollah Razez Zadeh, was quoted as saying, explaining that Iranian courts were supposed to commute death sentences handed [down] to children to five years in jail, but the country's Supreme Court allowed the hangings to proceed. … Prior to the boys' executions, the teenagers were held in prison for 14 months and severely beaten with 228 lashes. The length of their detention suggests that they committed the so-called offences more than a year earlier, when they were possibly around the age of 16. Citing Iranian human rights campaigners, Outrage claims over 4,000 lesbians and gay men have been executed since the Iranian revolution of 1979." **[75d]**

21.28 The USSD report for 2005 also confirmed the executions:

"In July two teenage boys, one 16 and one 18 years of age, were publicly executed; they were charged with raping a 13-year-old boy. A number of groups outside the country alleged the two were executed for homosexuality; however, because of the lack of transparency in the court system, there was no concrete information. In November domestic conservative press reported that two men in their twenties were hanged in public for lavat (defined as sexual acts between men). The article also said they had a criminal past,

including kidnapping and rape. It was not possible to judge whether these men were executed for homosexuality or other crimes." **[4q]**

21.29 A BBC article of 19 July 2002 stated that an Iranian newspaper reported a man was convicted of raping and then killing his nephew was to be thrown off a cliff in a sack. The BBC article noted "Some activists complain that the media in Iran tend to portray homosexuals who have been arrested as rapists and paedophiles." **[21x]**

21.30 According to the ACCORD 7th European Country of Origin Information Seminar in Berlin, 11-12 June 2001 report:

"… jurisprudence, burden of proof notwithstanding, certainly has used accusations of homosexuality. Furthermore, it does happen that homosexuality is mentioned as one of the accusations amongst other offences held against the defendant. For instance, accusations of homosexuality have been used in unfair trials, such as the case of a Sunni leader in Shiraz in 1996/97, who was clearly prosecuted for politically [sic] reasons. There have also been other political cases, although not in the recent past." **[3c] (p105)**

21.31 Expert opinion consulted by the Canadian IRB in 1998 stated that:

"Theoretically, homosexual behaviour is sharply condemned by Islam, but in practice it is present, and has been in the past, for the most part tolerantly treated and frequently occurring in countries where Islam predominates... In practice it is only public transgression of Islamic morals that is condemned and therefore Islamic law stresses the role of eye-witnesses to an offence." **[2j]**

The same source stated that the police were not empowered nor did they actively pursue homosexual activity of any kind that was performed behind the 'veil of decency' of closed doors. (Canadian Immigration and Refugee Board, 1 February 1998) **[2j]**

21.32 CIRB sources dated 1 February 1998 indicated that there were held to be many differing levels of homosexual activity within Iranian society. In rural areas, even 'lavat' sexual activity could be considered socially to be compensatory sexual behaviour for heterosexual sexual intercourse, and the practitioners held not to be homosexuals. The key offensive practice was sodomy, or more particularly to be sodomised, as an unnatural inversion of God's creation, and some experts held that 'homosexuals' are understood in Iran to be willing passive partners. **[2j]**

21.33 According to a Canadian IRB Report of 1999, lesbian cases rarely came before the courts, as the case usually failed the test of proof of four righteous witnesses. Sources held that lesbian behaviour in public was impossible to distinguish from accepted social contact between women in Iran. **[2o]** The source concludes:

"Of female same-sex behaviour musahaqa almost nothing is known. Islamic law considers it sex outside marriage and therefore as adultery, with all the consequences already described. Yet because no penetration takes place, punishment is theoretically limited to one hundred lashes. In practice lesbian behaviour is regarded as relatively unimportant, because it usually takes place discreetly." **[2o]**

21.34 The CIRB stated in a request for information dated 1 February 1998 that reports of the use of the death penalty in cases where the only offence was sodomy/homosexuality were extremely difficult to substantiate, and were held to be an unlikely sentence. More usually lashing was the punishment. **[2j]**

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Social Protection Division

21.35 The USSD report for 2007 stated "In 2004 the judiciary formed the Special Protection Division, a volunteer unit that monitored and reported moral crimes." **[4t] (Section 5)** The same source noted that "There were no reports during the year of activities by the 'special units' (yegan ha-ye vizhe), which have been used in previous years to complement the existing morality police, 'Propagation of Virtue and Prohibition of Vice' (Amr be Ma'ruf va Nahi az Monkar), to combat 'un-Islamic behavior' and social corruption among the young." **[4t] (Section 1c)**

21.36 The US State Department (USSD) Country Report on Human Rights Practices for 2005 stated that: "A September 29 Western newspaper gave one man's account of a systematic effort by security agents and basiji [paramilitary volunteer force] to use Internet sites to entrap homosexuals." **[4q] (p24)**

21.37 On 22 November 2005, Human Rights Watch reported that:

"In September 2003, police arrested a group of men at a private gathering in one of their homes in Shiraz and held them in detention for several days. According to Amir, one of the men arrested, police tortured the men to obtain confessions. The judiciary charged five of the defendants with 'participation in a corrupt gathering', and fined them.

"In June 2004, undercover police agents in Shiraz arranged meetings with men through Internet chatrooms and then arrested them. Police held Amir, a 21-year-old, in detention for a week, during which time they repeatedly tortured him. The judicial authorities in Shiraz sentenced him to 175 lashes, 100 of which were administered immediately. Following his arrest, security officials subjected Amir to regular surveillance and periodic arrests. From July 2005 until he fled the country later in the year, police threatened Amir with imminent execution." **[8t]**

21.38 Human Rights Watch, in their letter to Minister Verdonk, the Dutch Minister of Alien Affairs and Integration, Ministry of Justice, titled 'Netherlands: Threat to Return Gay and Lesbian Iranians' dated 8 March 2006, stated:

"… in late 2004, the national judiciary began establishing, under its own supervision, a new group to police moral crimes called the Setad-e Hefazat-e Ejtema'i or Social Protection Division. This organization - drawing, like many parallel groups, on unemployed ex-military draftees to fill its ranks - aims to control 'the social ills of each neighborhood and region' as well as 'deviant individuals' (according to its Articles of Association which were leaked to the Iranian press). In July 2005 a senior judicial official in Qom told reporters that 210 units of the Social Protection division employing 1,970 formally accredited

volunteers had been set up throughout that city. These divisions would report serious moral offenses to the 'disciplinary forces of the judiciary' for further action to be taken. (ISNA News Agency, 10 Tir 1384/1 July 2005)." **[8ag]**

21.39 An 18 July 2007 news release from the International Gay and Lesbian Human Rights Commission (IGLHRC) reported that:

"In May 2007, the Iranian Queer Organization (IRQO) was the first to report that the police forces in the city of Esfahan had raided a birthday party and arrested more than 80 people. The police apparently suspected that the attendees were gay and were possibly engaged in sodomy, though no proof of either has been established. Later, police unconditionally released most of those arrested, but required substantial bail for 17 of the arrestees. A judge told the families of those set free on bail that they would be tried on sodomy charges. Based on IRQO's reports and IGLHRC's investigation, some of the detainees were severely tortured while in custody. In the last two years, IGLHRC has worked with IRQO to find refuge for a number of gay Iranians forced to leave their country and who have applied for refugee status, many of whom faced arbitrary arrests, police brutality and even lashings for being gay." **[99a]**

21.40 An article from Human Rights Watch, 'Private Homes Raided for Immorality', dated 28 March 2008, reported that sources in Iran have told HRW that since the arrests of May 2007, police have intensified surveillance, harassment and abuse against people connected to the arrested men or otherwise suspected of homosexual conduct. The article continues to state that the police raided another private gathering in Esfahan in December 2007 and arrested sixteen people, subjecting them to forensic examinations and releasing them four days later. The article further reports that a third private home was raided by Esfahan police on 28-29 February 2008 and over thirty men attending a party were arrested. The article states that they were jailed for almost four weeks without access to lawyers and without charge and were reportedly referred to a medical examiner to look for evidence of homosexual conduct. **[8a]**

21.41 On the subject of the Social Protection Division, Special Units and vigilantes involved in moral policing, raids and undercover activity targeting gays, the FCO stated in their letter of April 2008:

"We do not have any further specific information on the activities of these groups. Our Embassy spoke to contacts in the gay community in Tehran – some were afraid of random homophobic attacks but there was not a sense that these were carried out by representatives of state entities or the result of official state-led policies to beat, persecute or entrap gay people.

"A recent press release from Human Rights Watch (28 March) alleged that on 28-29 February, police in Esfahan raided a party at a private home and arrested 30 or more men. The men were reportedly referred to a forensic medical examiner to look for evidence that they had engaged in homosexual conduct. We have not been able to confirm this, and it appears to be local police activity. The EU is planning to raise this and ask the Iranian authorities for more information in the course of the next human rights demarche." **[26l]**

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GOVERNMENT ATTITUDES

21.42 The RFE/RL article, 'Is There An Anti-Homosexual Campaign?', dated 1 September 2005, stated that:

"Official Iranian sources occasionally express hostility to homosexual practices. A state radio commentary on 7 March 2005 criticized gay marriages in Western countries. Ayatollah Ebrahim Amini said in his Friday-prayer sermon in Qom that gay and lesbian marriages reflect a weakness of Western culture, state television reported on 13 July 2002. Ayatollah Ali Meshkini in his Friday-prayer sermon in Qom criticized the German Green Party for being pro-homosexual, state television reported on 29 April 2000.

"It is clear that officially and in practice, there is discrimination against homosexuals in Iran. However, systematic repression of homosexuals does not seem to be an issue. The most recent cases of capital punishment for homosexuality are connected with rapes, but the official terminology, Iran's system of retribution as a form of Islamic punishment (qesas), and the country's terrible human-rights record make it very difficult to determine the true nature of a so-called crime." **[42f] (p2)**

21.43 The UK Lesbian and Gay Immigration Group Annual Report for 2007 quotes the view of the Iranian President "'In Iran, we don't have homosexuals like in your country. We do not have this phenomenon. I do not know who has told you that we have it.' President Ahmadinejad, at Columbia University USA on 24th September, 2007, responding to a question regarding the treatment of homosexuals in Iran." **[105]**

21.44 On 13 November 2007, the *Times* reported the views of Mohsen Yahyavi (deputy chairman of the energy committee of Iran's parliament, or Majles **[106]**), as:

"He 'explained that according to Islam gays and lesbianism were not permitted', the record states. 'He said that if homosexual activity is in private there is no problem, but those in overt activity should be executed [he initially said tortured but changed it to executed]. He argued that homosexuality is against human nature and that humans are here to reproduce. Homosexuals do not reproduce.'" **[15i]**

21.45 The USSD report for 2007 stated: "On August 6, the general prosecutor ordered to close the last major reformist daily Shargh. The ban placed on Shargh in September 2006 was lifted on May 14, but the paper was operational for less than three months before being closed again. The government reportedly closed the newspaper in response to a published interview with a writer accused of being a homosexual activist." **[4t] (Section 2a)**

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SOCIETAL ATTITUDES

21.46 An article on Radio Free Europe/Radio Liberty titled 'Persian Gay and Lesbian Activist Urges Tolerance', dated 17 May 2007, reported that:

"Sexual issues are considered taboo in Iran, and there is widespread misinformation about homosexuality. Many Iranians consider it a disease or sickness. For some, homosexuality among men is synonymous with pedophilia.

"As a result, gays and lesbians in Iran cannot be open about their sexual orientation. Many suppress their feelings. There are also reports of sex-change operations or hormone therapy to escape persecution. Some also face arranged or forced marriages insisted on by their families.

"Parsi [Arsham Parsi, secretary-general of Toronto-based Iranian Queer Organisation] claims a lack of knowledge and homophobic culture that rules Iranian society puts enormous pressure on homosexuals." **[42ae]**

21.47 The UNHCR/ACCORD Berlin European COI Information Seminar Report 2001 found that: "Although homosexuality is never spoken about and thus a hidden issue, in practice it is not difficult to encounter homosexuals in Iran. There are special parks in Tehran, known as homosexual meeting places." **[3c]**The USSD report for 2005 confirmed that there were known meeting places for homosexuals. **[4q] (p24)** However, in an article in the *New Internationalist* titled 'Sexual exiles', dated March 1992, an Iranian interviewee claimed that parks are raided regularly by civilian-clothed police or 'guardists'. **[107]**

21.48 The ACCORD report of 2001 continued: "A different sexual orientation may, however, create problems. Still, homosexuality is practised every day, and as long as this happens behind closed doors within your own four walls, and as long as people do not intend to proselytize 'transvestitism' or homosexuality, they will most likely remain unharmed." **[3c]**

21.49 Another letter from HRW to Minister Verdonk titled 'No Deportations of LGBT Iranians to Torture' dated 5 October 2006 stated: "Societal as well as official scrutiny of 'deviant' behavior is widespread in Iran, with neighbors and even family members enlisted to support the state's moral policing." **[8ae]**

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TRANSGENDER AND TRANSSEXUALS

21.50 An article in the *Guardian* dated 27 July 2005 reported that in contrast to almost everywhere else in the Muslim world, sex change operations are legal in Iran for anyone who can afford the minimum £2,000 cost and satisfy interviewers that they meet necessary psychological criteria. As a result, women who endured agonising childhood and adolescent experiences as boys, and – albeit in fewer numbers – young men who reached sexual maturity as girls, are easy to find in Tehran. Iran has even become a magnet for patients from eastern European and Arab countries seeking to change their genders. **[16f] (p1)**

21.51 According to the ACCORD report of 2001: "… There are also a large number of transvestites walking around in North Tehran. Furthermore, sex changes

are permitted in Iran and operations are frequently and openly carried out." **[3c]**

21.52 Another *Guardian* article dated 25 September 2007 reported that:

"When Mahmoud Ahmadinejad, Iran's ever-combative president, provoked his latest controversy in New York this week by asserting that there were no homosexuals in his country, he may have been indulging in sophistry or just plain wishful thinking. While Mr Ahmadinejad may want to believe that his ideal of an Islamic society is exclusively non-gay, it is undermined by the paradox that transsexuality and sex changes are tolerated and encouraged under Iran's theocratic system.

"Iran has between 15,000 and 20,000 transsexuals, according to official statistics, although unofficial estimates put the figure at up to 150,000. Iran carries out more gender change operations than any other country in the world besides Thailand.

"Sex changes have been legal since the late Ayatollah Ruhollah Khomeini, spiritual leader of the 1979 Islamic revolution passed a fatwa authorising them nearly 25 years ago. While homosexuality is considered a sin, transsexuality is categorised as an illness subject to cure.

"The government seeks to keep its approval quiet in line with its strait-laced stance on sexuality, but state support has actually increased since Mr Ahmadinejad took office in 2005. His government has begun providing grants of £2,250 for operations and further funding for hormone therapy. It is also proposing loans of up to £2,750 to allow those undergoing surgery to start their own businesses." **[16h]**

21.53 An article on the BBC website titled 'Iran's 'diagnosed transsexuals', dated 25 February 2008, reported:

"Sex changes have been legal in Iran since Ayatollah Khomeini, the spiritual leader of the 1979 Islamic revolution, passed a fatwa - a religious edict - authorising them for 'diagnosed transsexuals' 25 years ago.

"Today, Iran carries out more sex change operations than any other nation in the world except for Thailand.

"The government even provides up to half the cost for those needing financial assistance and a sex change is recognised on your birth certificate.

"'Islam has a cure for people suffering from this problem. If they want to change their gender, the path is open,' says Hojatol Islam Muhammad Mehdi Kariminia, the religious cleric responsible for gender reassignment.

"He says an operation is no more a sin than 'changing wheat to flour to bread'.

"Yet homosexuality is still punishable by death.

"'The discussion is fundamentally separate from a discussion regarding homosexuals. Absolutely not related. Homosexuals are doing something unnatural and against religion,' says Kariminia. 'It is clearly stated in our

Islamic law that such behaviour is not allowed because it disrupts the social order.'" **[21ag]**

The article continued:

"Like many young people in Iran, Anoosh [a 21 year old transsexual] struggled to reconcile his sexual identity with the wishes of family, community and culture. He says he was continuously harassed and threatened with arrest by Iran's morality police before he had his sex change.

"His boyfriend was also keen for him to go ahead with the sex change because 90% of the people they passed in the street said something nasty.

"'When he goes out in female clothes and has a female appearance it is easier for me to persuade myself that he is a girl. It makes the relationship better,' he says." **[21ag]**

The article continued:

"Documentary film maker Tanaz Eshaghian spent weeks filming Anoosh, Ali and other transsexuals in Iran. She thinks that part of what is driving many of the boys to operate is the desire to avoid shame.

"'If you are a male with female tendencies, they don't see that as something natural or genetic. They see it as someone who is consciously acting dirty.'

"Being diagnosed as a transsexual makes it a medical condition, not a moral one.

"Once a doctor has made a diagnosis - and an operation is in the pipeline - the transsexual can get official permission from his local government official to cross-dress in public." **[21ag]**

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22. DISABILITY

22.01 According to the USSD report 2007:

> "Although in 2004 the Majles passed a law on the rights of disabled persons, it was not known whether implementing legislation followed. There was no information available regarding whether the government legislated or otherwise mandated accessibility for persons with disabilities or whether discrimination against persons with disabilities was prohibited. No information was available on which government agencies were responsible for protecting the rights of persons with disabilities." **[4t] (Section 5)**

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23. WOMEN

23.01 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that Iran has not ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). **[10a] (p12)**

The report continues to state that:

"According to the United Nations Development Programme Human Development Report 2007/2008, the Islamic Republic of Iran ranks ninety-fourth on the gender development index among the 177 countries surveyed and eighty-seventh on the gender empowerment measures. Gender disparities remain among geographical regions in the country." **[10a] (p12)**

And continues:

"The Islamic Republic of Iran is reported to have made important achievements in women's education and health since 1990 … For instance, the female-to-male literacy ratio in the 15-to-24 age group has increased from 87.9 per cent to 98.6 per cent. The girls' primary, secondary and tertiary education enrolment ratio has markedly increased, from 79.2 per cent to 94.3 per cent, with female students constituting 64 per cent of all college students. Access to health care, including reproductive health care, has become nearly universal. As noted previously, maternal and infant mortality rates have also declined sharply." **[10a] (p12)**

23.02 The USSD 2007 report states that "Women cannot serve as president or as certain types of judges (women can be consultant and research judges without the power to impose sentences). The constitution requires that Assembly of Experts candidates have a certain religious qualification. Citing this requirement, some religious leaders gave qualified support for the candidacy of women in the Assembly of Experts elections. In December 2006 two women took the religious qualification exam, but neither passed. **[4t] (Section 5)** There are numerous women in parliament and other political offices, though they are barred from the presidency and the more powerful, clerical post of supreme leader. International Herald Tribune, 4 September 2008) **[135a]** However, women's representatives in Parliament constitute only 4.1 per cent, and women's participation in governance and decision-making positions remains limited. (UN, 1 October 2008) **[10a] (p13)** Although Iranian women currently hold seats in parliament, they do not enjoy the same political rights as men. (FH, 2008) **[112c]**

23.03 According to the USSD report for 2005:

"During recent years women fought for and received relative liberalization of gender-based treatment in a number of areas. However, many of these changes were not legally codified. The female members of the seventh majles elected in 2004 were more conservative than their predecessors and rejected some previous efforts to achieve equal rights. After the June election of conservative President Ahmadinejad, women expected immediate repression of their societal status. While there was not immediate radical change, there were indications of increased restrictions. For example, in October the

government announced that female civil servants in the culture ministry and female journalists at the state newspaper and news agency should leave the office by 6 p.m. to be with their families. However, there was no indication that violators would be punished." **[4q] (p20)**

It continued:

"Activists on women's issues expressed concern that the woman selected by President Ahmadinejad to lead the Center for Women's Participation, which is affiliated with the office of the president, does not have a background in women's issues. In addition the government changed the name of the organization to the Center for Women and Family, raising concern that the organization sought to reorient debate on women's problems to focus only on those related to the home." **[4q] (p20)**

23.04 The USSD report for 2007 adds that "The government Center for Women and Family continued to publish reports on feminism with a negative slant and limited the debate on women's issues to only those related to the home." **[4t] (Section 5)**

23.05 The sixth Majles (Iran's parliament), sitting between 2000 and 2004, passed many bills to improve the position of women, although most – including a proposal that Iran should ratify the UN Convention on the Elimination of All Forms of Discrimination against Women – were rejected by the Council of Guardians. This body, composed of clerics and lawyers, vets legislation for conformity with Islamic law and the Constitution. The bills that were approved included one that raised the minimum age of marriage for girls from 9 to 13 and another that allows mothers to keep custody of their children after divorce until the age of seven. (AI, 28 February 2008) **[9aah]**

23.06 According to the Human Rights Annual Report 2007, issued by the United Kingdom Foreign and Commonwealth Office (FCO) in March 2008:

"During a speech at Columbia University in September 2007, President Ahmadinejad claimed that Iranian women were the 'freest in the world'. Although over half of Iran's university students are women, men occupy all the most powerful positions. Gender inequality and discrimination are widespread, and are perpetuated by Iran's constitutional structures. For example, a woman's legal testimony is worth half that of a man's; compensation (blood money) payable to the family of a female crime victim is half what is payable for a male victim; under civil inheritance laws boys receive double the amount girls receive. Securing divorce and custody of children is notoriously harder for Iranian women.

"Iranian women's rights groups who have been campaigning for the government to address the issues of discrimination have also faced increasing pressure. In March 2007, days before International Women's Day, 33 women's rights activists were arrested outside a Tehran court building. They had gathered to support five women who were on trial for organising a women's rights demonstration in June 2006 – a demonstration that was violently repressed by security forces. The women received prison sentences (some suspended) for 'propaganda against the regime' and public order offences." **[26k] (p152)**

23.07 In an article dated 29 October 2008, Human Rights Watch said that:

"… the Judiciary has prosecuted more than 100 women's rights activists over the past three years and continues to detain, intimidate, and prohibit from traveling a number of other women's rights activists, particularly those involved in the One Million Signatures Campaign for Equality. **[8d]**

23.08 An article on the UN News Centre dated 27 November 2008 reported that:

"Defenders of the rights of women are facing a progressively difficult situation, including harassment and intimidation in the course of their non-violent activities, the two UN Special Rapporteurs said in a joint statement.

"'Peaceful demonstrators have been arrested, detained and persecuted with prison sentences having been imposed on many of them.'" **[10e]**

23.09 The Center for Iranian Studies, in a September 2007 overview of Ahmadinejad's gender policy observed that:

"Ever since his election as president of the Islamic Republic of Iran in 2005, Mahmud Ahmadinejad's attention-grabbing statements have aroused public wrath not merely internationally, but in Iran as well. Some of his most controversial domestic declarations have been related to the country's gender policies.

"Overall, Ahmadinejad has tried to demonstrate open-mindedness towards women's affairs. During his presidential campaign he even pledged not to initiate crackdowns on women's dress. Yet Ahmadinejad's promises pale in the face of the authorities' current seasonal crackdowns on women's dress, the mixing of men and women in public and women's rights activists." **[94a]**

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LEGAL RIGHTS

23.10 The USSD report for 2007 states that:

"The constitution says all citizens, both men and women, equally enjoy protection of the law and all human, political, economic, social, and cultural rights, in conformity with Islamic rights.

"Nonetheless, provisions in the Islamic civil and penal codes, in particular those sections dealing with family and property law, discriminate against women. Shortly after the 1979 revolution, the government repealed the 1967 Family Protection Law that provided women with increased rights in the home and workplace and replaced it with a legal system based largely on Shari'a practices. In 1998 the Majles passed legislation that mandated segregation of the sexes in the provision of medical care. In 2003 the Council of Guardians rejected a bill that would require the country to adopt a UN convention ending discrimination against women." **[4t] (Section 5)**

23.11 The USSD report for 2007 noted that women may receive disproportionate punishment for crimes, including death sentences. **[4t] (Section 5)** For example,

a man could escape punishment for killing a wife caught in the act of adultery if he was certain she was a consenting partner; the same rule does not apply for women. **[4t] (Section 5)**

23.12 According to the Berlin European COI Information Seminar Report 2001, women suffer discrimination in the legal code, **[3c] (p102)** particularly in family and property matters. This is the area that affects women most badly. It is difficult for many women, particularly those living outside large cities, to obtain legal redress. According to a UN report of 1998, under the legal system, women are denied equal rights of testimony and inheritance. **[10j] (p3)** The law provides women preference in custody for children up to seven years of age; thereafter, the father is entitled to custody. After the age of seven, in disputed cases custody of the child was to be determined by the court. (USSD, 11 March 2008) **[4t] (Section 5)** A woman's testimony is worth less than that of a man's, making it difficult for a woman to prove a case against a male defendant. (AI, 25 January 2008) **[9aad] (p6)**

23.13 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, mentions a draft family protection bill which would reverse the rights of women in the family. **[10a] (p13)** A campaign by around 100 women leaders and activists from women's groups including the One Million Signatures Campaign, Meydaan Zanan and Kanoon Zanan Irani, along with Shirin Ebadi and Simin Behbahani met with members of the majles and expressed their opposition to the bill, leading to the removal of "the two most contested articles of this bill, Articles 23 and 25 and postponing the bill's floor discussion indefinitely. In addition, Iran's parliament will send the bill back to the Parliamentary Judicial Committee for further revisions." (Women News Network, 23 September 2008) **[136a]** Article 23 authorises "polygamous marriages contingent upon the financial capacity of the man", without the need for consent from the first wife and "Article 25 imposes a tax on the Mehr (dowry) paid to the wife." (See Mehriyeh section). (Women's Learning Partnership, 1 September 2008) **[137a]**

23.14 According to the Berlin European COI Information Seminar Report 2001, the question of passport issuance still requires the husband's permission:

> "With regard to passports, the requirements are usually checked when a person wanting to leave applies for a passport. If the criteria, one of them being the husband's permission, are not fulfilled the passport will not be issued. Once you are at the airport you should not have a problem. There does not seem to exist a special written permission by the husband for a woman to leave the country." **[3c] (p102)**

23.15 In addition to the position of women regarding evidence of witness, inheritance, retribution and judgement in civil and penal codes, the continued arranged marriages of young girls by fathers and grandfathers was noted. (UN, 28 January 1998) **[10b]** On 10 May 2004, it was reported in a BBC News report that Iran's outgoing reformist parliament had approved a bill which would grant women equal inheritance rights to men. **[21cp]** However, according to the UN Office for the Coordination of Humanitarian Affairs in a news report dated 22 June 2004 "...the reformists have little chance of passing the bill." **[75a]**

23.16 Amnesty International, in a news update of 23 August 2007 reported that:

"Women in Iran face widespread discrimination under the law. They are excluded from key areas of political participation and do not have equal rights with men in marriage, divorce, child custody and inheritance." **[9aaa]**

The report continued:

"Activists campaigning for gender equality in Iran are unable to exercise their rights to freedom of expression and association, as shown by a number of recent arrests.

"Many of those arrested are supporters of the Campaign for Equality, a network which works to end legal discrimination against women." **[9aaa]**

23.17 The International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), in the framework of their joint programme, the Observatory for the Protection of Human Rights Defenders, reported that as of 3 September 2007, 42 women's rights activists are being or have been prosecuted for their involvement in the defence of women's rights. **[56g] (p1)**

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One Million Signatures campaign

23.18 A BBC article reported on 8 March 2007 that:

"The one million signature campaign to change the law [asking for the repeal of Iranian religious laws that discriminate against women] began with a peaceful protest last June in one of Iran's biggest squares.

"Women activists sat on the grass and sang feminist songs.

"Within minutes the police beat them and started firing tear gas and mace spray.

"More than 70 people were arrested. Among them 20-two-year old student Delaram Ali who is now on trial.

"'I am charged with acting against national security, disturbing public order and doing propaganda against the system, and having connections to illegal opposition groups,' explains Delaram.

"She says she spent three days in solitary confinement in Evin Jail after the police injured her hand in the protest last June." **[21a]**

23.19 According to the USSD report for 2007, the government continued to arrest and detain members of the 'One Million Signatures Campaign Demanding Changes to Discriminatory Laws', which activists launched in 2006 to promote women's rights. **[4t] (Section 5)**

23.20 Amnesty International reported in 23 August 2007 that:

"Some of the activists [campaigning for gender equality in Iran] arrested this year were collecting signatures for the Campaign in its bid to collect one million signatures from the Iranian public to a petition against laws discriminating against women in Iran. In addition to the petition, the campaign also runs a website to provide information and a forum for debate, and works with grassroots organizations [to] expose the problems women face and inform them of their rights." **[9aaa]**

23.21 Radio Free Europe / Radio Liberty reported on 3 September 2008 that:

"Campaigners say close to 50 [women's rights activists] have been detained since the [One Million Signatures campaign] began in 2006, in what Western diplomats see as part of a wider crackdown on dissent. Most were freed within days." **[42c]**

23.22 Human Rights Watch, in an article dated 28 October 2008, said that:

"… the Judiciary has prosecuted more than 100 women's rights activists over the past three years and continues to detain, intimidate, and prohibit from traveling a number of other women's rights activists, particularly those involved in the One Million Signatures Campaign for Equality. The grassroots campaign aims to raise awareness of Iranian laws that sanction discrimination against women, by collecting 1 million signatures throughout the country in an effort to repeal them." **[8d]**

23.23 In an article dated 19 September 2008, the International Federation for Human Rights stated:

"On September 2, 2008, the Tehran Revolutionary Tribunal sentenced Ms. Parvin Ardalan, Ms. Nahid Keshavarz, Ms. Jelveh Javaheri, arrested on December 1, 2007 and since detained at Evin Prison and Ms. Maryam Hosseinkhah, arrested on November 18, 2007 and since detained at Evin Prison, to six months' imprisonment for 'publishing information against the State', for having written articles for two online newspapers that defend women's rights in Iran: Zanestan and Tanir Bary Barbary. They have been released on bail after having appealed their sentences." **[56a]**

POLITICAL RIGHTS

23.24 According to Europa, accessed 8 December 2008, one of the 'liberal' or 'moderate' appointees in Khatami's first Council of Ministers was Dr Massoumeh Ebtekar. As Vice-President and Head of the Organization for the Protection of the Environment, Dr Ebtekar was the first woman to be appointed to such a senior government post since the Islamic Revolution. **[1a] (Recent History)** There were no female cabinet ministers, although one of the nine vice presidents was a woman and several women held high-level positions. There were 13 women serving in the Majles during the year. (USSD, 11 March 2008) **[4t] (Section 3)**

23.25 According to a report from Iran Focus News of 7 August 2005:

"Women will not be included in the cabinet of Iran's new hard-line President Mahmoud Ahmadinejad, a leading ultra-conservative figure said on Sunday. Hamid-Reza Taraghi, a central committee member of the Motalefeh Party, told

a state-run news agency, "The circumstances for women to be ministers in the cabinet do not exist, but probably they can become deputies." **[76b]**

23.26 It was noted in the Center for Iranian Studies (CIS) report of September 2007 that:

"In September 2005, soon after he came into office, Ahmadinejad nominated Nasrin Soltankhah, a member of Tehran's City Council, as his advisor for women's affairs and a non-ministerial member of his cabinet. Soltankhah was also named the new director of the Center for Women and Family Affairs. Difficulties in approving his nominees by the parliament (Majlis) and demands by women organizations have also encouraged Ahmadinejad to appoint another woman as a non-ministerial cabinet member. Fatemeh Javadi was nominated as vice president to head the Department of Environment.

"Upon these nominations Ahmadinejad has stated that 'Iranian women symbolize freedom and chastity' and that they are able to effect political, social and cultural decision-making. Yet he neglected to mention that women are consistently overlooked for ministerial posts and they are still not eligible for the presidency. Ahmadinejad also neglected to mention that in the elections to the seventh Majlis in 2004, women did not manage to increase their numbers. Merely eleven women legislators were elected to the current parliament (comprised of 290 representatives), in comparison with 13 women MPs in the previous body." **[94a]**

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SOCIAL RIGHTS

23.27 According to a UN report of 28 December 1998, women are given segregated medical treatment following the Medical Religious Standard Conformity Act, other than where emergency wards are used. They also travel in segregated railway carriages unless travelling with a male companion; have access to separate parks within some cities; and can use separate facilities in a newly opened passport office. While the Iranian authorities have claimed such steps are for the safety and convenience of women, they do not represent gender equality according to international standards. **[10m] (p6)**

23.28 Women may work or study although, according to the CIRB paper on Women in the Islamic Republic 1994, some areas of study are closed to women, female students are segregated from male teachers, and social constraints inhibit their opportunities. **[2d]**

23.29 In August 2002, the authorities banned women, as well as youths under 25, from smoking the middle-eastern water pipe, or Narguileh, in Tehran's restaurants and cafés, as part of a bid to maintain 'social discipline'. (Reuters, 11 August 2002) **[5ap]** It was announced in early January 2003 that a Tehran football club - Paykan - had started to allow women into its stadium to watch games. (Keesings, January 2003) **[17e]**

23.30 According to the USSD report for 2007:

"The government enforced gender segregation in most public spaces and prohibited women from mixing openly with unmarried men or men not related to them. Women must ride in a reserved section on public buses and enter public buildings, universities, and airports through separate entrances." **[4t] (Section 5)** (However, the BBC reported in November 2002 on the first woman bus driver taking to the road in 2002. **[21be]**)

23.31 The USSD report for 2007 continued:

"During the year, the government intensified its crackdown on 'un-Islamic dress' or 'bad hijab'. In June, according to deputy police chief Hossein Zolfaghri, the government brought a total of 2,265 cases, against men and women, to the judiciary for trial on the charge of noncompliance with the Islamic dress code. According to a domestic press report, during the year the government warned more than 527,000 persons and arrested more than 20,000 persons, who were then released conditionally. Police denied the use of force in these instances, but there were reports that force was used..." **[4t] (Section 1f)**

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DRESS CODE

23.32 "Women in Iran are required by Iranian penal law to maintain 'Islamic dress in public' (US 14 Sept. 2007; Denmark Apr. 2005, 12) and therefore must cover their hair and neck completely and wear clothing that does not reveal the shape of the body (ibid.; Reuters 18 Apr. 2006). Men cannot wear shorts and women cannot reveal their hair or ankles (RFE/RL 19 Apr. 2006). Sources describe violations of the dress code to include wearing colourful scarves or tight coats, men sporting 'Western' hairstyles (RFE/RL 2 May 2007), women wearing loose-fitting scarves or shortened trousers which expose skin (The Guardian 20 Apr. 2006; BBC 21 Apr. 2006) and women wearing makeup (US 6 Mar. 2007, Sec. 1.c)." (CIRB, 10 January 2008) **[2ag]**

23.33 "According to a report of the Danish Immigration Service, the legal basis for Iranian clothing rules is found in the penal code which 'stipulates that women that show themselves in public places without Islamic clothing should be sentenced to from ten days to two months imprisonment or a fine' (Denmark Apr. 2005, 12). Other sources note that people who violate the dress code may have to sign 'statements pledging not to violate the dress code' (RFE/RL 2 May 2007) or may receive … lashes (Reuters 18 Apr. 2006) [and/or] fines (Reuters 18 Apr. 2006)" (CIRB, 10 January 2008) **[2ag]**

23.34 "While the Danish Immigration Service states that the Director for the consular office in the Iranian foreign ministry 'reported that the clothing rules were no longer rigorously enforced', a number of other sources describe the enforcement of rules regarding Islamic appearance since April 2006 as being 'harsher' than in previous years. Some sources indicate that a crackdown in advance of summer weather is common but in slight contrast, recent reports indicate that the crackdown has continued into winter months. Reports indicate that police in Tehran are targeting 'winter fashions deemed immodest' and that authorities have 'launched a winter crackdown' enforcing the dress code." (CIRB, 10 January 2008) **[2ag]**

23.35 The CIRB information request, dated 10 January 2008, continued:

"Enforcement includes punishing taxi agencies and drivers who transport 'women dressed 'inappropriately'' (The *Guardian* 20 Apr. 2006), stores which sell certain kinds of clothing (RFE/RL 2 May 2007) and hairdressers who offer 'western hair cuts', who tattoo eyebrows and pluck men's eyebrows (The *Guardian* 25 Aug. 2007; Reuters 20 May 2007).

"According to two sources, new police officers have been assigned to enforce the dress code (RFE/RL 19 Apr. 2006; BBC 21 Apr. 2006). HRW reports that the Basij militia [a government volunteer paramilitary force] are involved in enforcing the ''morality' campaign' (17 May 2007). The *Guardian* reports that Amaken-e Omoomi 'a police body for regulating businesses' is responsible for closing down barbers and hairdressers (25 Aug. 2007)." **[2ag]**

23.36 According to the USSD report for 2007:

"The penal code provides that if a woman appears in public without the appropriate Islamic covering (hijab), she can be sentenced to lashings and/or fined. However, … [in the absence of] a clear legal definition of appropriate hijab or the punishment, women were at the mercy of the disciplinary forces or the judge. Pictures of uncovered or immodestly dressed women in the press or in films were often digitally altered." **[4t] (Section 5)**

23.37 According to a BBC News report of 12 November 2007, Iranian newspapers have printed a list of moral vices that the police are targeting, including wearing make-up and hats instead of headscarves.The police say they will also suppress 'decadent' films, drugs and alcohol. This year has seen one of the most ferocious crackdowns on un-Islamic behaviour and improper Islamic dress by the authorities for at least a decade. **[21z]**

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ECONOMIC RIGHTS

23.38 The choice of a woman's occupation depends on her husband, who may prevent her working if he deems it contrary to the family's interest, although he must prove this to the Special Civil Tribunal. (CIRB, June 1994) **[2d]** (UNHCR, June 2001) **[3c]** (BBC News, 19 February 2008) **[21cz]** Women workers are subject to difficulties in the work place particularly as a result of entrenched cultural attitudes. (BBC News, 2 August 2003) **[21bq]**

23.39 In October 2003, for the first time since the revolution, over 200 policewomen graduated from the Kotar complex in Tehran, where they had been training since 1999. Aged between 17 and 25 they took intensive military courses, including judo, fencing, using firearms and laying mines. (BBC News, 4 October 2003) **[21by]**

23.40 In the Center for Iranian Studies (CIS) report of September 2007 it is noted that:

"… women comprise only 14 percent of the government's work force and those who occupy top positions are usually keen supporters of the regime and occasionally related to the ruling elite … While Iranian women are among the most highly educated in the Middle East, their unemployment rate is particularly high - 13 percent across the board and over 22 percent among women". **[94a]**

23.41 However, a *Guardian* article, dated 2 January 2008, notes that:

"Katajun Amirpur, Islamic expert at the University of Cologne, points out that Iran is still a society 'in which girls can be married at the age of nine, where women can be punished for having pre-marital sex, where they cannot become judges or presidents, they are banned from football stadiums, and where the wearing of the chador is obligatory.'

"'At the same time, a third of the work force is female, two-thirds of students are women, there are female MPs, doctors, mayors, policewomen, taxi drivers. Karate is the most popular female sport, and 97% of women can read and write. The reality is that women are exceptionally self-confident members of Iranian society'." **[16i]**

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VIOLENCE AGAINST WOMEN

23.42 According to the USSD report for 2007, the blood money paid to the family of a female crime victim was half the sum paid for a man. **[4t] (Section 5)** In addition, families of female victims of violent crimes are reported to have to pay for an assailant's court costs. (USSD, February 1999) **[4f] (p6)** The 'blood money' paid to the family of a female crime victim is half the sum paid for a man, and will remain so even if the new law passed by the Majlis equalising 'blood money' for Muslims and non-Muslims is accepted by the Guardian Council. On 27 December 2003 the bill was approved by the Expediency Council. (Payvand News, 29 December 2003) **[53b]** According to the USSD report 2007, all women and Baha'i and Sabean-Mandean men remained excluded from the revised ruling. **[4t] (Section 2c)** According to the same report, although spousal abuse and violence against women occurred, statistics were not available. Abuse in the family was considered a private matter and was seldom discussed publicly **[4t] (Section 5)** although surveys (e.g. Tehran University surveys) indicate levels of domestic violence are very high, women have almost no legal redress, and there is a fair amount of social tolerance of domestic violence. Iran welcomed UN contributions to the drafting of a convention on the elimination of forced labour and trafficking in women for sexual and other exploitation. (UN, 17 December 1998) **[10n] (p4)**

23.43 UNHCR reported in their 'Comments on the Iran Country Report of April 2005' of August 2005 that the:

"UN Special Rapporteur on violence against women, Yakin Erturk, urged Tehran to adopt a national action plan to promote and protect human rights which would emphasise the elimination of violence against women. Although they had seen some advances, Iranian women still face violence in and outside the home and are blocked from defending their rights by discriminatory

laws and an unfair justice system, Erturk said. 'Discriminatory laws and malfunction in the administration of justice result in impunity for perpetrators and perpetuate discrimination and violence against women,' she said. Erturk issued her criticism in a preliminary report for the world body's Human Rights Commission – which holds its annual six-week session in Geneva in March and April – following a government-approved visit to the country." **[3h] (p3)**

"She said she was 'troubled by the widespread practice of arrest for political opinion, including of female human rights defenders, and for 'moral offences'," and by the failure of the judicial system to enforce safeguards ensuring fair trials. Erturk had also seen an emerging civil society with active female lawyers, journalists and academics 'engaged in working to promote human rights and prevent violence against women.' But she said: 'In the family, women face psychological, sexual and physical violence' which existing laws did little to protect against, while divorce and custody of children were difficult for abused wives to obtain. In the wider community, victims of rape face numerous obstacles in accessing justice, she said. Women risk punishment for adultery if they fail to prove rape, and can face death for killing a rapist in self-defense (Reuters, U.N. expert criticises Iran on women's rights, executions, 8 February 2005)." **[3h] (p4)**

23.44 According to the Special Rapporteur on Violence against Women, its causes and consequences, in his report of the Mission to Iran dated 27 January 2006:

"Violence against women in Iran is ingrained in gender inequality, which is upheld and perpetuated by two factors: (a) patriarchal values and attitudes based on notions of male supremacy, and (b) a State-promoted institutional structure based on gender-biased, hard-line interpretations of Islamic principles. While the former is a universal and historically rooted phenomenon, the latter is particular to Iran and is rooted in gender politics and policies prevalent in the country. Both factors, however, represent a male-dominated society with male-empowering laws and practices. While the official ideological underpinning of the State gender discourse rests on the premise that women in the Islamic Republic have been attributed [sic] with honour and due dignity, this very ideology has served to rationalize subordinating women, discriminating against them and subjecting them to violence. Furthermore, it is instrumental in silencing defiance and enforcing compliance.

"The ruling clergy, in their reading of the sharia that shapes both the attitudinal as well as the institutional structures, have tended towards conservative, gender-biased interpretations.

"This has been the source of divisive debates in the political arena between the hardliners and the reformists. The Sixth Majlis was reportedly a turning point for the articulation of reformist politics of gender in Iran. Within this process…some positive change has occurred in the laws and the administration of justice. However, gender-biased provisions and practices that prompt women's vulnerability to violence in the private as well as public spheres are still the norm." **[10ad] (p10)**

Women's organisations and NGOs

23.45 The Berlin COI European Information Seminar Report 2001 also reported that there were a number of women's organisations, semi-official as well as non-

governmental, that had been created since the revolution and in particular in the last few years such as the Cultural and Social Council for Women, the Women's Affairs Commission, Women's Affairs Bureau, Women's Sports Department, International Office for Women, Bureau for Promotion of Rural Women's activities, Rural Women's Cooperative, Women's Solidarity Societies, etc. **[3c] (p102)** A BBC article dated 17 November 2006 details Tehran's only homeless shelter for women. **[21e]** According to the USSD report for 2007, the number of women's NGOs has reportedly increased from approximately 130 to 450 in the past decade. **[4t] (Section 5)**

23.46 However, an Amnesty International report dated 28 February 2008 states:

"In April 2007, Minister of Intelligence Gholam Hossein Eje'i publicly accused the women's rights movement of being part of an enemy conspiracy to bring about a 'soft subversion' of the Islamic Republic – a charge that women's rights defenders roundly reject. Since that time, women's rights groups and other NGOs that receive assistance from international donors, such as the Dutch organization Hivos, have been closed down and their directors and workers have been questioned by the Iranian security authorities about their work and financial affairs." **[9aah]**

23.47 Human Rights Watch in its 2008 World Report stated that: "The government … closed the offices of Rahi Institution, a nongovernmental organization providing legal and social aid to women victims of violence." **[8ai]**

23.48 On 10 March 2004, the United Nations Development Programme announced that it was to set up a Women's Information Centre in Iran to promote the conditions of women in the country. (UNHCR, 10 March 2004) **[3f]**

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HONOUR KILLINGS

23.49 UNHCR commented in their 'Comments on the Iran Country Report of April 2005' of August 2005 that:

"'Honour crimes' are known to be occurring in Iran. It happens among Arab, Kurdish and Azeri minorities more than Farsi ethnicity. According to an AFP report, at least 40 women were killed by their families on the grounds of 'honour crimes' only in Khuzestan over the period March to May 2003 (AFP, Over 40 women murdered in honour killings' in two months in Iran, 27 October 2003). There are no reports of suggesting availability of state protection to woman risking 'honour killings'." **[3h] (p4)**

23.50 The USSD report for 2007 stated that:

"According to a 2004 report on the country from the Independent Researchers on Women's Issues, there were no reliable statistics on honor killings, but there was evidence of 'rampant' honor killings in the western and southwestern provinces, in particular Khuzestan and Elam. The punishment for perpetrators was often a short prison sentence." **[4t] (Section 5)**

23.51 The Amnesty International report on human rights abuses against the Kurdish minority of July 2008 stated that "Self-immolation is a practice that occurs in all the areas of Kurdish settlement, where it is more common than in other parts of Iran. Some alleged suicides may have been staged to cover up 'honour' killings." **[9aai]**

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MARRIAGE

23.52 Muslim men are free to marry non-Muslim women, but marriage between Muslim women and non-Muslim men is not recognised. (USSD, February 1999) **[4f] (p14)**

23.53 According to the USSD report for 2007:

"According to some reports, it was not unusual in rural areas for parents to have their children marry before they become teenagers, often for economic reasons. The law requires court approval for the marriage of girls younger than 13 and boys younger than 15." **[4t] (Section 5)**

The report continues:

"Although a male can marry at age 15 without parental consent, the 1991 civil law states that a virgin female needs the consent of her father or grandfather to wed, or the court's permission, even if she is older than 18. The country's Islamic law permits a man to have up to four wives and an unlimited number of temporary partnerships (sigheh)." **[4t] (Section 5)**

23.54 A BBC News article dated 10 June 2008 reported that being married is a job requirement in some areas despite economic difficulties leading many people to postpone marriage. **[21f]**

TEMPORARY MARRIAGE

23.55 An article in the *Guardian* dated 4 June 2007 stated: "The custom of sigheh, which allows couples to establish unions lasting from a few minutes to 99 years, is permitted under Shia Islam but has been likened in Iran to prostitution … Sigheh children are classed as legitimate." **[16j]**

23.56 An Inter Press News Agency article dated 26 June 2007 explained temporary marriage in the following terms:

"Under temporary marriages, practiced largely by Shiites and banned by most Sunni sects, there are no limits as to the number of temporary wives a man can take. Unlike in Sunni communities, having multiple permanent wives is quite rare among Iranian Shiites. A temporary marriage does not have to have witnesses or be registered anywhere, although it is always possible to register a marriage with a notary.

"Just an agreement between the parties involved and a few sentences uttered in Arabic, or even in one's own language, are enough for the temporary marriage to be done. The husband has the exclusive right to terminate the

marriage at any point he wishes, even before the term is over and without the wife's consent.

"Widely practised in Iran by married and more rarely by single men, temporary marriages are largely looked down upon by traditional Iranian society, even among the very religious. In nearly all cases, women who enter into temporary marriages are divorcees or widows. Virgin women need have permission from their father or paternal grandfather to enter into such a marriage, and temporary marriages involving young unmarried women are quite uncommon except among the extremely needy.

"Unlike the usual marriage, a temporary marriage does not create any financial obligations for the man, who is only obliged to pay an agreed amount of money as dowry to the woman at the time of marriage, upon being asked during the marriage or at the time of its termination." **[100a]**

23.57 On 28 January 2005 it was reported by the UNHCR Ankara Country of Origin Information team in its 'Chronology of Events in Iran', revised March 2005, that the UN Committee on the Rights of the Child:

"…expressed deep concern over the fact that the age of majority in Iran is 15 for boys and 9 for girls, which implies that [children] are not protected by the Convention above these ages. This could also result in 'forced, early and temporary marriages,' the committee said." **[3k]**

23.58 The USSD report for 2007 states:

"The country's Islamic law permits a man to have up to four wives and an unlimited number of temporary partnerships (sigheh), based on a Shi'a custom in which a woman may become the wife of a Muslim male after a simple religious ceremony and a civil contract outlining the union's conditions. Temporary marriages may last for any length of time and are used sometimes by prostitutes. Such wives were not granted rights associated with traditional marriage." **[4t] (Section 5)**

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MEHRIYEH

23.59 A response to an information request, dated 28 October 2004, by the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) lists the variations of mehriyeh as Mahr / Mehr / Mehryeh / Mahrieh and Mahriyeh. **[133a]**

23.60 The same source states mehriyeh is similar to a dowry except that a husband pays it to his wife. The money belongs to the wife who can claim it at any time during the marriage and the husband has to pay or go to prison. (ACCORD, 28 October 2004) **[133a]**

23.61 According to the article, 'A Wedding, Tehrani Style' by B. Bagheri:

"One of the most important details to be agreed upon is to set a 'mehriyeh'. This is the amount of monetary compensation that the future husband will

have to pay his wife in the unfortunate case of a divorce. Mehriyeh has proven to be a fairly effective insurance policy for the women in a society where there are limited options after a divorce. The process of setting the mehriyeh amount is sometimes the subject of much controversy and business-like negotiations, occasionally causing one side (or both) to call the whole thing off! For many aristocratic and modern Iranian families, a high mehriyeh is a status symbol, while many religious and orthodox families, as well as the intellectual types, express their confidence and faith in the future strength of the new marriage by setting the mehriyeh to be a very small token amount or simply a copy of the holy book of Ghoraan (The Moslem holy book of Qoran) and a couple of pieces of Iranian crystal sugar rocks! The sugar is to symbolise the sweetness and joy that is intended and sought from the marriage." **[51]**

23.62 It was reported in the *Sunday Times* on 17 May 1998, that following the 1979 revolution in Iran, Islamic leaders told the populace to procreate and produce an army of 20 million. The population subsequently grew by up to four per cent per annum. However, the clerics now support the notion of contraception with teachings from the Koran, and the population growth rate has halved. **[15a]**

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ADULTERY

23.63 According to a CIRB report of 1995, under the Islamic Penal Code adopted by the Majlis in November 1995, those found guilty of adultery (the 'Burden of Proof', this either by confession or the testimony of four just men or three just men and two just women, is outlined in more detail at **[50]**), are subject to execution by stoning. If a husband discovers his wife in an adulterous act he may kill her and her partner without legal consequence; a wife who discovers her husband with another woman does not have the same right. **[2b]** There have been several reports of execution for adultery in recent years. (FH, 2008) **[112c]** According to a BBC News report of 27 December 2002, it was announced that there would be a moratorium on stoning as a punishment for adultery. **[21ay]** However, according to the USSD report for 2007, stoning remained a legal form of punishment. There was a reported case of execution by stoning during the year, despite a judiciary moratorium on the practice. **[4t] (Section 1a)** The USSD report for 2007 noted that:

23.64 "The penal code includes provisions for stoning persons convicted of adultery, although judges were instructed in 2002 to cease imposing such sentences. During the year, authorities carried out the sentence against one man, Jafar Kiani. Rights groups reported that at least nine people – mostly women – remained sentenced to death by stoning in the country. In addition a man could escape punishment for killing a wife caught in the act of adultery if he was certain she was a consenting partner; the same rule does not apply for women." **[4t] (Section 5)**

It elaborated:

"On July 5, officials in the Qazvin province carried out a death sentence by stoning against Jafar Kiani, defying a 2002 moratorium on the practice put in place by Judiciary Chief Ayatollah Shahrudi. … On September 30, Secretary

The main text of this COI Report contains the most up to date publicly available information as at 1 February 2009. Further brief information on recent events and reports has been provided in the Latest News section to 16 March 2009.

of the Human Rights Committee Mohammad Javad Larijani, appointed by Supreme Leader Khamenei, called the stoning a 'judicial mistake', but stated his view that the practice of stoning is neither torture nor disproportionate punishment." **[4t] (Section 1a)**

23.65 According to a RFE/RFL report of 4 July 2001, three cases in 2001 put execution by stoning back in the centre of the human rights debate over Iran. Late in 2000, a woman named Maryam Ayoubi was sentenced to death by stoning for adultery and murdering her husband in collaboration with her lover. Then, in May 2001, a woman was stoned to death in Tehran's Evin prison. "She had been convicted of acting in pornographic films and having sexual relationships outside marriage". Amnesty International states that in recent years Iran has imposed stoning sentences only sporadically. Before 2001, the last stonings were reported in 1997. "'Amnesty International has recorded sentences for adultery and murder that have resulted in stoning. However, according to the information that Amnesty International has, there has not been a stoning carried out [for several years] until this year. The one before this was in 1997.'" **[42a]** According to an Agence France-Presse report of 11 November 2003, no executions by stoning had been reported by the Iranian press for over a year, although Amnesty International reported at least two cases of stoning being carried out or where the sentence of stoning had been given during 2002 and in November 2003 four men found guilty of a series of kidnappings and rapes were sentenced to execution by stoning. **[61a]**

23.66 According to an article in the *Daily Mail*, dated 8 February 2008, the punishment for an unmarried adulterer is not death, but 100 lashes. **[124a]**

23.67 According to a CIRB report of 8 May 1998, the penalties for attempting to entice a married person into committing adultery could range from lashing to death depending on the judge's discretion. The married person who is the unwilling object of such attention is not immune from legal consequences (normally lashing) and from social ostracism. **[2l]**

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DIVORCE

23.68 According to the CIRB report, 'Women in the Islamic Republic of Iran' (June 1994) divorce applies to permanent marriage only. A husband wishing to divorce is required to obtain court permission to register the divorce if his wife does not agree to it, but registration can only be delayed by the court, not prevented. A husband is not required to cite a reason for divorcing his wife. The conditions under which a woman may divorce depend on the year that she married, and the legislation that was in effect at the time of her marriage. **[2d]** In December 2002 BBC News reported that the Guardian Council had approved a bill **[21bf]** giving women the right to ask for divorce on 12 specific grounds e.g. addiction, imprisonment and emotional difficulties – although this does not constitute full equal rights. Divorced women, particularly in rural areas, may find themselves socially isolated and may face financial difficulty. (EU Council, 2 February 1999) **[19a] (p19)**

23.69 The USSD report for 2007 states: "Women have the right to divorce if the husband signed a contract granting that right or if he cannot provide for his

family, is a drug addict, insane, or impotent. However, a husband was not required to cite a reason for divorcing his wife." **[4t] (Section 5)**

23.70 UNHCR expanded on the legal provisions relating to the legal distinctions between cancellation of marriage and divorce in permanent marriages in their 'Comments on the Iran Country Report of April 2005' of August 2005 as follows:

"The Civil Code of the Islamic Republic of Iran makes a distinction between the cancellation of marriage and divorce concerning the dissolution of a permanent marriage (Article 1120). A permanent marriage may be cancelled by either one of the couple if the other one is proved to be 'mad' (Article 1121). A woman is entitled to cancel a marriage on the basis of the following 'defects' in a man: castration, impotency (provided that marriage is not consummated), and amputation of the male sexual organ to the extent his 'marital duty' cannot be performed (Article 1122).

"A man is entitled to cancel a marriage on the basis of the following defects: protrusion of the womb, black leprosy, leprosy, connection of vaginal and anal passages, being crippled and being blind in both eyes (Article 1123). However, such defects, except in cases specified below, should exist at the time of marriage and the other party should be ignorant of them to be able to revoke such 'defects' as a ground for canceling the marriage. If one of the parties is cognizant of the 'defects' in the other party before the celebration of the marriage, he or she loses his or her right to cancel marriage on the basis of such 'defects' (Article 1124-1126). A woman is entitled to cancel her marriage on the grounds of 'madness' or impotency even if such conditions occur in her husband after the marriage (Article 1126). Cancellation of a marriage does not necessarily follow the procedures stipulated for a divorce (Article 1132)." **[3h] (p4)**

UNHCR continues:

"A specific regulation is made for the cases where the husband contracts a venereal disease after conducting the marriage, in which case the wife is entitled to refuse sexual intercourse with him while maintaining her right to maintenance costs (nafaqa) (Article 1127).

"According to the Iranian Civil Code, divorcing his wife is an exclusive right of the husband: 'A man can divorce his wife whenever he wishes to do so' (Article 1133).

"If the husband refuses to pay, or is unable to pay, the costs of maintenance of his wife, and if it is not possible to enforce payment of such costs by court order, the wife can seek a divorce. In such a case, the judge will compel the husband to divorce her (Article 1129).

"A wife can also seek divorce 'when it is proved to the Court that the continuation of the marriage causes difficult and undesirable conditions.' In such cases, the judge can compel the husband to divorce his wife. If this proves difficult, the judge may divorce the couple by court order (Article 1131)." **[3h] (p5)**

23.71 According to the USSD report for 2007:

"A widely used model marriage contract limited privileges accorded to men by custom, and traditional interpretations of Islamic law recognized a divorced woman's right to a share in the property that couples acquire during their marriage and to increased alimony." **[4t] (Section 5)**

23.72 In the Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living in its Mission to the Islamic Republic of Iran (19–31 July 2005), dated 21 March 2006, the situation on divorce and property was expanded upon as follows:

"In [the] case of divorce, the couple's property is divided equally between the partners only if the man files for divorce under no specific justification apart from his own will. If he presents any legal justification for divorce, the wife loses her right to her share of the assets. If a woman leaves the family house, even in [a] case of domestic violence, this may be considered abandonment of the home and can be used against her if the husband decides to file for divorce." **[10ac] (p21)**

23.73 In the event of divorce, the father traditionally has legal custody of his children (CIRB, June 1994) **[2d]**, unless a woman can show her spouse to be an unfit father and applies under legislation passed in November 1998 to obtain custody. **[4t] (Section 5)** (UN, 28 January 1998) **[10b]** Payvand News reported that on 8 February 2003 the arbitrative Expediency Council agreed to grant divorced Iranian mothers the right to the custody of their children up to the age of seven. The Expediency Council sided with the parliament after the bill was twice quashed by the supervisory Guardians Council on the grounds that it went against the Islamic Sharia law. Divorced mothers already have the custody right to their daughters up to the age of seven and the new law incorporates the same right to their sons. **[53f]**

23.74 The USSD report for 2007 states:

"Women who remarry were forced to give the child's father custody of children from earlier marriages. However, the law granted custody of minor children to the mother in certain divorce cases in which the father was proven unfit to care for the child. The law provides women preference in custody for children up to seven years of age; thereafter, the father is entitled to custody. After the age of seven, in disputed cases custody of the child was to be determined by the court." **[4t] (Section 5)**

23.75 UNHCR expanded on the legal provisions relating to custody of children in their 'Comments on the Iran Country Report of April 2005' of August 2005 as follows:

"According to Iranian Civil Code, custody of children belongs to the father. In the case of the dissolution of marriage or the death of the father, 'the mother shall have a preferential right to the custody of her child in the first two years of the child's life, after which the father shall have the custody unless the child is a girl in which case she will remain under the mother's custody until she reaches the age of 7' (Article 1169).

"An amendment to the legislation in November 2003 increased mothers' custody rights, including granting the mothers to keep the custody of their

sons until the age of 7 (IRNA, Iranian mothers win better child custody rights, 29 November 2003). The mother looses [sic] custody over her children when she becomes 'insane' or when she marries another man (Article 1170).

"While the mother may loose [sic] custody of her children if she cannot prove she is financially able to support her children (Asylum Aid, Refugee Women and Domestic Violence: Country Studies – Iran, March 2002, p24-25). According to a report by Asylum Aid on domestic violence in Iran,

"The possibility of a woman keeping her children with her therefore depends on not only on her financial position, but also on her husband's agreement to forgo his right to custody. In a case of domestic violence, this kind of voluntary concession is likely to be hard to obtain (Asylum Aid, March 2002, p25)." **[3h] (p5)**

23.76 The report goes on to highlight the distinction between custody and guardianship:

"Iranian Civil Code makes a distinction between custody and guardianship. Even when custody of children is with the mother, 'natural' guardianship remains with the father (or paternal grandfather). Therefore, mothers cannot travel outside of Iran without the permission of the father of the child even if the child is in custody of the mother (ACCORD, Iran Country Report: 7th European Country of Origin Information Seminar, June 2001)." **[3h] (p5)**

23.77 According to a CIRB report of July 1998, the position of a divorced woman and further relationships after divorce can be fraught, with accusations of 'immoral behaviour' and possible 'adultery' brought to the Ershad [The Ministry of Islamic Culture and Guidance]. **[2m]**

23.78 According to a July 2002 report in the Los Angeles Times, the phenomenon of husband killing, which is punishable by death, is on the rise in the male-dominated society; among others, abuse and restrictive divorce laws are named as factors. **[128a]**

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ABORTION

23.79 According to a CIRB report of February 2001, the position of whether it is legal to perform abortions is unclear in law, and many doctors are reluctant to proceed. This is irrespective of a fatwa by Ayatollah Ali Khamenei that abortion may be undertaken in cases of medical necessity, such as when thalassemia has been detected. Illegal abortion clinics have been prosecuted in recent years. **[2e]**

23.80 According to a report from the Feminist Majority Foundation on 22 July 2004:

"Iran's parliament on Tuesday (20 July 2004) approved a draft of a bill to legalize abortion in the first four months of pregnancy. According to the bill, an abortion can be performed only when the woman's life is in danger and/or when the fetus is malformed. According to Iran's Payvand News, a woman will also need the consent of both parents to receive an abortion. Another

parliamentary vote is still required on the draft of the bill before it is made into law. In addition, Iran's conservative Guardian Council also has to approve the bill, as it does all legislation, before it can be made law. Abortion has been illegal on most grounds in Iran since the 1979 Islamic Revolution." **[73a]**

23.81 According to a report in Iran Focus News dated 9 May 2005:

"Iran's Guardians Council, a hardline body that screens all legislation, has rejected a highly contentious law that allowed abortions in limited cases, the student news agency ISNA reported on Monday 'It is against sharia (Islamic law) to abort children who would inflict a financial burden on the parents after birth due to mental or physical handicap,' ISNA said, quoting parliamentary sources. Iran's conservative-dominated parliament decided last month [12 April 2005] – in the face of opposition from religious right-to-life MPs – that abortions be allowed within four months of gestation if the foetus was mentally or physically handicapped and would inflict a financial burden on the family. At present, women in Iran can only get official approval for an abortion if their life is proven to be at risk because of a pregnancy, leading to a booming but dangerous backstreet business. According to local press reports, at least 80,000 illegal abortions are carried out in Iran each year but some believe the actual figure could be far higher. The legislation will now be referred back to parliament for amendments and if it is still opposed by the Guardians Council, Iran's top arbitration body the Expediency Council will make a final ruling." **[76c]**

23.82 In a BBC report of 12 April 2005 it was noted that under the draft law, not only would both parents have had to give their consent but also three doctors would have had to confirm that the foetus was damaged. Under this bill, even if a woman would have been pregnant as a result of rape she still wouldn't have the right to an abortion. Under the existing law, the illegal abortionist and the mother in question can be sentenced to between three and ten years in jail. **[21cs]**

23.83 An article on LifeSiteNews.com dated 9 May 2005 reported that the Iranian Guardians Council rejected the draft law easing abortion restrictions, ruling: "It is against sharia (Islamic law) to abort children who would inflict a financial burden on the parents after birth due to mental or physical handicap." **[57a]**

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24. CHILDREN

GENERAL INFORMATION

24.01 Iran is a signatory to the UN Convention on the Rights of the Child but has reservations upon both signature, "The Islamic Republic of Iran is making reservation to the articles and provisions which may be contrary to the Islamic Shariah, and preserves the right to make such particular declaration, upon its ratification" and ratification, "The Government of the Islamic Republic of Iran reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect." Seven signatory countries objected to Iran's reservations, considering them to be incompatible with the spirit of the treaty. Iran is also not a signatory to the optional protocol on the involvement of children in armed conflict. **[10ah]** When the 2nd Periodic Report to the Committee on the Rights of the Child (CRC) was considered by the Committee in its 38th session on 20 January 2005, they found that:

"While welcoming the ratification on 8 June 2002 by the State party of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Committee remains concerned at the large number of children below the age of 15, particularly in rural areas, who are involved in child labour, especially in the informal sector, including carpet weaving and other traditional family businesses. The Committee also notes that although article 79 of the Labour Code sets the minimum age of access to employment at 15, other legislation, including the Agricultural Code, sets that age at 12." **[10ag] (Para 68)**

24.02 Iran has ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 26 September 2007 but it has not signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. **[10ah]**

24.03 The UN 38th session CRC report of March 2005 stated that:

"The Committee reiterates its deep concern that the age of majority is set at pre-defined ages of puberty for boys at 15 and for girls at 9, because it implies that boys from 15 to 18 years and girls from 9 to 18 years are not covered by the provisions and principles of the Convention. The Committee notes the increase in the age of marriage for girls from 9 to 13 years (while that of boys remains at 15) and is seriously concerned at the very low minimum ages and the related practice of forced, early and temporary marriages." **[10ag] (para 22)**

24.04 According to a 2008 estimate in the CIA World Factbook, the total fertility rate stands at 1.71 children born per woman and the total infant mortality rate is 36.93 deaths per 1,000 live births (male: 37.12 deaths per 1,000 live births; female: 36.73 deaths per 1,000 live births). **[111]**

24.05 Freedom House states that "Suffrage is universal in Iran, unlimited by gender or ethnicity. The minimum voting age rose to 18 in January 2007 after remaining at only 15 for many years". **[112a]**

24.06 The 2008 CIA World Factbook states that military service age and obligation is 19 years of age for compulsory military service; 16 years of age for volunteers; 17 years of age for Law Enforcement Forces; 15 years of age for Basij Forces (Popular Mobilization Army). Conscript military service obligation is 18 months and women are exempt from military service. **[111]**

See also Military service.

24.07 The UNICEF country profile for Iran states that:

"The health status of Iranians has improved over the last two decades. Iran has been able to extend public health preventive services through the establishment of an extensive Primary Health Care network. As a result child and maternal mortality rates have fallen significantly, and life expectancy at birth has risen remarkably. Infant (IMR) and under-five (U5MR) mortality have decreased to 28.6 and 35.6 per 1,000 live births respectively in 2000, compared to an IMR of 122 per 1,000 and an U5MR of 191 per 1,000 in 1970." **[10af]**

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EDUCATION

24.08 The British Council's undated report on education in Iran, accessed on 24 June 2008, states:

"Primary education in Iran is compulsory under the Iranian constitution. As a general rule, primary, secondary and higher education is free, although private schools and universities do exist and are permitted to charge tuition fees. According to government figures, over 95% of Iranian children currently receive primary and secondary education. All schools are single-sex. There are over 113,000 schools throughout Iran, teaching over 18 million children. It is estimated that there are almost 1 million teachers within the education system.

"More than 50% of the country's 66m population is under the age of 25, which creates huge demand within the education system. In particular, admissions to post-secondary courses are highly competitive and university places are won through the National Entrance Examination (Konkur). There are currently well over 1 million students pursuing courses in Iranian universities, over half of these at private universities. Iran has 52 state universities and 28 medical universities, as well as a significant number of government research institutes. There are 25 private universities, including the Islamic Azad University, which has branches all over the country.

"The academic year runs for 10 months (200 active days) from September to June. There are three terms: September-December, January-March and April-June." **[113]**

24.09 And continued:

"School education in Iran is divided into the following cycles. There are qualifying examinations to pass from one educational cycle to the next and

national exams are conducted at the end of each grade of the secondary cycle. Special provision is made within the educational system for gifted and special needs children, as well as for minority groups, refuges [sic] and for non-formal education.

1) Pre-school (1 year cycle, children aged 5)
2) Primary (5 year cycle, children aged 6-10)
3) Middle (Guidance) (3 year cycle, children aged 11-13)
4) Secondary (3 year cycle, students aged 14-17)
5) Pre-university (1 year cycle, students aged 18)

"Pre-school education: This is non-compulsory and children proceed automatically to primary education at the age of 6.

"Primary education: Children begin primary education aged 6 and are given a broad-ranging general education. There is a national exam at the end of the 5 years, which students have to pass to enter into the Guidance cycle.

"Middle/Guidance cycle: This three-year phase also provides students with general education, and encourages them to think about the options for secondary education. Students must sit a regional exam at the end of the Guidance cycle in order to proceed to secondary education level.

"Secondary education: Secondary education is divided into two branches: 'theoretical' studies and technical & vocational studies. The academic or 'theoretical' branch comprises four subject areas: literature & culture, socio-economic studies, maths & physics, experimental sciences. The technical branch is more vocational in structure and is divided into the following three sectors: technical, business & vocational, agriculture. National exams are conducted at the end of each academic year during this secondary cycle. Students complete a number of units during their three years of secondary education, and must obtain 96 units within this time in order to be awarded the High School diploma (Diplom-e Mottevasseteh).

"Pre-University education: Students wishing to enter Higher Education must take a one-year pre-university course, at the end of which they may obtain a 'Pre-University Certificate'. This certificate then qualifies students to sit for the highly competitive National Entrance Exam (Konkur), success in which is imperative in order to gain a place at university." **[113]**

24.10 According to Europa, accessed 8 December 2008, primary education is officially compulsory, and is provided free of charge for five years between six and ten years of age, although this has not been fully implemented in rural areas. Secondary education from the age of eleven lasts for up to seven years, in blocks of three and four years. **[1a] (Education)** The USSD report for 2007 found that children had free education through the 12th grade (compulsory to age 11) except in isolated areas of the country. **[4t] (Section 5)** The British Council notes that there are discrepancies between the standard of education provided in urban and rural areas, as well between the different regions of the country. To ease the shortage of teachers in rural areas, the Ministry of Education established specific Rural Teacher Training Centres, as well as conscripting teachers to be sent to non-urban areas. **[113]** All education is taught in Farsi/Persian with only the occasional and minimal use of minority languages. (UN, 16 January 2002) **[10p] (p16)**

24.11 The UNICEF country profile for Iran states that:

"Developments in education have … been positive. In 2001 the literacy rate of the population aged over six years of age has reached 80.4 per cent (85.1 per cent of men and 75.6 per cent of women). The urban-rural gap has also narrowed to about 14 per cent (86.25 per cent of urban population versus 72.4 per cent of the rural). There are, however, still noticeable differences among and within Iranian provinces. The net enrollment ratio is above 97 per cent and is almost equal among girls and boys." **[10af]**

24.12 According to Europa, accessed 8 December 2008, in 2004/05, primary enrolment included 95.2 per cent of children in the relevant age group, while enrolment at secondary schools included 77.0 per cent of the appropriate age-group. **[1a] (Education)**

24.13 Budgetary expenditure on education by the central Government in the financial year 2004/05 was IR 31,518,000m; 8.2 per cent of total spending. **[1a] (Education)**

24.14 According to Europa, accessed 8 December 2008, there are 37 universities, including 16 in Tehran, with some 1,191,048 students enrolled at Iran's public colleges and universities in 2005/06, in addition to the 1,197,521 students enrolled at the Islamic Azad University. **[1a] (Education)**

24.15 The USSD report for 2007 states that the Government restricted academic freedom: "Government informers were common on university campuses. Additionally, there were reports the government maintained a broad network of student informants in Qom's major seminaries who reported teaching counter to official government positions." **[4t] (Section 2a)**

And continues:

"Admission to universities was politicized; all applicants had to pass 'character tests' in which officials eliminated applicants critical of the government's ideology. Some seats in universities continued to be reserved for members of the Basij, regardless of their scores on the national entrance exam. To obtain tenure, professors had to refrain from criticism of the authorities." **[4t] (Section 2a)**

24.16 The World Bank Country Brief of September 2006 observed that:

"Fifteen years ago, the Government of Iran embarked on a comprehensive program to develop its human-resources capabilities. These efforts have enabled Iran to increase enrollment ratios, extend educational opportunities to the poorest regions of the country, and reduce gender gaps in all levels of education. Consequently, Iran is well placed to achieve the 'Millenium Development Goals' target with regard to eliminating gender disparities. Similarly, youth literacy rates increased from 86 percent to 94 percent over the same period, rising significantly for girls." **[36b] (p1)**

24.17 The UN 38th session CRC report of March 2005 stated that:

"Although the Committee notes the high level of literacy in Iran and the measures taken by the State party to increase school enrolment and lower

dropout rates, it remains concerned that not all children are enrolled in or graduate from primary school. Working children, children living on the streets and children without complete personal documents, particularly refugee children with binational parents, have reduced access to schools. It is also concerned that refugee children are currently only being enrolled in schools if their parents have registered with the authorities, and that the enrolment of refugee children is not currently being offered free of charge. It is further concerned about well-documented information that a large number of Baha'i students were not admitted to university on the grounds of their religious affiliation.

"The Committee is also concerned about the disparity that continues to exist between boys and girls; the high dropout rates of girls in rural schools upon reaching puberty; the lack of female teachers in rural areas; long distances between homes and schools, which keep girls at home, particularly after primary school and the lack of mobile schools for nomadic children, as well as the remarkable differences in the personal and material equipment between schools in urban and rural areas and between the most and least developed provinces, resulting in unequal educational opportunities." **[10ag] (Paras 59-60)**

24.18 The Iranian Minorities' Human Rights Organisation (IMHRO) reported on 18 February 2008 that education in Iran is provided only in Farsi. The organisation states that this results in many non-Farsi-speaking children leaving school before they should and the literacy rates of minorities being very low. **[109a]**

See also Baha'is.

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CHILD CARE AND PROTECTION

24.19 The USSD report for 2007 states:

"There was little information available to reflect how the government dealt with child abuse, including child labor. Abuse was largely regarded as a private, family matter. According to IRIN, child sexual abuse was rarely reported. Nonetheless, according to the government's 2005 report on the rights of the child, the health ministry developed over the past few years an action plan with UNICEF to fight child abuse, including training health ministry officials on the rights of the child. A 2005 UNICEF conference in Tehran addressed problems relating to child sexual abuse, including identifying, investigating, and protecting victims." **[4t] (Section 5)**

The report continues:

"… there were reportedly significant numbers of children, particularly Afghan but also Iranian, working as street vendors in Tehran and other cities and not attending school. According to government sources, three million children were prevented from obtaining an education because their families forced them to work. Unofficial sources claimed the figure was closer to five million. In 2005 government representatives told the UN Committee on the Rights of the Child that there were fewer than 60,000 street children in the country.

Tehran reportedly opened several shelters for street children during the year. The government's 2005 report on the rights of the child claimed 7,000 street children had been resettled." **[4t] (Section 5)**

24.20 The UN 38th session CRC report of March 2005 stated that:

"The Committee welcomes the information, in paragraphs 95 and 96 of the State party's report, that one of its priorities will be the development of child adoption in its lawful form and the provision of counselling services in that regard, but remains concerned at the lack of a clear legal and policy framework for various forms of alternative care, such as fostering, or kafalah. It is particularly concerned about the large number of orphaned children born out of wedlock, the large number of long-term orphans resulting from the Bam earthquake currently in institutional care, and the temporary placement of the children of drug addicts, who may be obliged to stay in institutional care for long periods, as well as the poor quality of supervision, monitoring and training of the staff of these institutions. It is also concerned about reports that a certain number of girls from these institutions are married off upon reaching the marriageable age (13 years)." **[10ag] (Para 49)**

24.21 Iran's initial report (CRC/C/41/Add.5, July 1998) was considered by the United Nations Committee on the Rights of the Child at its May/June 2000 session. It stated that it "… should be noted that separation from parents against the will of children rarely takes place in the Islamic Republic of Iran due to cultural and religious attachments. Children have a special attachment to their parents and this attachment is not severed under normal circumstances, except in rare cases such as those involving abuse of the child by parents (for example), narcotics trafficking, immoral activities, or neglect by parents of their children. In such cases parentless children are placed in the institutions managed by the Welfare Organisation, NGOs and charitable bodies. The Judiciary of the Islamic Republic of Iran plans to establish institutions for the care of parentless children." **[10v]**

24.22 "According to Islamic principles, if a child for whatever reason cannot remain with his or her parents, he or she is given to one of the relatives, and in (a) case (where) there is no paternal relative, there are private places where children can be placed:

"a Nursery. This is a place where parentless children from infancy to five years of age are placed and cared for on a 24-hour basis. In the 10 nurseries operating in provincial centres there are more than 465 infants and children;

"b Day and Night Protection Services Complex. This is a place within the Urban Protection Services Complexes where children above the age of five are cared for, on the basis of separation by gender and 24-hour service, until the time they reach the legal age of maturity and are qualified to be released. The ceiling for the number of children that can be accepted in these units is nine. There are 38 such units nationwide which protect about 500 children;

"c Independent Day and Night Centre. This is an independent institution for children from 12 years to legal age that operates under the direct supervision of the Welfare Organisation for the purpose of providing for

the physical, emotional and social needs of children. The ceiling for the number of children in these 24-hour units is 30. The total number of such independent units nationwide is 19 and they cover 561 children." **[10v]**

24.23 Some families in Iran volunteer to raise and care for three to five children under the protection of the Welfare Organisation like other members of their own family. This method of foster parenting is mostly for girls up to 13 years of age who are without parents and relatives. About ten to 14 children without guardians accepted by the Welfare Organisation are placed with a committed family and can acquire their personality development within a family environment. By 1998, five houses for 51 girls had been established. **[10v]**

24.24 In its response of 2 June 2000 to the Iranian Government's report the Committee noted that whilst the State party's report (CRC/C/41/Add.5) was prepared according to the Committee's guidelines for reporting, the Committee regretted that the report was essentially legalistic and did not provide a self-critical evaluation of the prevailing situation of the exercise of children's rights in the country. Moreover, the Committee noted that "the rights of the child were seen through a paternalistic lens; the child was not seen as an active subject of human rights. There were significant gaps in information relating to general measures of implementation, general principles, particularly non-discrimination and the best interests of the child, civil rights and freedoms and special protection measures." **[10w] (p1)**

24.25 The UN 38th session CRC report of March 2005 stated that:

"The Committee continues to be concerned about the large number of children living and/or working in the streets, particularly in urban centres such as Tehran, Isfahan, Mashhad, and Shiraz. It regrets that the State party could not present studies on the extent and nature of the problem and is concerned that the centres known as 'Khaneh Sabz', 'Khaneh Shoush' and 'Khaneh Reyhane' homes, which were established to assist these children, albeit in a limited capacity, have been closed down. It is equally concerned at reports of the round-up and arrest of Afghan children in the streets despite the fact that they were registered with the authorities, and that as a 'condition' for their release the authorities request that their parents register for repatriation. The Committee welcomes the policy of the State party to reunite children with their families, whenever possible, and notes the State party's assurances that these children are assembled in centres for further assistance and not arrested with police methods." **[10ag] (Para 64)**

24.26 The UN thirty-eighth session CRC Report of March 2005 stated that: "The Committee is concerned at reports that drug abuse is on the increase, that the age of addiction has decreased, that there is a lack of statistical data in this regard and that a programme initiated in 1997 does not seem to be effective." **[10ag] (Para 66)**

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HEALTH ISSUES

24.27 The USSD report for 2007 noted that children had the right to some form of health care which was generally regarded as affordable and comprehensive with competent physicians. **[4t] (Section 5)**

24.28 The UNICEF country profile for Iran, accessed on 19 June 2008, states that:

"Immunization coverage is over 90 per cent and polio is almost eliminated. Over 85 per cent of the population has access to health services and 90 per cent of births are attended by trained health personnel. The maternal mortality rate is reported at 37 per 100,000 live births. Tetanus Toxoid coverage of women stands at approximately 80 per cent. The prevalence of moderate to sever [sic] underweight, wasting and stunting are 11 per cent, five per cent and 15 per cent respectively. About 93 per cent and 73 per cent of households had access to safe drinking water and sanitary toilet in 2000 respectively. Malnutrition remains relatively high as a result of inadequate income distribution and poor caring practices, especially in rural areas." **[10af]**

24.29 The UN 38th session CRC report of March 2005 stated that:

"While welcoming the programmes undertaken by the State party on the causes and prevention of disabilities, the Committee is concerned at the low number of disabled children attending school and the lack of information provided by the State party on attempts to integrate disabled children into the mainstream school system since the consideration of the initial report. It is also concerned at the low level of financial support received by these children and their families." **[10ag] (Para 53)**

And continued:

"… the Committee is concerned that despite a specific programme designed to address the problem of nutrition the percentage of moderately and severely underweight, stunted and wasted children remains static." **[10ag] (Para 55)**

24.30 The World Health Organisation's April 2006 Country Brief for Iran adds: "Maternal and child health have improved but malnutrition and low-weight births are higher than average in rural areas." **[28d]**

24.31 And the UN 38th session CRC report of March 2005 stated that: "The Committee is concerned at the insufficient information provided by the State party in relation to adolescent health, particularly with respect to reproductive health and initiatives undertaken to halt and reverse the spread of HIV/AIDS." **[10ag] (Para 57)**

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TRAFFICKING

24.32 In the USSD's Trafficking in Persons report of 4 June 2008 it is stated that:

"… Iranian children are trafficked internally and Afghan children are trafficked to Iran for the purpose of forced marriages, commercial sexual exploitation and involuntary servitude as beggars or laborers. According to non-governmental sources, Iranian women and girls are also trafficked to Pakistan,

Turkey, Qatar, Kuwait, the United Arab Emirates, France, Germany, and the United Kingdom for commercial sexual exploitation." **[4v]**

24.33 The UN 38th session CRC report of March 2005 stated that:

"While welcoming the efforts made by the State party so far in the repatriation of Iraqi and Iranian refugee children and their families, and noting the State party's commitment to include children of Afghan and Iraqi refugees in the recent registrations of Afghans and Iraqis residing in Iran, the Committee is concerned at reports of the deportation of unaccompanied children, mostly Afghans, back to their country of origin and the lack of access by humanitarian organizations to these children. It is concerned at reports of unaccompanied children arriving in Iran from neighbouring countries, in particular Afghanistan, allegedly for the purpose of exploitation. The Committee is further concerned about the fate of Afghan children and their families who are not in a position to return to Afghanistan for different reasons, including their strong links with Iran or the fact that the mother of the family is Iranian." **[10ag] (Para 62)**

And also:

"The Committee is concerned about reports of trafficking and sale of persons under 18 years of age, particularly young girls from rural areas, facilitated by 'temporary marriages' or 'siqeh' - marriages which last from 1 hour to 99 years. It is also concerned at reports of the trafficking of such persons from Afghanistan to Iran, who are apparently sold or sent by their families in Afghanistan for exploitation, including cheap labour." **[10ag] (Para 70)**

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CHILD RIGHTS

24.34 At a meeting of the United Nations General Assembly on Children on 10 May 2002, Dr Kamal Kharrazi, former Minister for Foreign Affairs, stated that the Iranian Parliament had been active in the promulgation of necessary legislation with the view to improving conditions for children and youth throughout the country. A new bill had been initiated in Parliament, which focused on child growth, protection and development. The aim of the bill is to tackle major causes of social and family problems to which children may be subjected. **[10ak]**

24.35 It is also noteworthy to mention that the International Labour Organisation (ILO) Convention of 1999 on the Worst Forms of Child Labor has recently been adopted by the Parliament and Iran has therefore become a party thereto. (Statement by the Minister of Foreign Affairs to the UN, 10 May 2002) **[10ak]**

24.36 According to the USSD report for 2007, "The law prohibits forced and bonded labour by children; however, child labour appeared to be a serious problem. The law prohibits employment of minors less than 15 years of age and places restrictions on the employment of minors under age 18; however, the government did not adequately enforce these laws. The law permits children to work in agriculture, domestic service, and some small businesses but prohibits employment of women and minors in hard labour or night work.

There was no information regarding enforcement of these regulations." **[4t] (Section 5)**

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Juveniles in the justice system

24.37 The USSD report for 2007 states:

"Only a few cities had a youth prison, and minors were sometimes held with adult violent offenders. According to UN Integrated Regional Information Networks (IRIN) there were 300 boys and 40 girls at the Tehran youth prison, with the average age of 14, but some were as young as age six. Children whose parents could not afford court fees were reportedly imprisoned for petty offenses including shoplifting, wearing make-up, or mixing with the opposite sex." **[4t] (Section 5)**

24.38 An undated article on the United Nations website states that "there are also 23 juvenile correction centers to keep people under the age of 18 separate from other prisoners." **[10d]**

24.39 According to the UN Report, 'Situation of Human Rights in the Islamic Republic of Iran', E/CN.4/2002/42, dated 16 January 2002:

"There continue to be positive developments in the area of juvenile justice. The Special Representative is informed that a committee was established in February 2001 to draft a new juvenile justice legislation. Over the past two years, all juvenile judges have been given training on the Convention on the Rights of the Child and on the relevant international instruments on juvenile justice. Social workers from the National Prisons Organization have participated in such courses. There are now examples of alternative sentences being issued by juvenile judges in some provinces." **[10p]**

And continued:

"The Special Representative would note that there reportedly remain on the books two invidious provisions concerning children and the criminal law. One sets the age of penal responsibility at the age of puberty, 9 [lunar] years for girls and 15 [lunar] years for boys, which means that young people can face adult punishments. The second is that an adult who kills a minor is subject to the death penalty unless the accused is the father or grandfather of the victim, in which case the accused is subject only to the payment of diyah. The Special Representative trusts that the promised new Juvenile Justice Act will amend both of these provisions." **[10p] (p21)**

N.B. Solar years are longer than lunar years by 11 days so the UK equivalent of these ages would be less than the Iranian ages of criminal responsibility. **[132]**

24.40 The UN 38th session CRC report of March 2005 stated that:

"The Committee reiterates its serious concern at article 220 of the Penal Code, which provides that fathers who kill their child, or their son's child, are

only required to pay one third of the blood money to the mother, and are subjected to a discretionary punishment, in the event that the mother makes a formal complaint." **[10ag] (Para 31)**

24.41 The USSD report for 2007 adds:

"According to the civil code, persons under 18 years of age may be prosecuted for crimes as adults, without special procedures, and may be imprisoned with adults. The age of criminal responsibility is set at 15 years for males and nine years for females. As a party to the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, the country is obligated not to execute persons for crimes committed when they were younger than 18. However, during the year the government reportedly tried and executed at least five persons who committed crimes while under the age of 18." **[4t] (Section 1e)**

24.42 The UN 38th session CRC report of March 2005 recorded that:

"The Committee notes the various legislative measures undertaken by the State party and referred to in its response to the list of issues (CRC/C/RESP/71) and welcomes in particular the information provided by the delegation that the Bill on the Establishment of Juvenile Courts has been approved by the Council of Ministers and has been submitted to the Majlis, a bill which, inter alia, abolishes the death penalty for crimes committed by persons under 18. The Committee also notes that this Bill has yet to be approved by the Council of Guardians before it becomes law." **[10ag] (Para 8)**

24.43 The same report went on to say:

"The Committee deeply regrets that, under existing laws, persons below the age of 18 who have committed a crime can be subjected to corporal punishment and sentenced to various types of torture or other cruel, inhuman or degrading treatment or punishment, such as amputation, flogging or stoning, which are systematically imposed by judicial authorities and which the Committee considers to be totally incompatible with article 37(a) and other provisions of the Convention." **[10ag] (Para 45)**

Further:

"The Committee continues to be concerned about legislation that provides for corporal punishment within the family. While welcoming the new Law on the Protection of Children and Adolescents (2003), which includes the prohibition of all forms of molestation and abuse of children and the obligation to report cases of child abuse, the exceptions stated therein continue to legally allow various forms of violence against children. More particularly, several articles of the Civil and Penal Code have been excluded, including article 1179 of the Civil Law and article 59 of the Penal Code, which gives parents the right to physically discipline their children within non-defined 'normal limits'. In the Committee's view, such exceptions contribute to the abuse of children inside and outside the family and contravene the principles and provisions of the Convention, in particular article 19. The Committee also notes with concern, that certain forms of sexual abuse of children or grandchildren are not explicitly prohibited." **[10ag] (Para 47)**

24.44 The UN report concluded by saying:

"The Committee welcomes the efforts of the State party to improve the laws with regard to persons below 18 in conflict with the law, in particular the Bill on the Establishment of Juvenile Courts mentioned in paragraph 8 above. However, it deplores the information referred to in paragraph 29 above that, despite the statement of the delegation made during the consideration of the second periodic report that, in view of that Bill, executions, torture and other cruel, inhuman or degrading treatment or punishment of persons for having committed crimes before the age of 18 have been suspended, such executions and ill-treatment have continued since the consideration by the Committee of the State party's initial report. The Committee remains concerned at the existing poor quality of the rules and practices in the juvenile justice system, reflected, inter alia, in the lack of statistical data, the limited use of specialized juvenile courts and judges, the low age of criminal responsibility, the lack of adequate alternatives to custodial sentences, and the imposition of torture and other cruel or inhuman punishment and in particular of the death penalty." **[10ag] (Para 72)**

24.45 On 27 July 2005, Human Rights Watch reported that:

"Two youths, aged eighteen and nineteen, were put to death on July 19 after they were found guilty of sexually assaulting a thirteen-year-old boy some fourteen months earlier. One of the youths was seventeen at the time of the offense. Before the two youths were put to death, each also received 228 lashes for theft, disturbing public order, and consuming alcohol.

"Iran is thought to have executed at least four other juvenile offenders in 2004, and at least thirty juvenile offenders are on the country's death row. Human Rights Watch has confirmed the names and ages at the time of offense of five juvenile offenders under sentence of death in Iran: Milad Bakhtiari, 17 years old; Hussein Haghi, 16 years old; Hussein Taranj, 17 years old; Farshad Saeedi, 17 years old; Saeed Khorrami, 16 years old." **[8m]**

24.46 Amnesty International stated in its 'Last Executioner of Children' report of 27 June 2007 that:

"By sentencing child offenders to death, Iran is contravening international law and standards …it is violating its treaty obligations. The international community has adopted four human rights treaties that explicitly exclude child offenders from the death penalty. Nearly all states are now party to one or more of these and are therefore legally obliged to respect the prohibition. Two of the treaties have worldwide scope:

"• International Covenant on Civil and Political Rights (ICCPR), which provides in Article 6: 'Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age'; and

"• the Convention on the Rights of the Child (CRC), which provides in Article 37, 'Neither capital punishment nor life imprisonment without the possibility of release shall be imposed for offences committed by persons below eighteen years of age'.

"Iran is a state party to both treaties. It is therefore obliged to uphold their provisions and report periodically on the measures it has taken to give effect to the treaties. Iran ratified the ICCPR in 1975 without reservations. Since then, none of the successive governments has altered this position. However, when ratifying the CRC in 1994, the government stated that it 'reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect'. In response, the Committee on the Rights of the Child, which monitors implementation of the CRC, expressed its concern that the 'broad and imprecise nature of the State party's general reservation potentially negates many of the Convention's provisions and raises concern as to its compatibility with the object and purpose of the Convention.' Amnesty International considers that if the reservation is invoked to allow for the execution of child offenders, it would defeat the very object and purpose of the CRC. Iran's reservation should therefore be removed or, in any event, never invoked as legal authority to allow for the execution of child offenders." **[9aac]**

24.47 HRW reported on 23 September 2006 that:

"The scheduled executions in Iran this week of two juvenile offenders – and their last-minute reprieve – highlight the country's status as the world leader in juvenile executions…In what would have been at least the 15th such execution in the past five years, Sina Paymard was scheduled to be put to death by hanging on September 20, two weeks after his 18th birthday. The second youth was Ali Alijan, now 19. Each was convicted of a murder committed under the age of 18. According to Paymard's lawyer, the sentencing court did not properly consider evidence that Paymard suffered from a mental disorder.

"Both youths received reprieves on Wednesday by the families of the victims, who exercised their option under Iran's Islamic penal code to seek blood money in lieu of the death penalty. If an offer of blood money meets certain formalities – it must be in writing and notarized, for example – and the individual found responsible for the crime pays, there is no possibility of imposing the death penalty in the future for that crime. Capital punishment is by hanging for most crimes in Iran." **[8x]**

24.48 On 15 January 2007 AI reported that:

"At least 23 other child offenders reportedly remain on death row in Iran… The Kurdistan Human Rights Organization has reported that in late December 2006, 22-year-old Naser Batmani was hanged in Sanandaj Prison for a murder committed when he was under 18. It appears that the authorities are keeping child offenders sentenced to death in prison until they pass their 18th birthday before executing them.

"The Iranian authorities have been considering passing legislation to ban the use of the death penalty for offences committed under the age of 18 for several years. A bill establishing special courts for children and adolescents was reportedly passed by the Majles in the summer of 2006 but has not yet been approved by the Council of Guardians, which vets Iran's legislation for conformity with Islamic principles." **[9ax]**

24.49 Amnesty International, in its 27 June 2007 report, 'Iran: The Last Executioner of Children' lists names and details of each known case. It also says the actual number of executions is higher because many death-penalty cases in Iran go unreported. Amnesty International issued this report to point to the crisis that Iran's children and juveniles face when they commit a crime which carries the death penalty. **[9aac]** In a complementary report dated 9 July 2007 by the Iranian human rights journalist Emadeddin (or Emad aldin) Baghi, further information is presented, in particular in respect to the Iranian legal system and its impact on the subject. **[101a]** The most recent known case of juvenile execution was the hanging of 21-year-old Makwan Moloudzadeh in December 2007. Moloudzadeh was hanged for a rape he had allegedly committed when he was 13. He had pleaded not guilty and witnesses had reportedly retracted their testimonies. **[42x]**

24.50 The UN 38th session CRC report of March 2005 recorded that: "The Committee is concerned about the large number of children living in prisons with their mothers, their living conditions and the regulation of their care if they are separated from their mothers in prison." **[10ag] (Para 51)**

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Death penalty for children

24.51 According to the Foreign and Commonwealth Office's Human Rights Report 2007:

"Iran is one of very few countries in the world that still applies the death penalty for crimes committed before the age of 18. There are reports of juveniles being kept in prison until they turn 18, when the sentence can be carried out. According to the UN Special Rapporteur on Extra-judicial, Summary or Arbitrary Executions, over 70 juvenile offenders remain on death row in Iran." **[26k] (p151)**

24.52 An article on Radio Free Europe/Radio Liberty, 'Iran: Judiciary Chief Seeks Curb On Public Executions' dated 31 January 2008, reported that Iran has long been regarded by rights groups, including Human Rights Watch, as the world's leading executioner of children. **[42ag]**

24.53 The article continues:

"Lawyer Mohammad Mostafai defends young men on death row, including a boy named Said Jazi. Speaking to Radio Farda, Mostafai recalled that the execution of individuals under 18 years of age violates Iran's own commitments as a signatory to the United Nations Convention on the Rights of Children.

"'Article 37 of that convention clearly asserts that executing individuals under 18 is condemned,' Mostafai said. 'Considering due process in the parliament and in the Guardians Council, the execution of individuals who have committed a crime when they were under 18 years of age has no legal basis. But unfortunately in our country they wait for the minors to reach the legal age [and then execute them].'

"Iran's judiciary regularly issues death sentences for minors and executes them after they turn 18, but there have also been cases where criminal offenders have been executed while they were still minors.

"Amnesty International, which opposes the death penalty around the world in all cases, counts up to 80 child offenders currently facing the death penalty in Iran. It also says five juvenile offenders have been executed there in the past year." **[42ag]**

24.54 The Human Rights Watch report 'Ending the Juvenile Death Penalty in Iran, Saudi Arabia, Sudan, Pakistan, and Yemen' of 10 September 2008, states that the majority of juvenile executions in Iran are for hadd crimes or for intentional murder (see Penal Code). **[8c] (p8)**

24.55 The report continues to state that:

"In July 2006 the Iranian parliament gave an initial reading to a draft Juvenile Crimes Investigation Act that officials have said would end executions for juvenile offenders, but which actually still leaves judges with discretion to sentence juvenile offenders to death. Article 31(3) of the proposed law would allow but not require judges to reduce a sentence of death or life imprisonment against juvenile defendants ages 15 to 18 to a term of imprisonment ranging from two to eight years in a juvenile correctional facility. In addition, article 33 of the proposed legislation makes clear that reduction of sentences in qisas and hadd crimes shall be applied only when the judge determines that 'the complete mental maturity of the defendant is in doubt'." **[8c] (p8-9)**

24.56 According to the Amnesty International report, 'Iran: The Last Executioner of Children', dated 27 June 2007:

"Atefeh Rajabi Sahaaleh was hanged in public on 15 August 2004 in the centre of Neka, Mazandaran province. She was 16 years old at the time and had been sentenced to death for a fourth conviction of 'crimes against chastity'." **[9aac]**

The report continues to note that: "Shadi Sadr, a leading human rights defender and lawyer, lodged a complaint against Judge Rezaie for wrongful execution on behalf of Atefeh Sahaaleh's family. Three years on, no decision has yet been made regarding this complaint." **[9aac]**

The same report gives more details on Atefeh's case as well as listing the names and details of others executed for crimes committed as children. **[9aac]**

24.57 In the same report, AI stated that:

"Despite, or perhaps in response to, the Iranian authorities' record, a growing movement has emerged over recent years in Iran that is pushing for abolition of the death penalty for child offenders. This movement includes members of the government and judiciary. For instance, in around 2001, the judiciary introduced a draft law, initially entitled the Law on the Establishment of Children's and Juveniles' Court, that would prohibit the death sentence for minors. An amended version of this law, entitled the Law on the Investigation of Juvenile Crimes, was reportedly debated by the Islamic Consultative Assembly or Majles (Iran's parliament) in mid-2006 and passed to a

committee for further consideration. The committee reportedly passed the law back to the Majles in May 2007. Even though the law is far from perfect – for example, it excludes certain types of crime from the prohibition of the death penalty for child offenders – it reflects an ongoing internal debate and opens up the possibility of reform." **[9aac]**

24.58 The Hands Off Cain 2008 World Report states that in 2007, at least seven juvenile offenders were put to death with three more in 2008, as of 1 July 2008. **[119c]** A boy aged 17 was hanged in June 2008 followed by two more juvenile offenders in August. **[21k] [21l]**

24.59 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:

"… it is reported that a large number of juvenile executions are still carried out. Amnesty International reported that between 1990 and 2006, the Islamic Republic of Iran had executed 22 child offenders, constituting almost half of the total number (51) of juvenile executions worldwide during the reporting period. It was further reported that a total of 107 offenders under the age of 18 had been sentenced to death; 36 of those cases are now in the final stages. The Iranian authorities dispute those figures and point to a diminishing trend in juvenile executions over time." **[10a] (p11)**

And continued:

"… there is a possibility of death sentence under qisas (retribution in kind) for juvenile offenders, unless diyah is agreed or the offender is forgiven by the victim's family. The sharia jurisprudence considers qisas a private right of the family of the victim that cannot be overruled by the decision of a judge or any other authority. In this connection, Iranian officials exclude the State's responsibility for qisas cases." **[10a] (p11)**

24.60 Human Rights Watch reported on 4 November 2008 that "Iran hanged a juvenile offender on October 30, 2008, the seventh this year, only two days after Iranian authorities 'categorically denied' that it still executes juveniles". The report added "Iranian officials repeatedly have denied executing juvenile offenders, most recently on October 28, in a statement at the United Nations during discussions of the UN secretary-general's reports on the death penalty and on Iranian human rights abuses. Earlier in October, as the UN held its annual debate on the rights of the child, a senior official in Iran's Judiciary announced a directive commuting death sentences for all juvenile offenders. Three days later, the same official told the Associated Press that the directive would only apply to narcotics cases and would not affect any of the juvenile offenders currently on death row." **[8g]**

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25. TRAFFICKING

25.01 The USSD's Trafficking in Persons report of 4 June 2008 states that:

"The government reportedly prohibits all forms of trafficking in persons through its 2004 Law on Combating Human Trafficking, which appears to prescribe severe penalties, often including death sentences for convicted traffickers. Nonetheless, the government did not publicize evidence of enforcing this law during the reporting year through arrests, prosecutions, convictions, or sentences. Previous reports have indicated that border officials may be complicit in trafficking offenses; however, Iran did not report any disciplinary action taken against government officials believed to facilitate trafficking." **[4v]**

25.02 According to the USSD report for 2007:

"The law prohibits human trafficking. However, according to foreign observers, women and girls were trafficked from the country to Pakistan, Turkey, Europe, and the Gulf States for sexual exploitation. Boys from Bangladesh, Pakistan, and Afghanistan were trafficked through the country to Gulf States. Afghan women and girls were trafficked to the country for sexual exploitation and forced marriages. Internal trafficking for sexual exploitation and forced labor also occurred. The government did not fully comply with the minimum standards for the elimination of trafficking." **[4t] (Section 5)**

25.03 The report continues to state "… there were also reports that the government arrested and punished several trafficking victims on charges of prostitution or adultery." **[4t] (Section 5)** The USSD's Trafficking in Persons report of 4 June 2008 adds: "The government reportedly punishes victims for unlawful acts committed as a direct result of being trafficked; for instance, victims reportedly are arrested and punished for violations of morality standards such as adultery, defined as sexual relations outside of marriage." **[4v]**

25.04 In the USSD's Trafficking in Persons report of 4 June 2008 it is stated that:

"Iran is a source, transit, and destination for women trafficked for the purposes of sexual exploitation and involuntary servitude. Iranian women are trafficked internally for the purpose of forced prostitution and for forced marriages to settle debts. Iranian children are trafficked internally and Afghan children are trafficked to Iran for the purpose of forced marriages, commercial sexual exploitation and involuntary servitude as beggars or laborers. According to non-governmental sources, Iranian women and girls are also trafficked to Pakistan, Turkey, Qatar, Kuwait, the United Arab Emirates, France, Germany, and the United Kingdom for commercial sexual exploitation.

"The Government of Iran does not fully comply with the minimum standards for the elimination of trafficking, and is not making significant efforts to do so. Lack of access to Iran by U.S. Government officials prohibits the collection of full data on the country's human trafficking problem and the government's efforts to curb it. Iran did not provide evidence of law enforcement activities against trafficking, and credible reports indicate that Iranian authorities punish victims of trafficking with beatings, imprisonment, and execution." **[4v]**

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26. MEDICAL ISSUES

26.01 According to information from the UK Foreign and Commonwealth Office (FCO) dated January 2002, there are two types of hospitals in Iran, private and governmental. To receive treatment in the governmental hospitals, one must belong to the social security scheme whereby the employer pays the subscriptions for the employee, which then entitles them to subsidised medical treatment and medication. In Tehran and other larger cities such as Shiraz and Isfahan there are many well-reputed hospitals. These are staffed by physicians and specialists, most of whom are very experienced and internationally trained. There is an extensive range of specialist care found in Tehran, both in the private and governmental sector. For complex medical conditions where treatment is not available locally, the patients can apply to the Supreme Medical Council for financial assistance towards payment of medical expenses overseas. The Supreme Medical Council consists of a group of specialist doctors who assess and examine each case to determine whether such assistance in funding should be allocated. **[26a]**

26.02 The World Bank Country Brief of September 2006 states that:

"Health outcomes in Iran have improved greatly over the past twenty years and now generally exceed regional averages. Key to this success has been the Government of Iran's strong commitment to and effective delivery of primary health care. Iran's 'Master Health Plan', adopted in the 1980s for the period of 1983–2000 accorded priority to basic curative and preventive services as opposed to sophisticated hospital based tertiary care, and focused strictly on the population groups at highest risk, particularly in deprived areas. Moreover, as a result of the prioritization and effective delivery of quality primary health care, health outcomes in rural areas are almost equal to those in urban areas, with outcomes in terms of infant and maternal mortality nearly identical between urban and rural areas." **[36b] (p1)**

26.03 The World Health Organisation's April 2006 Country Brief for Iran states:

"Health status has improved over four decades. The Ministry of Health and Medical Education (MOHME) finances and delivers primary health care (PHC). Recent remarkable developments in the health sector, such as establishing health networks to ensure provision of PHC services, resulted in improvement in various health indicators. However, considerable disparities remain; over 8-10% of the population is not covered by any insurance scheme and has to pay directly. Restricted access and low service availability in the less developed provinces (Sistan and Baluchistan) result in poor health indices compared to the rest of the country." **[28d]**

26.04 An article in *Iran Focus* dated 8 May 2007 reported that a 1998 parliament bill mandating segregation of the sexes in the provision of medical care was shelved partly due to insufficient numbers of qualified staff from each sex:

"The strongest protest came from male gynaecologists who said segregation would put them out of business.

"Since the Islamic revolution, Iranian male medical students have been barred from specialising in Obstetrics and Gynaecology, meaning the only men

practicing in these branches earned their qualifications abroad or before 1979." **[76e]**

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DRUGS

26.05 According to the World Health Organisation, in 2002 most medications were available locally under various generic and company labels. **[28b]** A national therapeutic drug policy/essential list of drugs is present, formulated in 1988. The essential drugs list was last updated in 2001. (WHO, 2005) **[28e]** Generic inhibitors for HIV/AIDS are also produced. (BBC News, 13 February 2003) **[21bb]** According to the FCO, those medicines not available, which are approved by the US Food and Drug Administration, can be ordered through the Red Crescent Society by presenting a doctor's prescription. The prices for medications bought in Iran are much cheaper than the UK prescription and dispensing charges. There has also been considerable development in the pharmaceutical industry in Iran during the last decade. The essential raw material for the majority of medicines is imported from overseas and then the medicine produced and packaged locally. This is again subsidised by the Government. There is also a black market for certain types of foreign medications and the cost of such medications is quite high in comparison to those readily available at pharmacies. **[26a]**

DRUG ADDICTION

26.06 According to the Centre for Harm Reduction Report 2002, drug addiction is considered a crime but the authorities are ready to consider drug use as a medical problem. Drug users who are undergoing treatment are not meant to be persecuted, nor are the specialists offering treatment. The costs of diagnoses, treatment, medicines and rehabilitation are to be paid by the addicts according to the approved tariffs but the Government will finance the costs for those unable to pay. It is up to the judge to distinguish whether the person is an addict or a trafficker, for example, a positive test for opium showed the person was an addict while possession was interpreted as being a trafficker. **[34]**

ILLEGAL DRUGS SITUATION

26.07 According to Revisiting 'The Hidden Epidemic' A Situation Assessment of Drug Use in Asia in the Context of HIV/AIDS, January 2002:

"Iran, which borders the largest opium producing country in world, Afghanistan, has become a major bridge linking the drug production zone to the lucrative consumer markets of the Persian Gulf, Turkey, Russia and Europe." **[34] (p100)**

Further:

"Currently the major trafficking routes into Iran can be found in the provinces of Khorassan, Sistan and Baluchestan, areas with harsh climatic conditions and rugged mountainous terrain. In these areas there are numerous border skirmishes with drug smugglers and in 2000 a total of 1,532 armed

confrontations occurred. In the last two decades more than 3,000 law enforcement officials have been killed and 10,000 disabled. In 2000, 142 law enforcement personnel and 904 drug traffickers have been killed in armed clashes." **[34] (p101)**

26.08 Drug use is on the rise in Iran and the country is increasingly vulnerable. Drugs are commonly bought from street dealers and ethnographic studies show that deserted buildings, gardens or parks in the suburban areas of cities are common sites for using drugs. Opium tends to be used in the privacy of people's homes and hashish is commonly used at parties, rolled as a cigarette and smoked. **[34] (p101)** According to an Amnesty International report, dated 17 September 2007, Iran is believed to have at least two million regular drug users, possibly as many as 3.5 million. According to a Deputy Health Minister, addiction is growing by around eight per cent a year. **[9aab]**

26.09 According to Revisiting 'The Hidden Epidemic' a Situation Assessment of Drug Use in Asia in the Context of HIV/AIDS, January 2002:

"The Anti-Narcotics Law of 1988 covers all aspects of drug control including cultivation, production, consumption, sales and distribution. In 1997 this law was amended in order to be more responsive to the internal drug problem. The age of criminal responsibility is 16 years. The possession and smuggling of opium and cannabis of up to 50 grams can result in a fine of 4 million Rials and up to 50 lashes. The penalties become harsher according to the amount that is found on the person. The death penalty may be commuted to life imprisonment and 74 lashes if the quantity does not exceed 20 kg and the perpetrator did not succeed in smuggling/distributing/selling. The execution of drug offenders is usually limited to drug lords, organised drug criminals and armed drug traffickers. Anyone who deals in, puts on sale or carries heroin or morphine is sentenced to various punishments, for example for more than five centigrams to one gram the fine is two to six million Rials in cash plus 30 to 70 lashes." **[34] (p104)**

26.10 It is up to the judge to distinguish whether the person is an addict or a trafficker; a positive test for opium shows the person is an addict while possession is interpreted as being a trafficker. **[34] (p104)**

26.11 According to a report in Keesings Record of World Events, the United States, in December 1998, removed Iran from its list of countries perceived to contribute to the international trade in illegal drugs in the USA. However, the US continues to regard Iran as a transit point for opiates heading for Europe. **[17c]**

26.12 According to the CHR report 2002, the State Welfare Organisation, affiliated to the Ministry of Health, is in charge of treatment and rehabilitation of drug users. Until recently there were 12 treatment and rehabilitation centres in the country with one centre for women. The centres were described as having the infrastructure of an overcrowded prison. These centres have now been closed and the new approach is the introduction of out-patient treatment centres. **[34]** In recent years a number of treatment facilities have been established by the private sector and are openly advertised in the press. The qualifications of the people running these clinics, and the outcomes of their activities, still remain largely untested. **[34]**

26.13 According to the Beckley Foundation in a report dated July 2005:

"A tough anti-drugs campaign was launched in Iran following the revolution that established the Islamic Republic in 1979. Individuals caught in possession of drugs received fines, imprisonment and corporal punishment. The death penalty was prescribed for serious drug offences. Despite these measures, drug use and drug trafficking have continued to increase, and Iran has become the principal transit country for drugs from Afghanistan. In 2002, Iran accounted for a quarter of world opiate seizures. At this time, it was officially estimated that there were between 200,000 and 300,000 drug injectors in the country, and this is widely regarded as an underestimate. The costs of Iran's drug problem include: high levels of dependency and addiction; strains on the capacity of the criminal justice system; increases in drug related deaths; and high rates of HIV/AIDS infection among injecting drug users. There is growing recognition in Iran of the limits of enforcement, and the importance of the medical and social dimensions of drug misuse. This has resulted in improvements in drug treatment and expansion of harm reduction services." **[87a] (p1)**

26.14 According to the Amnesty International report, dated 17 September 2007:

"The Iranian authorities are co-operating with the international community in attempts to curb the activities of drug-smugglers. Among other projects, a 10 feet high and three feet thick wall is being built along 700 km of Iran's eastern border with Afghanistan and Pakistan, between Taftan and Mand. Baluchis, including in Pakistan, have criticised the project, claiming it will make it more difficult for Baluchis to maintain their family ties and conduct legitimate economic activities across the border. The authorities have pointed to gaps in the wall where 'easement rights' can be maintained. There are also believed to be landmines along the eastern border and in February 2006 the Ministry of Foreign Affairs stated, 'Due to our expansive borders and problems resulting from narcotics and terrorist trafficking, our defense institutions are considering the use of landmines as a defensive mechanism'." **[9aab]**

The same report adds:

"In August 2006, the … commander [Brigadier-General Qasem Reza'i, then acting commander of Iran's Law Enforcement Force at the Rasoul-e Akram base] said that one of the main functions of the base was to stop drug-smuggling in eastern parts of Hormozgan province, and in Kerman, South Khorasan and Sistan-Baluchistan provinces. He said that 'forward operating bases have been established in the region, paramilitary [Bassij] camps are being set up, and friendly tribes will be used', and stressed that the authorities had 'strengthened the intelligence system of the region.' He also announced plans to block a 70-km stretch of the border with Pakistan with a trench that is 5m wide and 4m deep, with electronic monitoring, and with armed patrols.

"In November 2006, Antonio Maria Costa, Executive Director of the UN Office on Drugs and Crime (UNODC), while visiting the Rasoul-e Akram base announced that UNODC would make a US$22 million contribution to Iran. He said the funds were intended to strengthen the eastern border against drug traffickers and for intelligence activities by police in that part of the country." **[9aab]**

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26.15 In the International Narotics Control Strategy Report, published in March 2007, it was stated that:

"There is overwhelming evidence of Iran's strong commitment to keep drugs leaving Afghanistan from reaching its citizens. As Iran strives to achieve this goal, it also prevents drugs from reaching markets in the West. Iran claims that more than 3500 Iranian law enforcement personnel have died in clashes with heavily armed drug traffickers over the last two decades, and Iran reports that another 56 died in 2005. Iran spends a significant amount on counter drug-related activities, including interdiction efforts and treatment/prevention education. Estimates range from $250-$300 million to as much as $800 million each year, depending on whether treatment and other social costs are included. Iran claims to have invested upwards of $1 billion in its elaborate series of earthworks, forts and deep trenches to channel potential drug smugglers to areas where they can be confronted and defeated by Iranian security forces. Nevertheless, traffickers from Afghanistan and Pakistan continue to cause major disruption along Iran's eastern border. Iranian security forces have had excellent seizure results for the last several years by concentrating their interdiction efforts in the eastern provinces.

"Iran is a party to the 1988 UN Drug Convention, but its laws do not bring it completely into compliance with the Convention. The UNODC is working with Iran to modify its laws, train the judiciary, and improve the court system." **[95a] (p1)**

26.16 The Amnesty International report, 'Iran: The Last Executioner of Children', dated 27 June 2007 states regarding punishments:

"The death penalty is … provided for crimes covered in the Anti-Narcotics Law introduced in January 1989, and amended in 1997. These crimes include smuggling or distribution of more than 5kg of hashish or opium, or more than 30g of heroin, codeine, methadone or morphine. People who commit a fourth offence of cultivation of narcotic plants, recidivist (repeated) possession of opium and hashish, and the manufacture or supply of various chemicals that can be used in the manufacture of drugs can also receive the death penalty.

"Punishments for ta'zir crimes are open to pardon – for example, Article 38 of the Anti-Narcotics law allows for death sentences imposed under this law to be sent to the Amnesty Commission 'if there are reasons by which the punishment… can be mitigated.' Moreover, repeat offenders whose cumulative possession of heroin, morphine or cocaine or their derivatives exceeds the stipulated amounts are regarded as 'corrupt on earth' and punishable by death – that is, their crimes may be regarded as falling under the hodoud section of the Penal Code and, therefore, would appear not to be open to pardon. The Anti-Narcotics Law also provides for the death penalty for armed smuggling of narcotics – from media reports about the executions of alleged armed drug smugglers, it appears that in at least some cases, although it is not specifically stated, perpetrators are designated as 'being at enmity with God', a hodoud offence." **[9aac] (p8)**

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

26.17 According to the CHR report 2002, the first AIDS case was identified in 1986. **[34]** Exposure to contaminated drug-injecting equipment is the main route of HIV transmission in Iran. Among HIV-positive patients at a private Tehran clinic, the key factor for HIV infection among men was the use of contaminated injecting equipment, whereas for women it was sexual intercourse with their HIV-positive husbands. **[10ai]**

26.18 According to the UNAIDS Global HIV/AIDS report 2007:

"Iran harbours the highest HIV prevalence in injecting drug users in the region. Almost one in four (23%) male injecting drug users tested at a Tehran drop-in centre were HIV-positive, as were 15% of those who accessed three drug treatment centres in the same city. The key factors for HIV infection were the use of contaminated injecting equipment in prison and repeated periods of incarceration." **[10ai]**

And continues:

"HIV prevalence in prisons was estimated at 950 per 100 000 population in 2005. Since 2002, clinics providing prevention, treatment and harm-reduction services have been set up in most of the largest prisons of the country, and by 2005, an estimated 50 000 prisoners had undergone detoxification treatment (Parviz, 2005). Elsewhere, services such as needle and syringe-exchange projects, and methadone treatment programmes, are being implemented." **[10ai]**

26.19 According to the CHR report 2002, it appears there are scant HIV prevention programmes in place among drug users or drug injectors in Iran and what is available is unlikely to be specific and/or explicit about the ways to avoid becoming HIV infected. It has been reported that there are no printed materials on HIV/AIDS for drug users and that they are a hidden population and difficult to gain access to. Efforts to distribute needles and syringes to imprisoned drug users has met with strong objections. **[34]** In recent times, however, harm reduction pilot programmes have been introduced by the Ministry of Health in the three provinces most affected by injecting drug use – Kermanshah, Shiraz and Tehran. **[34]**

26.20 Although a National Aids Policy (NAP) does exist, and HIV infections are highest among intravenous drug users (IDUs), the co-ordination of activities between the NAP and the National Drug Control Headquarters is generally lacking. Brochures have been prepared for schools and families on the issues of HIV/AIDS but none has specifically been produced for drug users. The main focus of the policy appears to be to control the nation's blood supply and the prevention of HIV transmission through medical injections. Specific mention and/or activities aimed at drug users have been omitted. **[34]** The UNAIDS Global HIV/AIDS report 2007 estimated the number of HIV cases at 86,000 for adults and children (of which 85,000 are adults, taken as aged 15 and over, and 24,000 are women) and 4,300 deaths compared to 46,000 people living with AIDS and 1,000 deaths in 2001. **[10aj]**

26.21 According to the USSD report for 2007:

"According to health ministry statistics announced in October 2006, there were more than 13,000 registered HIV-positive persons in the country, but unofficial estimates were much higher; most were men. Transmission was primarily through shared needles by drug users, and a study showed shared injection inside prison to be a particular risk factor. There was a free anonymous testing clinic in Tehran, and government-sponsored low-cost or free methadone treatment for heroin addicts, including in prisons. The government also started distributing clean needles in some prisons. The government supported programs for AIDS awareness and did not interfere with private HIV-related NGOs. Contraceptives, including free condoms, were available at health centers as well as in pharmacies. Nevertheless, persons infected with HIV reportedly faced discrimination in schools and workplaces." **[4t] (Section 5)**

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MENTAL HEALTH

26.22 According to a report in the *Psychiatric Times* in January 2002, in Iran, a village based primary care system serves over 60 regions of the country, with village centres linked to surrounding hospitals and medical schools. The national health programme supports training in mental health care. The Government has also established four regional centres for the prevention of mental disorders. **[27]**

26.23 The WHO Mental Health Atlas of 2005 states that a mental health policy was formulated in 1986 along with the national mental health programme which was evaluated in 1995 and 1997 with changes made based on suggestions. In 1995, it was evaluated jointly by the WHO and the Teheran Psychiatric Institute. Other related programmes are Integration of Substance Abuse Prevention within the Primary Health Care and a Harm Reduction Programme. Mental health is a part of primary health care system. **[28e]**

The report continues:

"The country spends 3% of the total health budget on mental health. The primary sources of mental health financing in descending order are tax based, out of pocket expenditure by the patient or family, social insurance and private insurances. … The country has disability benefits for persons with mental disorders. Since 2001, the disabled mentally ill patients are entitled to a stipend of about $30 per month if they do not receive other free services. Already, about 10 000 disabled patients are receiving disability benefits and the number is increasing. Institutional care is free of charge for the disabled mentally ill." **[28e]**

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27. FREEDOM OF MOVEMENT

27.01 According to the USSD report for 2007:

" … Citizens could travel within the country and change their place of residence without obtaining official permission. The government required exit permits for foreign travel for all citizens. Some citizens, particularly those whose skills were in short supply and who were educated at government expense, had to post bonds to obtain exit permits. The government restricted the foreign travel of certain individual members of religious minorities and several religious leaders, as well as some scientists in sensitive fields. The government also confiscated passports and placed travel bans on several journalists, academics, and activists." **[4t] (Section 2d)**

The report continues:

"Women must obtain the permission of their husband, father, or other male relative to obtain a passport. Married women must receive written permission from their husbands before leaving the country." **[4t] (Section 2d)**

27.02 A Danish report of a fact-finding mission to Iran in September 2000 recorded that:

"The delegation met Mohammad Ali Mirkhani, Head of the Passport and Visa Department of the Iranian Ministry of Foreign Affairs. The conditions for issuing Iranian passports were also discussed with the Iranian police force's passport division (Law Enforcement Forces – LEF) at its head office in Tehran. According to Mohammad Ali Mirkhani, the Iranian police force (LEF) is the authority responsible for issuing passports. According to the LEF, the department has 9 passport issuing offices in Tehran and a further 49 offices in other cities in Iran. According to Mr. Mirkhani, any Iranian citizen above the age of 18 is entitled to an Iranian passport, but possession of such a passport does not mean that the holder is permitted to leave Iran. If it is established at the time a passport is issued that the passport applicant has matters to settle with the Iranian authorities, the person concerned will be informed accordingly. At the same time, the applicant will be requested to contact the relevant authority in order to solve the problem. Only once this has been done can the applicant be issued with a passport.

"An application form has to be completed when applying for a passport. The details provided on the form must be identical to those which appear on the applicant's Iranian identity card, which must be presented in conjunction with the application. In addition, Iranian men must present a military logbook certifying that they have completed military service. Any Iranian citizen applying for a passport must come in person to the LEF, both to submit the application form and to collect the passport when it is ready. A passport can be issued within 48 hours of the application form being submitted. Iranian passports are valid for five years. They can be extended for a further five years. There are no periods of validity other than five years." **[41a] (p6)**

27.03 A report from the CIRB, dated 1997, states that women must have written, notarised permission from their father, husband or legal guardian, except in certain circumstances e.g. widows. No one under 18 is issued a passport,

except under special circumstances where the minor is travelling without a parent or guardian. **[2c] (p20)**

27.04 UNHCR stated in their 'Comments on the Iran Country Report of April 2005' of August 2005 that:

"There are no specific provisions relating to the exit of a mother with minor children from the country without the consent of the father or paternal grandfather. According to the Law on Passports, authorization in writing of the guardian is required for issuance of a passport for a minor or inclusion of a minor's name in a relative's passport. According to an ACCORD report, 'if a woman has managed to obtain travel documents for her minor children, she has probably resorted to an illegal act based on which she can be sentenced upon return. For example she may have forged her husband's authorization and submitted it to the Passport Bureau and could therefore be sentenced to imprisonment from two months to up to two years' (ACCORD, June 2001, p104)." **[3h] (p5)**

27.05 According to the UNHCR European Country of Origin Information Seminar, Final Report, Berlin June 2001:

"Exit formalities have considerably relaxed since the initial years after the revolution. While previously it was very difficult to obtain a passport, in recent years it has become much easier. However, departure procedures are still such that it would be highly improbable that anyone with a forged passport in which name and number do not tally would be able to leave the country. Security officials at the airport possess lists of suspected or wanted persons and it is not unusual that passengers wishing to leave are prevented from leaving and told to refer to the security department. In general, the security checks at Tehran airport are still very strict and it is doubtful that anyone with a security record and convictions in Iran for political offences would be able to leave the country legally by air. Yet, although the degree is hard to assess, corruption certainly exists and in individual cases people may be able to bribe their way out of the airport. … However, leaving the country across the border to Pakistan, but also to Turkey and Azerbaijan, is fairly easy and happens all the time." **[3c] (p107)**

27.06 A CIRB information request dated 3 April 2006 noted that counterfeit Iranian passports can be purchased easily on the black market with prices fluctuating according to quality, but authorities are generally adept at identifying these documents via a 'double check' mechanism in the law enforcement database which tracks passport issuance. **[2x]**

27.07 According to the CIRB and UNHCR, in May 1997 and June 2001 respectively, people seeking to leave Iran illegally do so most commonly overland through Turkey, Pakistan or Azerbaijan. **[2c] (p21) [3c]** The penalties for violating or attempting to violate exit regulations, such as leaving on an illegal or falsified document, range from one month to three years' imprisonment and/or a fine. **[2c] (p24)** The actual penalty is dependent on the individual circumstances. (FCO, 20 August 2001) **[26e]**

27.08 According to the USSD report for 2007:

"Citizens returning from abroad occasionally were subjected to searches and extensive questioning by government authorities for evidence of anti-government activities abroad. Recorded and printed material, personal correspondence, and photographs were subject to confiscation." **[4t] (Section 2d)**

27.09 According to the European COI Seminar Berlin Report 2001, on the basis of the information Amnesty International receives, usually a person who returns will be asked why s/he was abroad. If the answer is along the lines of 'I just tried to find a job', they will most likely be allowed to go home to their families. Generally speaking, it does depend on what kind of documentation exists on the returnee and what the actual practice of the country is, in which the concerned individual applied for asylum. **[3c]**

27.10 According to the European COI Seminar Berlin Report 2001, upon return, in recent years the practice has become more liberal with regard to possession and confiscation of items purchased abroad, such as CDs from Dubai and other western products. It mostly depends on what the authorities are looking for. If they assume that a person has returned from a country like the USA, this person certainly will be questioned and undergo stringent checks, but will normally not be detained for a longer period of time. **[3c]**

27.11 It was reported by the BBC Monitoring Service on 2 September 2002 that in September 2002 the deputy foreign minister announced that Iranians who have obtained the citizenship of foreign countries with Iran's prior agreement can, once again, become Iranian citizens and further that the question of illegal exit had been resolved. **[21bg]**

27.12 According to the FCO, in the case of returned asylum seekers it has been reported by observers that they had seen no evidence that failed claimants, persons who had illegally exited Iran, or deportees faced any significant problem upon return to Iran (although cases that gain a high profile may face difficulties). **[26f]** According to the CIRB in a July 1999 report:

"Several times in the recent past, senior government officials have declared that all Iranians living abroad are welcome to return home without fear of reprisal. ... and the Foreign Ministry's Consular Department has confirmed that applying for asylum abroad is not an offence in Iran." **[2t]**

27.13 In contrast to this opinion, it was also stated in the same source that:

"The only exception to this, he [a representative of the Centre for Arab and Iranian Studies (CAIS) in London, United Kingdom, who is an editor with al-Moujez an Iran, a political scientist by training, and a member of the Association of Iranian Writers in Exile] stated, might be persons who are extremely critical and/or advocate the overthrow of the government through the use of force; he named the Mujahedin-e-Khalq Organization as an example. The representative stated that family members of these persons could face difficulties leaving the country, but added that the son of Massoud Rajavi, the leader of the Mujahedin, lives in Iran and goes to university there. And also ....that relatives of high profile refugee claimants outside Iran could face some difficulties." **[2t]**

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EXILES / DISSIDENTS OUTSIDE IRAN

27.14 According to Jane's Sentinel, dated 1 April 2008:

> "Iran has … in the past assassinated Iranian opposition figures in exile, with such infamous examples as the murdering of the ex-prime minister Shapour Bakhtiar in 1991 in his Paris home and the gunning down of four prominent Iranian Kurdish activists in a Berlin restaurant in 1992 and in Vienna in 1990. Most recently, on 10 November, 2006, an Argentinian judge issued warrants of arrest against Hashemi Rafsanjani and eight other Iranian officials. The Argentinian authorities charged the former President and his former aides for ordering a terrorist attack against a Jewish cultural centre in Buenos Aires in 1994, in which 85 were killed and 300 injured. The judge ruled that Hizbullah executed the bombings on orders from the highest levels of the Iranian government. Overall, the 1990s witnessed an inconsistent Iranian foreign policy, which contained the pragmatists' efforts at détente with the West, but at the same time … included what they considered the legitimate liquidation of 'enemies of the state'." **[125a]**

27.15 Salman Rushdie's novel 'The Satanic Verses' prompted the late Ayatollah Ruhollah Khomeini to issue a fatwa in 1989 calling for his assassination because of claims that it blasphemously depicted the prophet Muhammad. Iran's government formally distanced itself in 1998 from the original fatwa. However, the Iranian media said three Iranian clerics had called on followers to kill Rushdie, saying the fatwa was irrevocable and that it was the duty of Muslims to carry it out. **[16k]** On 22 June 2007 it was reported by RFE/RL that a prominent Iranian cleric had said the death sentence issued by Iran's revolutionary leader Ayatollah Ruhollah Khomenei against British author Salman Rushdie was 'still alive'. Ahmad Khatami's comments in Friday prayers was the latest angry reaction to Britain's decision [16 June 2007] to award a knighthood to Rushdie. **[42ab]**

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28. FOREIGN REFUGEES

28.01 According to the USSD report for 2007:

"The law provides means for granting asylum or refugee status to qualified applicants in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. The government established a system for providing protection to refugees. UNHCR reportedly complained that government authorities pressured Afghan refugees to return to Afghanistan by suspending education and medical services and revoking residence permits. The government, facing a slow economy and citing national security concerns, accused many Afghans of drug and human trafficking and ethnic terrorist violence. There were some reports of forced return of persons to a country where they feared persecution. There were reports of a small number of registered refugees deported among the large scale deportation of illegal Afghan migrants that commenced in April." **[4t] (Section 2d)**

28.02 According to the United States Committee for Refugees and Immigrants World Refugee Survey 2008 (USCRI 2008) released on 19 June 2008:

"Most [Aghans] lived in towns and cities but some 25,000 lived in six camps or settlements administered by the Bureau for Alien and Foreign Immigrant Affairs (BAFIA). In February, the Office of the UN High Commissioner for Refugees (UNHCR), and the Governments of Iran and Afghanistan signed a Tripartite Agreement extending the assisted voluntary return program for refugees until March 2008. Since the beginning of the 2002 program, over 1.5 million Afghans repatriated, including 846,000 with the assistance of UNHCR. With security deteriorating in Afghanistan, only about 7,500 returned voluntarily in 2007." **[35a]**

28.03 The USCRI 2008 survey further reported that Iran hosted 1,003,100 refugees and asylum seekers, including 914,700 Afghans and nearly 57,400 Iraqis. The Government estimated an additional 1.5 million unregistered Afghans were living illegally in the country. **[35a]**

28.04 The USSD report for 2007 noted that:

"On December 1, UNHCR estimated that there were 915,000 registered Afghan refugees in the country. In March, Iran, Afghanistan, and the UNHCR extended the existing Tripartite Agreement until March 2008.

"In 2005 the government imposed regulations specific to Afghan refugees that increased fines for employers of Afghans without work permits and made it difficult for Afghans to obtain mortgages, rent, own property, and open bank accounts. At year's end the regulations remained in effect." **[4t] (Section 2d)**

It elaborated:

"In April the government began a major effort to deport illegal Afghan migrants. Between April and June the government reportedly deported at least 100,000 Afghans. According to HRW, many of those deported received no warning that they were being deported, and many were separated from their families or were given very little time to collect belongings and wages. Other

The main text of this COI Report contains the most up to date publicly available information as at 1 February 2009. Further brief information on recent events and reports has been provided in the Latest News section to 16 March 2009.

deportees claimed they were beaten, detained, or required to perform forced labor for several days before being deported. According to UNHCR, the deportations continued, although the scale decreased toward the end of the summer. Among the deportees were some vulnerable individuals and families who needed humanitarian assistance upon arrival in Afghanistan. By year's end, the government had reportedly deported over 363,000 Afghans during the year, a small number of whom were reportedly registered refugees. The government claimed that registered refugees who were deported will be permitted to return to Iran; however, no coordinated returns took place." **[4t] (Section 2d)**

28.05 The USCRI 2008 survey stated that Iran issued Special Identity Cards (SIDs) that provided greater privileges to Afghan refugees who were religious students, disabled in war, relatives of martyrs, or married to Iranians. Upon reaching school age, children received refugee cards. **[35a]**

28.06 A report by the Afghanistan Research and Evaluation Unit on second-generation Afghans in Iran, published in April 2008, explains the different identity cards issued by the Bureau for Aliens and Foreign Immigrants Affairs (BAFIA):

"The identification (ID) card constitutes the external layer of an individual's identity and records the individual's personal characteristics. Since the arrival of Afghans in the late 1970s, BAFIA has issued several identification cards in a variety of colours. For example, from 1979–92, most Afghans entering Iran were issued with 'blue cards' which indicated their status as involuntary migrants or mohajerin. Blue card holders were granted indefinite permission to stay in Iran legally. Until 1995, blue card holders had access to subsidised health care and food, and free primary and secondary education, but were barred from owning their own businesses or working as street vendors, and their employment was limited to low-wage, manual labour.

" … ID cards are required to register children at school and to travel outside of the place of residence registered on the card. Respondents had been issued with various coloured ID cards from BAFIA (pink, red, green, gold), each colour representing a certain year of issue and period of validity. … Characteristics of the cards listed as being held by respondents follow:

"• Amayesh identification (pink card): issued by BAFIA since 2003, the majority of Afghans in Iran are said to hold Amayesh identification.

"• Amayesh identification (gold card): issued by BAFIA, these cards accord additional rights such as the right to have a bank account in Iran, and are issued to high-ranking figures such as Afghan clergy, and those with government positions.

"• Educational passport: issued by universities and religious schools to Afghan students to indicate full-time enrolment as students.

"• Iranian identification (shenasnameh): issued by BAFIA to children aged 18 years and above, born of mixed marriages whose Afghan parent has a passport from Afghanistan." **[110] (p49)**

28.07 It was reported by the UN on 5 July 2004 that a new border crossing had been opened in the north at Haj Omran. This is intended to be used to allow Kurdish refugees easier access to their homes in Northern Iraq. **[75b]** The Iraqi and Iranian governments continued to dispute Iraqi refugees' citizenship, rendering many of them stateless. **[4t] (Section 2d)** During the past few years, a large percentage of Iraqi refugees were voluntarily repatriated. UNHCR estimated that in 2006 there were approximately 54,000 Iraqi refugees, the majority Iraqi Kurds but also some Shi'a Arabs, in the country. **[4t] (Section 2d)** The USCRI 2008 survey states that most of the 57,400 Iraqis were Shi'a Arabs or Feili Kurds who fled in the 1980s or whom the Iraqi Government had expelled. Most lived in Qom, Mashad, or in the southern and western provinces. Camp-based Iraqi refugees generally lived in the western provinces. **[35a]**

28.08 According to a RFE/RL News Service report in March 2004, the Iranian Interior Ministry announced on the 30 March 2004 that the repatriation of Iraqi refugees had begun after the ousting of Saddam Hussein. It was claimed that 70,000 had returned voluntarily leaving 125,000 still resident within Iran. **[42b]**

28.09 "Following the terrorist attacks on the USA in September 2001, as the USA began preparations for military action against al-Qa'ida and its Taliban hosts, Iran closed its eastern border with Afghanistan and sent a large contingent of troops there in order to prevent a further influx of Afghan refugees. In the following month, however, when the US-led military action began, Iran reportedly agreed to the establishment of eight refugee camps within its borders to provide shelter for some 250,000 Afghan refugees." (Europa, accessed 8 December 2008) **[1a] (Recent History)** "A programme allowing for voluntary repatriations of Afghan refugees under UNHCR auspices was inaugurated by the Iranian and Afghan authorities in April 2002, although UNHCR put the number of 'spontaneous' repatriations prior to that date at 57,000. (More than 1.5m. Afghan refugees in Iran were estimated by UNHCR to have returned to Afghanistan by November 2005.)" **[1a] (Recent History)** The UN Reliefweb website reported on 10 March 2004 that hundreds of thousands of Afghan refugees returned to Afghanistan during the year. Since the fall of the Taliban it is estimated by the Iranian Government that 706,000 Afghans have 'voluntarily returned.' **[49b]**

28.10 According to a Reliefweb report of 10 March 2004, in a tough new move the Iranian Government announced that from 20 March 2005 Afghans will no longer be considered as refugees and that they would face heightened restrictions. These will include denial of access, unless a residency permit is held, to employment and to many of the social services infrastructure such as education and rental and banking facilities. This is seen as a move to accelerate repatriation. **[49b]** In a BBC News report of 21 January 2005 it was reported that:

"There have been reports of round-ups, or of people being denied extensions of their residence documents and then being denied access to public services, or even being arrested, for having no documents.

"The High Commissioner, who has just returned from a visit to the region, said there were indications that some Afghan refugees as well as illegal Afghan migrants were being pushed out of Iran." **[21cq]**

28.11 On 2 March 2006 UNHCR announced that:

> "... based on last year's returns it is budgeting to assist an estimated 150,000 Afghan refugees to voluntarily return to their homeland this year from Iran, host to one of the largest refugee populations in the world. UNHCR Iran adds that should the number of voluntary returns increase, it will adjust its programmes accordingly." **[49c]**

28.12 It was reported by RFE/RL on 6 November 2006 that Iran has begun a new plan to expel illegal Afghan workers from the country. Officials have said that the plan will help solve the country's unemployment problem. Press reports said that the first phase of the plan - identifying illegal workers - began on 28 October 2006. **[42r] (p1)**

28.13 In its 2006 Global Report UNHCR recorded that:

> "Most Afghan refugees currently in the country reside in the provinces of Tehran, Khorasan, Esfahan and Sistan-Balochistan. Only 26,000 Afghan refugees reside in camps. UNHCR and the Government cooperated on the voluntary repatriation of registered Afghan refugees, of whom some 5,300 were helped to return home in 2006. The Government has agreed that those who did not return could continue to benefit from international protection.
>
> "However, the authorities have compelled illegal Afghans who came to the country for economic reasons to go back home. To encourage repatriation, the Government has indicated that it may issue work and residence visas to heads of families, enabling them to return to the Islamic Republic of Iran – but only after repatriating with their families to Afghanistan. The permits would enable such heads of families to live and work in the country legally.
> In some provinces, the Government introduced stringent measures to accelerate the return of registered Afghans and to deport those without proper documents. The moves included making Afghans pay municipal taxes and school fees, and imposing fines on employers who hire Afghans without work permits. The Government also declared some provinces off-limits to Afghans and restricted their movements between provinces. Arrests of Afghans, including of some registered refugees, were recorded." **[3j] (p1)**

28.14 According to the USCRI (2008):

> "Despite BAFIA's screening procedures, between April and the end of the year, Iran arrested and deported some 363,000 Afghans, at least 50 of whom claimed to be refugees with identity cards. In one incident, BAFIA declared that the refugees did not tell them that they held the cards and agreed to readmit them but did not do so. UNHCR and BAFIA intervened in 62 cases where authorities were about to deport individuals who reportedly held cards.
>
> "Authorities expelled refugees caught outside their areas of registration without a laissez-passer. Many did not receive any warning about their deportation and had little time to collect unpaid wages or to gather their belongings. Some deportees complained authorities beat, detained, and extracted forced labor for several days before deporting them.
>
> "In October, Turkish soldiers returned to the border three Afghan youths - one a 16-year-old registered refugee - who had tried to enter Turkey. Attempting to

avoid the Iranian military, they stepped on a landmine and the refugee lost his right leg; the other two sustained minor injuries. All three received medical treatment and returned to their residences in Iran.

"In January 2008, authorities forcibly repatriated at least 9,000 Afghans and threatened to jail others for five years if they did not leave the country. The Government's agreement that repatriation should be voluntary applied only to registered refugees." **[35a]**

28.15 HRW reported on 19 June 2007 that:

"Since late April, the Iranian government has forcibly deported back to Afghanistan nearly 100,000 registered and unregistered Afghans living and working in Iran. The Iranian government says the mass deportation is aimed at reducing the number of illegal immigrants in the country, but Iranian officials have also expelled Afghans who have been registered with the authorities, many of whom have been regarded as refugees (panahandegan) for many years. Iran announced in 2006 that it would 'voluntarily repatriate' all of the more than 1 million Afghans remaining in Iran by March 2008, saying that none of those people are refugees." **[8ab] (p1)**

28.16 The USSD report for 2007 stated:

"Although the government claimed to host more than 30,000 refugees of other nationalities during the year, including Tajiks, Uzbeks, Bosnians, Azeris, Iraqis, Eritreans, Somalis, Bangladeshis, and Pakistanis, it did not provide information about them, nor did it allow UNHCR or other organizations access to them. A Western NGO reported that few international humanitarian agencies operated in the country because the government restricted their operations and did not allow UNHCR to fund them." **[4t] (Section 2d)**

28.17 The USCRI 2008 survey states that Iran claimed it hosted an additional 30,000 refugees, including Tajiks, Uzbeks, Bosnians, Azeris, Eritreans, Somalis, Bangladeshis, and Pakistanis, whom it recognized under its own procedure. **[35a]**

28.18 The UN 38th session CRC report of March 2005 stated that:

"While welcoming the efforts made by the State party so far in the repatriation of Iraqi and Iranian refugee children and their families, and noting the State party's commitment to include children of Afghan and Iraqi refugees in the recent registrations of Afghans and Iraqis residing in Iran, the Committee is concerned at reports of the deportation of unaccompanied children, mostly Afghans, back to their country of origin and the lack of access by humanitarian organizations to these children. It is concerned at reports of unaccompanied children arriving in Iran from neighbouring countries, in particular Afghanistan, allegedly for the purpose of exploitation. The Committee is further concerned about the fate of Afghan children and their families who are not in a position to return to Afghanistan for different reasons, including their strong links with Iran or the fact that the mother of the family is Iranian." **[10ag] (Para 62)**

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29. CITIZENSHIP AND NATIONALITY

29.01 According to the US Office of Personnel Management in their 2001 report on citizenship criteria, citizenship is based upon the Iranian Civil Code which stipulates that in general, birth within the territory of Iran does not automatically confer citizenship. Some instances where birth does confer citizenship is when a child is born to unknown parents; children born to non-citizens, one of whom was born within Iran; or a child born of a father of foreign nationality, if immediately after reaching the age of 18 the young person continues to live within Iran for at least one year. A child born to an Iranian father regardless of the country of birth is Iranian by descent. **[32]** On 24 September 2006 Iran's parliament passed a law allowing children with an Iranian mother and a foreign father to acquire Iranian nationality after they reach 18. (Gulfnews.com, 25 September 2006) **[20a]** According to the country's civil code, citizenship was derived from birth in the country or from the male parent. Citizenship could be acquired upon the fulfillment of the following criteria: persons were at least age 18, lived in the country for more than five years, were not military service escapees, and had not been convicted of a major crime in the country of origin or country of residence. (USSD, 11 March 2008) **[4t] (Section 2d)**

29.02 According to the US Office of Personnel Management in their 2001 report on citizenship criteria, Iranian citizenship may be acquired upon fulfilment of the following conditions: the person must have reached the full age of 18, have resided in Iran for five years, whether continuously or intermittently, not be a military service escapee and not have been convicted of a major or non-political crime in any country. **[32] [68a]** The wives and minor children under 18 of naturalised citizens are also considered Iranian citizens. Dual citizenship is not recognised. **[32]**

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30. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS

30.01 A CIRB report of 3 April 2006 provided the following:

"**Fraudulent or counterfeit passports**

"Based on consultations with UNHCR personnel in Tehran, a UNHCR official stated that, while counterfeit Iranian passports can be purchased rather easily on the black market with prices fluctuating 'according to the quality of the counterfeit work,'authorities are generally adept at identifying these documents via a 'double check' mechanism in the law enforcement database which tracks passport issuance (UN 31 Mar. 2006). Under Article 15(1) of the 1988 amended Passport Act, individuals found guilty of making fraudulent or counterfeit passports face 18 months in prison (ibid.). However, the UNHCR official also added that the 'Islamic Penal Code prescribes other punishments for those who are involved in forgery activities' (ibid.). For example, under Article 525(2) of the Islamic Penal Code, anyone caught using a 'fake stamp' in a passport can be 'subject to one to ten years of imprisonment' (ibid.). **[2x] (p2)**

See also Exit and entry procedures and Corruption.

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31. EXIT / ENTRY PROCEDURES

31.01 A CIRB report of 3 April 2006 provided the following:

"**Passport features and procedures**

"In a 2 February 2006 telephone interview, an official at the Embassy for Iran in Ottawa provided the following information about Iranian passports. Depending upon the volume of demand, it takes approximately one month to obtain a passport after the application has been made. Passports are valid for five years. In order to obtain a passport, it is important for the applicant to have a birth certificate. The applicant must apply for and pick up their passport in person." **[2x] (p1)**

The report continued:

"…The Iranian police force, the Law Enforcement Forces (LEF), is the passport issuing authority in Iran and has nine passport offices in Tehran as well as forty-nine others in cities across the country (ibid.). To apply for a passport, individuals over the age of 18 years old must appear in person at the LEF passport office, complete and submit an application form and present the required identification documentation (ibid.). While obtaining a passport was more complicated for certain individuals, namely those who had 'matters to settle with the Iranian authorities' or married women who must first obtain permission from their husbands in order to apply for a passport, the 2000 report stated that individuals of religious and ethnic minorities did not face any difficulties in obtaining a passport (ibid.)…." **[2x] (p2)**

The report further continued:

"The report of the Danish Immigration Service's 2000 fact-finding mission partially corroborated the preceding information, stating that, according to Iranian authorities at Tehran airport, passport control officers used stringent control procedures and 'technical equipment for scrutinizing travel documents in cases of suspected forgery' (Denmark 1 Oct. 2000). In addition, the report stated that passport control authorities at the airport and border areas had been trained to recognize false travel documentation (ibid.)…In August 2005, the director general of the Iranian Police Passport Department noted that, since the creation of a new passport application system in March 2005, there had been no reports of forged passports (*Iran Daily* 21 Aug. 2005)." **[2x] (p2)**

31.02 Another report from the CIRB, dated 3 April 2006, reported the following:

"**Difference between exit permit and exit stamp**

"In a 1 March 2006 telephone interview, an official at the Embassy for Iran in Ottawa provided the following information about the difference between exit permits and exit stamps. Iranians who wish to travel abroad must apply for an exit permit. After verification of the applicant's background, an exit permit is stamped in the applicant's passport indicating that the applicant is permitted to leave the country. However, the entry/exit stamp, which indicates the date of entry into and exit from Iran, is different from the exit permit stamp. This entry/

exit stamp is similar to what is used in other countries to indicate the date of departure or return of a passport holder.

"Corroborating information could not be found among the sources consulted by the Research Directorate.

"**Exit permits**

"According to the March 2006 Travel Information Manual (TIM) published by the International Air Transport Association (IATA), exit permits are required for:

"1. non-nationals of Iran whose entry visa – issued abroad – is not provided with a combined entry/exit permit. They must obtain an exit permit from the Foreigners Service of the Ministry of Interior. Foreigners must have registered within 48 hours after entry [into] Iran.

"2. nationals of Iran, who must obtain a passport endorsed with an exit permit from the police department. There are 3 types of exit permits: a) Green exit stamp: valid as long as passport validity; b) Blue exit stamp: valid for the period mentioned; c) Red exit stamp: valid for one exit only (TIM Mar. 2006, 228).

"Similarly, the August 2005 United States (US) Department of State Consular Information Sheet for Iran noted that

'[a]ll Iranian nationals, including American-Iranian nationals, should have an exit permit stamped in their passports. The stamp is affixed to page 11 or 13 of the Iranian passport when it is issued and remains valid until the expiration date of the passport' (25 Aug. 2005).

"A 2000 Danish Immigration Service report on Iran explained that all Iranian passport holders require 'exit visa' stamps to travel abroad (Denmark 1 Oct. 2000, 9-10). The report added that this 'exit visa' is stamped on page 10 of an Iranian passport (ibid.).

"In March 2006 correspondence to the Research Directorate, however, an official from the [Office of the] United Nations High Commissioner for Refugees (UNHCR) stated that exit visas were not required for Iranian nationals, but that individuals 'who work in sensitive fields, such as atomic energy or military industries' should apply for an exit permit 'each time they want to leave Iran' (31 Mar. 2006, Sec. 3). Furthermore, in applying for a passport, married women require their husband's written consent, which also outlines the frequency of exits from Iran that he allows his wife (UNHCR 31 Mar. 2006)." **[2y] (p1)**

31.03 The report went on to outline:

"**Restrictions to certain applicants**

"With regard to restrictions applied to certain categories of applicants, Country Reports 2005 claimed that '[t]he Government required exit permits for foreign travel for draft-age men and citizens who were politically suspect' (8 Mar. 2006, Sec. 2.d). Moreover, the same report added that '[s]ome citizens,

particularly those whose skills were in short supply and who were educated at government expense, must post bonds to obtain exit permits' (Country Reports 2005 8 Mar. 2006, Sec. 2.d)." **[2y] (p2)**

31.04 In another report dated 3 April 2006, the CIRB reported on:

"**Entry and exit procedures**

"In 31 March 2006 correspondence to the Research Directorate, a United Nations High Commissioner for Refugees (UNHCR) official provided the following information based on consultations with UNHCR personnel in Tehran:

"Verification of passports and documentation at departure points at land borders and airports is carried out in the last phase of [the] exit procedure. This means that in airports, after the tickets are checked and the luggage is delivered to the airline and before getting into the waiting area for departure, the passports shall be checked by a Disciplinary Forces officer who verifies in [the] NAJA [law enforcement] database whether the passport is fake and whether the person standing in front of the officer is the same person whose name and photo appears on the passport.

"The UNHCR official also mentioned that passport verification is carried out in the same way at land borders (31 Mar. 2006).

"A report published in 2000 by the Danish Immigration Service provides comprehensive information on the series of checkpoints that individuals exiting the country from Mehrabad International Airport are required to pass through:

"On arrival at the airport, passengers show their passports and tickets in order to gain access to the departures area. This is done in order to ensure that the persons concerned have valid passports and tickets for the flight in question.

"Passengers then arrive at the first baggage inspection point. All baggage is screened and passengers walk through a metal detector. Passports and tickets are also shown at this inspection point.

"Once through the baggage inspection point, passengers proceed to the customs area, where baggage is checked manually. These checks aim to prevent the export of items which may not be taken out of the country. Passports are also shown at this checkpoint.

"Passengers then proceed to the airline check-in desks, where they present their passports, tickets and baggage. Once their passports and tickets have been checked, they are issued a boarding pass.

"All ticket checks are carried out by representatives of the Iranian national airline, Iran Air.

"However, in the case of flights involving other airlines, representatives of those airlines are present, and some of them carry out visa checks at the check-in desks.

"After check-in, passengers go upstairs to the first floor. Here they arrive at the last passport checkpoint, which forms the actual exit control. This is where travel documents are examined in detail. Two passport inspectors sit in each passport control booth. Each inspector normally has a separate queue to deal with. Passengers can usually stand in either queue without awaiting further instructions from an official.

"Once a passenger reaches the passport inspection booth, he gives his passport to the two passport inspectors. Married couples, however, are dealt with together. In the case of Iranian nationals, the information contained in the passport is checked against data stored in a computer system to which the inspectors have access. The data stored in the computer system cover both Iranian nationals and persons permitted to reside in Iran.

"According to the passport inspectors and the Iranian police (LEF), this system indicates whether an individual passenger has any unsettled matters with the Iranian authorities. If so, the person concerned is refused permission to leave Iran. However, a person may be permitted to leave the country even if he has an outstanding matter. In such cases he must present a written order from a judge. Whether an exit permit will be granted depends on the nature of the individual case.

"Once all formalities have been checked and found to be in order, an exit stamp is inserted in the passport and the passenger can then continue through to the transit hall, where there are tax-free shops, lounges, etc.

"There is another security check as passengers leave the transit hall and walk towards the aircraft.

"Leading up to this checkpoint there is one exit for women and one for men. Hand baggage is screened while passengers approach a booth manned by an official. Here passengers are body-searched before continuing on towards the departure lounge.

"When the flight is ready to depart, passengers go up to a desk where the airlines check passports and visas and collect boarding passes. Passengers then proceed straight to the aircraft, either via one of the four air bridges located at Mehrabad airport or on buses which ferry them out to the aircraft (Denmark 1 Oct. 2000, 11-12).

"With regard to entry procedures, the 2000 report, citing a 'high-ranking airport official,' noted that upon deplaning, all passengers are checked through 'passport control' (ibid. 15). In particular, records of Iranian nationals are verified to determine whether they 'have any outstanding business with the Iranian authorities' (ibid.). If found to be the case and an individual is flagged for a 'matter to settle with the authorities,' then said individual would face one of two actions: arrest or passport confiscation (ibid.). In either case, the Iranian national would need to settle the matter in question with [the]authorities before he or she can be freed or retrieve his or her passport (ibid.)." **[2z] (p1)**

31.05 In a report dated 7 December 2005, the CIRB reported that:

"Iranian women must obtain permission from their husbands in order to acquire a passport…Two human rights sources noted that the husbands

permission to obtain a passport is a legal requirement stipulated under Article 18 of the country's passport law (ibid; WFAFI 2005). Moreover, according to Country Reports 2004, permission for a woman to obtain a passport could also be provided by 'their father, or another male relative,' however, '[m]arried women must receive written permission from their husbands before being allowed to leave the country' (28 Feb. 2005, Sec. 2.d.)." **[2aa] (p1)**

31.06 In a report dated 17 November 2005, the CIRB reported that:

"In 10 and 16 November 2005 telephone interviews with the Research Directorate, the first counsellor of the Embassy of the Islamic Republic of Iran in Ottawa provided the following information:

"'A minor child can leave Iran only with the consent of his or her father. A mother cannot bring a child out of the country without the consent of her husband. If the father decides to bring the child out of the country, no further consent is required. The fathers consent must be provided at the time the child obtains a passport. In order to obtain a child's passport, the father must apply in person, in which case he can grant permission to his wife to take the child out of the country. The childs passport is stamped to indicate the valid period (often five years) in which the mother can take her child out of the country. There are generally no further steps required, even at the airport, for a mother to take her child out of the country. However, the father can decide to cancel the validity of the passport stamp at any time, thereby forbidding the mother to leave Iran with her minor child.' The counsellor could not provide further details on the procedure that must be followed by a father who wishes to cancel the validity of the passport stamp.

"…the counsellor added that minor children (under 18) of Iranian citizens require their father's permission to leave Iran, 'even if the mother has been granted full custody by an Iranian court,' and further added that since non-Iranian women who marry Iranian nationals must convert to Islam and acquire Iranian citizenship, they too require their husbands permission to depart the country." **[2ab] (p1)**

31.07 The CIRB, in a report dated 3 April 2006, commented on:

Illegal entry and exit

"The UNHCR official in Tehran provided the following information with regard to illegal entry and exit:

"It is easier to enter into Pakistan and Afghanistan, due to the fact that Afghans and Pakistanis living in the border regions cross the border easily and continuously. The majority of the population living in the poverty-stricken regions of the South East of Iran resort to lucrative activities such as the smuggling of goods and human beings.

"Kurds living on both sides of the border between Iran and Turkey help people to pass across the border. In this case, the fact that Kurds have always been passing through the border and also the difficulty of controlling borders in the mountainous regions of Kurdistan makes the smuggling of goods and people easier for smugglers.

"UNHCR has not received any information about moving to and from Azerbaijan, perhaps because such moves are not so prevalent.

"As to Oman and the United Arab Emirates, moving from the southern regions of Iran to those countries by using local boats is a long standing tradition. People living on both sides of the Gulf construct their own boats with minimum instruments and use them for their own shipping activities, (31 Mar. 2006).

"Apparently due to the volatility of the region, travel information websites strongly advise against overland travel between Iran and Pakistan (Canada 27 Jan. 2006; UK 9 Mar. 2006; Yahoo! Travel Guide n.d.). In addition, the website of the Lonely Planet travel guide reported that in Iran, '[r]oad travel can be interrupted by roadblocks at any time of year, most frequently on either side of a main city, but occasionally dotted through remote areas near the Pakistan and Afghanistan borders' (n.d.).

"For travel by sea, ferries reportedly cross the Persian Gulf to and from the United Arab Emirates, Bahrain, Kuwait, and Qatar (Yahoo! Travel Guide n.d.). In addition, it is 'also possible to travel across the Caspian Sea on an irregular cargo boat between the Azerbaijan capital of Baku and Bandar-é Anzali' (ibid.).

"Much of the information about illegal entry and exit from various land and sea borders is drawn from reports about illegal migrant workers (UN 23 Dec. 2004, Para. 12; BBC 8 Sept. 2005) and human trafficking (USSD Trafficking in Persons Report 3 June 2005; *Iran Daily* 29 Jan. 2006). The 2004 United Nations (UN) Special Rapporteur's report on the human rights of migrant workers noted that,

"[o]wing to its geographical location, a number of persons, mainly from Bangladesh, Afghanistan and Pakistan, cross the border to try to settle irregularly in Iran or to transit irregularly through Iran, the main entry points being Baloushistan Province or the Oman sea for those wishing to go to neighbouring Arab States. If caught at the border, the irregular migrants are initially detained by the police in 'special camps' or 'closed camps' prior to being deported and handed over to the authorities of the country of origin. If caught within Iran, they are brought before a judge and might face a fine prior to being deported, (23 Dec. 2004, Para. 12, 7)." **[2x] (p3)**

See also Corruption and Forged and fraudulently obtained official documents.

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32. EMPLOYMENT RIGHTS

32.01 According to the USSD report for 2007:

"The law empowers the Supreme Labor Council to establish annual minimum wage levels for each industrial sector and region. In 2006 President Ahmadi-Nejad increased the minimum wage levels, but workers continued to claim it was too low. There was no information regarding mechanisms to set wages, and it was not known if minimum wages were enforced. The law stipulates that the minimum wage should meet the living expenses of a family and take inflation into account. However, many middle-class citizens had to work two or three jobs to support their families.

"The law establishes a maximum six-day, 48-hour workweek, with a weekly rest day, normally Fridays, and at least 12 days of paid annual leave and several paid public holidays.

"According to the law, a safety council, chaired by the labor minister or his representative, should protect workplace safety and health. Labor organizations outside the country have alleged that hazardous work environments were common in the country and resulted in thousands of worker deaths annually. The quality of safety regulation enforcement was unknown, and it was unknown whether workers could remove themselves from hazardous situations without risking the loss of employment." **[4t] (Section 6e)**

32.02 The USSD report for 2007 states in relation to unions that:

"The law provides workers the right to establish unions; however, in practice the government did not permit independent unions. A national organization known as Workers' House was the sole authorized national labor organization. It served primarily as a conduit for government control over workers. The leadership of Workers' House coordinated activities with Islamic labor councils, which consisted of representatives of workers and a representative of management in industrial, agricultural, and service organizations consisting of more than 35 employees. The Islamic labor councils also functioned as instruments of government control and frequently blocked layoffs and dismissals.

"The law allows employers and employees to establish guilds. The guilds issued vocational licenses and helped members find jobs. Instances of late or partial pay for government workers reportedly were common." **[4t] (Section 6a)**

32.03 According to the International Confederation of Free Trade Unions (ICFTU), Annual Report 2005, published on 18 October 2005:

"Iran's 1990 Labour Code states that workers in any unit can establish an Islamic labour council, a guild society, or appoint a workers' representative. However, the code gives a central place to Islamic societies and associations. It says that 'in order to propagate and disseminate Islamic culture and to defend the achievements of the Islamic revolution ... the workers of production, industrial, agricultural, service and guild units may establish Islamic societies and associations.' The rules for the functioning of the Islamic labour councils, their constitutions and elections, are drawn up by the Ministry

of the Interior, the Ministry of Labour and Social Affairs, and the Islamic Information Organisation. The Council of Ministers then has to approve these rules. The councils now represent workers in tripartite meetings. These labour councils are overseen by the sole authorised national organisation, known as the Workers' House." **[90a]**

It continued: "An amendment to the Labour Code in 2003 allows workers to form and join so-called 'trade unions', without prior permission, provided that registration regulations are observed. The Ministry of Labour must register these unions within 30 days, provided that the unions' constitutions are in order. Again, the Ministry of Labour determines their rights and responsibilities. The law does not give workers the right to strike, but they can down tools so long as they remain at the workplace, or operate a go-slow. A 1993 law prohibits public sector strikes." **[90a]**

32.04 According to the USSD report for 2007:

"The law prohibits public sector strikes, and the government did not tolerate any strike deemed contrary to its economic and labor policies; however, strikes occurred. There were no mechanisms to protect worker rights in the public sector, such as mediation or arbitration." **[4t] (Section 6b)**

32.05 In a HRW report of January 2008 it was stated that:

"Mansour Ossanlu leads the executive committee of the Syndicate of Workers of Vahed Bus Company, an independent union. Ossanlu's first of several arrests occurred on December 22, 2005. At that time, Ossanlu and the union had called on bus drivers to refuse passengers' fares in order to protest working conditions. On December 22 police arrested him without a warrant at his home and transferred him to Evin 209. In order to prevent a strike that workers were planning to stage on January 28, 2006 in protest of Ossanlu's continued detention, security forces also preemptively detained hundreds of drivers and several union organizers. On January 26, security and Information forces also arrested the union's board of directors. They held all of the detainees in Evin prison Section 209 until various dates in March but never officially charged them, pursuant to Article 32 of the Code of Criminal Procedure, entitling security forces to indefinitely detain people without charge for investigation of violations of the Security Laws, and never granted them access to their lawyers. Ossanlu remained in Evin 209 until his release on August 6, 2006." **[8aj] (p29)**

32.06 The Freedom House 2008 report states:

"Iranian law does not allow independent labor unions, though workers' councils are represented in the government-sanctioned Workers' House, the only legal labor federation. The head of the bus driver association, who was arrested over a bus workers' strike in 2006, received a five-year prison sentence in 2007 for 'acting against national security' and 'propaganda against the system'. Union workers used the occasion of International Labor Day in May 2007 to protest and call for the resignation of Labor Minister Mohammed Jahromi. Protesting workers clashed with security services during their demonstration. Also during the year, educators from the Teacher's Guild Association staged six protests outside the parliament building to demand that teachers' salaries be equivalent to those of other civil servants. The

government arrested the organizers and at least 50 other protesters, and the media were prohibited from covering the strikes." **[112c]**

32.07 According to the USSD report for 2007:

"The law prohibits forced and bonded labor by children; however, child labor appeared to be a serious problem. The law prohibits employment of minors less than 15 years of age and places restrictions on the employment of minors under age 18; however, the government did not adequately enforce laws pertaining to child labor. The law permits children to work in agriculture, domestic service, and some small businesses but prohibits employment of women and minors in hard labor or night work. There was no information regarding enforcement of these regulations." **[4t] (Section 6d)**

32.08 According to the International Confederation of Free Trade Unions (ICFTU) Annual Report 2006, published on 7 June 2006:

"Freedom of association is not respected in Iran. Attempts to establish independent trade unions are heavily repressed. When drivers from the Tehran Bus Company tried to organise, their meeting was attacked by hundreds of armed civilians and a senior labour official assaulted their Chairman with a knife. A worker who supported a strike in the Middle East's largest auto factory was kidnapped. He then 'disappeared' and resurfaced one month later in one of the world's most notorious torture centres. Seven trade union activists, who had been imprisoned on 1 May 2004, were tried in kangaroo courts, constantly harassed, detained and received heavy prison sentences." **[90b] (p1)**

32.09 The report went on to comment that:

"Mahmoud Ahmadinejad was elected President in June 2005, after an electoral campaign in which he presented himself as the defender of Iran's working men and women and pledged to establish social justice in the country. Since he assumed power, however, his government has actively pursued the right wing economic policies and neo-liberal agenda introduced under the leadership of his predecessor, President Khatami. Privatisation of State owned enterprises has continued on a huge scale and the situation of trade union rights has, if anything, further deteriorated. While Iran faces the challenge of providing hundreds of thousands of new jobs for its youthful population, the government's own statistics show that, out of 16 million jobless, 10 million are young workers." **[90b] (p3)**

32.10 On 30 October 2007, RFE/RL reported that an appellate court in Tehran had confirmed a five-year jail sentence against jailed union leader Mansur Osanlu on security charges. The court also upheld a two-year prison sentence against another senior member of Osanlu's union, Ebrahim Madadi, for acting against Iran's national security. Osanlu, the head of the Syndicate Workers of the Tehran Bus Company, has been incarcerated at Tehran's Evin prison since mid-July, when he was pulled from a bus, beaten, and abducted. Madadi was detained along with four other union members in August after they visited Osanlu's home. **[42ac]**

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Annex A: Chronology of major events

This chronology is not designed to be a precise or comprehensive record of all events that may have occurred but rather is intended to provide a general framework which can inform further investigation as considered necessary.

1925 Reza Khan seized power in Persia by military coup. Subsequently elected Shah.

1935 Persia renamed Iran.

1941 British and Soviet forces occupied Iran; Shah forced to abdicate in favour of his son.

1946 Following end of war, occupying forces left.

1963 Shah launched 'White Revolution'. Reforms opposed by landlords and conservative clergy.

1964 Ayatollah Khomeini deported to Iraq for opposition activities.

1965 Prime Minister Mansur assassinated, reportedly by a follower of Khomeini.

1977-1978 Anti-government strikes and demonstrations.

1979 **January:** Shah forced to leave country.
February: Khomeini returned and took power.
April: Iran declared an Islamic republic. Supreme authority given to Walih Faqih appointed by clergy, initially Khomeini.
November: Students seized hostages in US Embassy in Tehran.

1980 **February:** Bani-Sadr elected President.
September: Iraq invaded Iran. Strongly resisted by Iran; outbreak of hostilities.

1981 **January:** US hostages released.
June: Fighting between MEK supporting Bani-Sadr and Revolutionary Guard Corps led to Bani-Sadr's dismissal and his departure at the end of July 1981, after several weeks of hiding, for France.
July: Muhammad Ali Rajaei voted President. Muhammad Javad Bahonar became Prime Minister.
August: President and Prime Minister killed in bomb attack; MEK blamed.
October: Hojatoleslam Ali Khamenei elected President; Mir Hussein Moussavi appointed Prime Minister.

1979-1985 Fierce repression of anti-government elements.

1987 Islamic Republican Party dissolved.
20 July: UN Security Council adopted Resolution 598.

1988 Ceasefire declared in Iran/Iraq war.

1989 **3 June:** Death of Ayatollah Khomeini. Replaced by Ayatollah Khamenei formerly President Khamenei.
July: Rafsanjani became President. Post of Prime Minister abolished.

1993 Rafsanjani re-elected with reduced margin.

1994 **February:** Rafsanjani survived assassination by BKO.

1997 **May:** Rafsanjani stood down. Seyed Mohammad Khatami won Presidential election by landslide.
June: Closure of the Iranian Embassy in Kabul, followed by a trade embargo with Afghanistan initiated by Iran.
August: Khatami inaugurated.
October: Khatami appointed former Prime Minister Moussavi as his senior adviser.
American vessels were present in the Persian Gulf to calm tension between Iran and Iraq over the September bombings in southern Iraq.
December: The Conference of the Organisation of the Islamic Conference was held in Tehran.

1998 **March:** The Iranian gas and oil industry was opened up to foreign investors for the first time.
June: The impeachment of the Interior Minister by the Majlis was followed by his immediate re-appointment by Khatami in a newly created Vice-President Cabinet post.
July: The former mayor of Tehran, Gholamhossein Karbaschi, was found guilty on charges of corruption and embezzlement. He was sentenced to five years imprisonment and other punishments.
The Solidarity Party of Islamic Iran was recognised and registered as a new political party.
An amnesty was issued for 1,041 prisoners sentenced by the revolutionary and public courts.
August: Iranians were permitted to visit Shi'a Muslim shrines in Iraq for the first time in 18 years.
British Airways resumed direct flights to Tehran.
Iranians, including diplomats, were captured by the Taleban in northern Afghanistan.
September: The Government of Iran gave the United Kingdom assurances that it had no intention, nor would it take any action to threaten the life of Salman Rushdie or those associated with his work, nor would it encourage or assist others to do so. They also disassociated themselves from the bounty offered to carry out the fatwa and stated that they did not support it.
October: The deaths of Iranians captured in August by the Taleban led to Iranian troops amassing at the border with Afghanistan. Exchange of mortar and artillery fire resulted.

1999 **February:** State and local elections held for the first time since the revolution.
July: A student demonstration for press reform resulted in a police raid on Tehran University dormitory complex. Six days of street riots followed the worst since the revolution.

2000 **February:** Khatami and his liberal/reformist supporters win 170 of 290 seats in the Majlis. Conservatives lose control of parliament for the first time since the revolution.
April: New Press Law adopted. Sixteen reformist newspapers banned.
August: Fatwa religious decree issued allowing women to lead religious congregations of female worshippers.

2001 **June:** Khatami re-elected for a second term after winning just under 77 per cent of the vote.
August: Khatami sworn in.

2002 **January:** US President describes Iraq, Iran and North Korea as an "axis of evil" in his State of the Union address. This is a reference to the proliferation of long-range missiles said to be under development and a perceived threat considered to be as dangerous to the US as terrorism. This statement causes offence across the Iranian political spectrum.
February: Iran rejects the proposed new UK ambassador to Tehran.
September: Russian technicians begin construction of Iran's first nuclear reactor at Bushehr, despite strong objections from the United States.
Iran accepts Britain's nomination for a new ambassador, ending a diplomatic spat over the previous candidate's rejection.
UK Foreign Secretary, Jack Straw, is in Iran at the end of a Middle East tour for talks that are expected to focus on the Iraq crisis.
December: Richard Dalton, the new UK ambassador took up his post on 1 December 2002.
Iran and Iraq consider resuming trade.

2003 **February:** A military aircraft crashes in the south-east of the country, killing all 302 people on board. It is Iran's worst air disaster.
March: Local elections in Iran appear to have swung in favour of conservative candidates, in a blow to reformist President Khatami.
Iran's Revolutionary Guards renew the death sentence on British author Salman Rushdie, passed 14 years ago by the late Ayatollah Khomeini.
Iranian Foreign Minister Kamal Kharrazi says his country is not taking sides in the war in Iraq.
June: Thousands attend student-led protests in Tehran against the clerical establishment.
August: Diplomatic crisis with UK over arrest of former Iranian ambassador to Argentina, sought by Buenos Aires on warrant alleging complicity in 1994 Jewish centre bombing.
September: UN nuclear watchdog gives Tehran weeks to prove that it is not pursuing atomic weapons programme.
October: Shirin Ebadi becomes Iran's first Nobel Peace Prize winner. The lawyer and human rights campaigner became Iran's first female judge in 1975 but was forced to resign after the 1979 revolution.
November: Iran says it is suspending its uranium enrichment programme and will allow tougher UN inspections of its nuclear facilities.
International Atomic Energy Agency (IAEA) report says Iran has admitted producing high-grade plutonium for peaceful purposes, but concludes there is no evidence of a nuclear weapons programme.
December: 40,000 people are killed in an earthquake in south-east Iran; the city of Bam is devastated.

2004 **February:** Conservatives gain control of parliament in controversial elections. Thousands of reformist candidates were disqualified by the hardline Council of Guardians ahead of the polls.
June: Iran is rebuked by the IAEA for failing to fully cooperate with an inquiry into its nuclear activities.
Three British naval craft and their crews are impounded after allegedly straying into Iranian waters. The eight servicemen are released four days later.
November: Iran agrees to suspend most of its uranium enrichment as part of a deal with the EU.

2005 **February:** Amid tension with Washington over its nuclear programme, Iran forms a common "front" with Syria, another state which is under pressure from the US.
More than 400 people are killed in an earthquake in the southern province of Kerman.
June: Mahmoud Ahmadinejad, Tehran's ultra-conservative mayor, wins a run-off vote in presidential elections, defeating cleric and former president, Akbar Hashemi Rafsanjani.
August: Tehran says it has resumed the conversion of uranium and insists the programme is for peaceful purposes. An IAEA resolution finds Iran in violation of the nuclear Non-Proliferation Treaty.
December: A military aircraft crashes in a Tehran suburb. More than 100 people are killed.

2006 **January:** Iran breaks IAEA seals at its Natanz nuclear research facility.
Bomb attacks in the southern city of Ahvaz the scene of sporadic unrest in recent months kill eight people and injure more than 40.
February: IAEA votes to report Iran to the UN Security Council over its nuclear activities. Iran says it has resumed uranium enrichment at Natanz.
March: Earthquakes kill scores of people and render thousands homeless in Lorestan province.
April: Iran says it has succeeded in enriching uranium at its Natanz facility.
31 August: A UN Security Council deadline for Iran to halt its work on nuclear fuel passes. The IAEA says Tehran has failed to suspend the programme.
December: Iran hosts a controversial conference on the Holocaust; delegates include Holocaust deniers.
UN Security Council votes to impose sanctions on Iran's trade in sensitive nuclear materials and technology. Iran condemns the resolution and vows to speed up uranium enrichment work.

2007 **February:** IAEA says Iran failed to meet a deadline to suspend uranium enrichment, exposing Tehran to possible new sanctions.
March-April: Iran detains 15 British sailors and marines who were patrolling the mouth of the Shatt al-Arab waterway that separates Iran and Iraq. A diplomatic stand-off ends with their release two weeks later.
April: President Ahmadinejad says Iran can produce nuclear fuel on an industrial scale.
June: Protests erupt after government imposes petrol rationing amid fears of possible UN sanctions.
July: Iran agrees to allow inspectors to visit the Arak nuclear plant following talks with the IAEA.
August: The former president, Akbar Hashemi Rafsanjani, is elected head of the Assembly of Experts (the body which appoints, supervises and can

dismiss the supreme leader), a position which further solidifies the veteran politician's role within the Iranian establishment, one that is increasingly at odds with the incumbent president.
October: US announces sweeping new sanctions against Iran, the toughest since it first imposed sanctions almost 30 years ago.
December: A new US intelligence report plays down the perceived nuclear threat posed by Iran.

2008 **February:** Iran launches a research rocket to inaugurate a newly built space centre. Washington describes the launch as "unfortunate".
March: President Ahmadinejad makes unprecedented official visit to Iraq, where he calls on foreign troops to leave. He also stresses his government's desire to help rebuild Iraq and signs a number of cooperation agreements.
Conservatives win over two-thirds of seats in parliamentary elections in which many pro-reform candidates were disbarred from standing. The conservatives include supporters of President Ahmadinejad as well as more pragmatic conservatives who oppose his confrontational foreign policy.
May: IAEA says Iran is still withholding information on its nuclear programme.
Iran's new parliament elects former nuclear negotiator Ali Larijani as its speaker.
June: EU foreign policy chief Javier Solana presents an offer of trade benefits, which Tehran says it will look at, but will reject if it demands suspension of uranium enrichment.
July: Iran test-fires a new version of the Shahab-3, a long-range missile it says is capable of hitting targets in Israel.
August: Informal deadline set by Western officials for Iran to respond to package of incentives in return for halt in nuclear activities passes without reply.
Iran says it has successfully launched a test rocket capable of carrying a satellite into space.
September: UN Security Council passes unanimously a new resolution reaffirming demands that Iran stop enriching uranium, but imposes no new sanctions. The text was agreed after Russia said it would not support further sanctions.
November: Parliament votes to dismiss the interior minister, Ali Kordan, who admitted that a degree he said he held from Oxford University was fake. The move is a blow to President Ahmadinejad ahead of next year's presidential election.
In an unprecedented move, President Ahmadinejad congratulates US president-elect Barack Obama on his election win. Mr Obama has offered to open unconditional dialogue with Iran about its nuclear programme.
December: Police raid and close the office of a human rights group led by the Nobel Peace Prize winner, Shirin Ebadi. Officials say the centre is acting as an illegal political organisation.
(BBC News, Timeline: Iran) **[21dc]**

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Annex B: Political organisations

The following comprises a list of parties and movements listed by Iranian name with English translation.

a) Political parties:

- Affiliate of Nehzat-e Azadi (Liberation Movement of Iran)
- Ansar-e-Hizbollah (Helpers of the Party of God)
- Fedayin-e Khalq (Warriors of the People)
- Hezb Democrat Kordestan Iran (Democratic Party of Iranian Kurdistan)
- Hezb-e Hambastegi-ye Iran-e Islami (Islamic Iran Solidarity Party)
- Hezb-e Kargozaran-e Sazandegi (Servants of Construction Party)
- Hezb-e Komunist Iran (Communist Party of Iran)
- Hezb-e-sabz Hayeh Iran (Green Party of Iran)
- Hezbollah (Army of God)
- Jebbeh-ye Masharekat-e Iran-e Islami (Islamic Iran Participation Front)
- Komala-ye Shureshgari-ye Zahmat Keshan-e Kordestan-e Iran (Revolutionary Organisation of the Toilers of Iran)
- Majma-e Niruha-ye Khat-e Imam (Assembly of the Followers of the Imam's Line)
- Mudjahedin-e Khalq (Holy Warriors of the People)
- National Council of Resistance
- Nehzat-e Azadi (Liberation Movement of Iran)
- Do-e Khordad (Second Khordad Front)
- Rahe Azadi (Democratic People's Party of Iran)
- Rahe Kargar (Organisation of Revolutionary Workers of Iran)
- Sarbedaran (Union of Communists of Iran)
- Tudeh Party of Iran (Party of the Masses)
- Worker-Communist Party of Iran

Monarchist groups:

- Babak Khorramdin Organisation (BKO)
- Constitutionalist Movement of Iran-Front Line (CMI)
- Derafsh-e Kaviani (Organisation of Kaviani Banner)
- Iran Paad
- Movement of National Resistance (MNR)
- Negahbanane Irane Djawid (NID) (Guardians of Eternal Iran)
- Shahin
- Shora-e Saltanat-talaban-e Iran dar Kanada (Iranian Monarchist Council of Canada) (IMCC)
- Sultanat Taliban

b) Political organisations

The following comprises a list of organisations with a short description of their political leanings.

Ansar-e-Hizbollah (Helpers of the Party of God)
Formed 1995, seeks to gain access to the political process for religious militants, and includes vigilante activities. Has aligned with some members of the clergy. A public physical assault on two reformist government ministers in September 1998 was

attributed to this group. Members were instrumental in the clashes with students in July 1999.

Ahwazi Democratic Popular Front (known as Ahwazian Arab People's Democratic Popular Front until 17 January 2007)
An Arabic group which is dedicated to the autonomy/independence of the mainly Arabic province of Khuzistan in south-western Iran.

Association for the Defence of Freedom and the Sovereignty of the Iranian Nation (ADFSIN)
Affiliate of Nehzat-e Azadi.

Babak Khorramdin Organisation
Monarchist, strongly anti-clerical. Has claimed responsibility for armed attacks within Iran, including an attempt to kill President Rafsanjani in February 1993.

Baluch National Movement
Seeks greater provincial autonomy.

Fedayin-e Khalq (Warriors of the People)
Urban Marxist guerrillas. Spokesman Farrakh Negahdar. In June 1980, the Fedayin split into at least two factions, namely Fedayin-e Khalq Aksariat (Majority, Moscow-oriented and affiliated to the Tudeh Party) and Fedayin-e Khalq Aghalliat (Minority, independent from the former Soviet Union).

Fraksion-e Hezbollah
Formed 1996 by deputies in the Majlis who had contested the 1996 legislative elections as a loose coalition known as the Society of Combatant Clergy. Leader Ali Akbar Hossaini.

Hezb-e Komunist Iran (Communist Party)
Formed 1979 on grounds that Tudeh Party was Moscow-controlled. Secretary General is Azaryun.

Iran Nation Party
An unregistered party previously tolerated by the Iranian authorities. Was led by Dariush Forouhar until he and his wife Parvaneh were murdered by unknown assailants on 22 November 1998. Current leader Bahram Namazi arrested with two other activists in July 1999.

Iran Paad
A self-proclaimed monarchist support organisation within the United Kingdom and other countries outside Iran. It is based in London and claims to have thousands of members. The group conducts meetings and has held some anti-Iranian regime demonstrations, mainly in London.

Islamic Iran Participation Front
One of a number of new political parties established in 1998. A reformist political group of cultural and political figures. Founded on search for freedom of thought, logical dialogue and rule of law in social behaviour.

Islamic Republican Party (IRP)
Formed 1978 to bring about Islamic revolution under Khomeini. Disbanded 1985.

Komala, or Komaleh, or Revolutionary Organisation of the Toilers of Iran
Established 1969, merged with Union of Communist Fighters in 1983 to form Communist Party of Iran. Two members of Komala reportedly executed in 1992.

Kurdistan Democratic Party of Iran (KDPI)
Largest Kurdish opposition group. The KDPI Congress in July 2004 changed the party's demands and replaced their previous aim of 'democracy for Iran and autonomy for Kurdistan' with the aim of 'federalism for Iran and national rights for Kurds.' Based in Iraq. At present, the party is led by its Secretary-General, Moustapha Hedjri. Former Secretary General Sadiq Sharifkandeh assassinated Berlin 1992.

KDPI Revolutionary Leadership/Command (KDPI RL)
Split from KDPI in late 1980s. Engaged in military operations. Reunited in January 1997.

Majma-e Hezbollah
Formed 1996 by deputies in the Majlis who supported Rafsanjani and who had contested the 1996 legislative elections as a loose coalition known as the Servants of Iran's Construction. Leader Abdollah Nouri.

Mojahedin-e Khalq (MEK)
Otherwise People's Mojahedin of Iran. Islamist/Marxist guerrilla group formed 1965. Member of National Council of Resistance. Leaders are Masud Rajavi and Maryam Rajavi, based in Iraq since 1986 with offices in Paris.

Movement of National Resistance
Monarchist, led by late Shapur Bakhtiar, forced into exile in Revolution 1978-1979. Paris-based. No longer very active.

Nehzat-Azadi (Liberation Movement of Iran/Iran Freedom Movement)
Nehzat-e Azadi (the Iran Freedom Movement). Nehzat-e Azadi descends from the movement that, in 1951, brought to power the democratic nationalist government of Mohammad Mossadegh, which was overthrown two years later by the Shah in a CIA-backed coup d'état. In 1979, the group was at the forefront of the Islamic revolution; tolerated by the Islamic regime, although it was declared "illegal" in 1991, after applying for registration in 1989. Supports constitutional rule by political parties within an Islamic framework; does not agree with a role for clerics in government. Led by Mehdi Bazargan and Secretary General, Dr Ibrahim Yazdi. Ten members of the Freedom Movement were arrested in April 2001 in the campaigns leading up to the June elections. The Freedom Movement was banned in March 2001 and officially dissolved in July 2002.

National Council of Resistance
Formed in Paris by former president Bani-Sadr and Masud Rajavi in 1981, following failed uprising. Initially a broad coalition, including MEK, KDPI, National Democratic Front, Hoviyat Group offshoot of the minority Fedayin and several small leftist groups. Bani-Sadr left 1984. Now under control of MEK.

National Liberation Army of Iran
Armed militant wing of MEK. Established in Iraq 1985. In July 1988 briefly held Iranian towns of Kerand and Islamabad Gharb. Driven back into Iraq by Iranian troops within days. At least 2,500 political prisoners executed in Iran as a result, not all linked to MEK. No other major military encounters with Iranian army.

Organisation of Kaviyani Banner/Kaviyani Flag or Derafsh Kaviani
Changed name in 1992 to Organisation for Human Rights and Fundamental Liberties for Iran. Emerged from defunct Iranian Salvation Front. Led by Manoucher Gandji, a former minister under the Shah. Main operation consists of broadcasts from radio station "Voice of Kaviyani Banner of Iran." Claims network of resistance cells and distributes audio and videotapes within Iran. Not involved in the armed struggle.

PJAK Kurdistan Independent Life Party
Affiliated to the Turkish PKK, which reportedly began operations in 2004.

Peykar
Minor communist opposition group.

Rah-e Kargar Worker's Road
Minor communist opposition group.

Rastakhiz Party
Formed 1975 to run one-party state under Shah. Inoperative since 1979 revolution.

Sarbedaran
Minor communist opposition group.

Solidarity Party of Islamic Iran
Officially recognised on 7 July 1998. It was set up by a group of Majlis deputies and executive officials. The party was registered in accordance with the provisions of the Interior Ministry's Article 10 pertaining to political parties. The Interior Ministry has approved the party manifesto and details of its founders. Secretary General Ebrahim Asgharzadeh.

Tudeh Party
Communist. Formed 1941, banned 1949, came into open 1979, and banned 1983. First Secretary Central committee Ali Khavari.

United Baluch Organisation
Seeks greater provincial autonomy.

Jebhe Ettehad E Melli Mihani Iran (United Front of Iranian Nationalists)
A European-based political organisation (established December 1997) which is believed to be the result of the National Front Party and the National Unity Party joining forces after the revolution. It appears to be Nationalist in outlook broadly supporting democracy, gender equality, secularism and the defence of Iran's borders. It purports to have an active presence within Iran, but to date it has proved extremely difficult to obtain any corroborative evidence. It has a UK office and supports a website which claims membership both within Iran and in some other countries. It produces a magazine called *Bamdad*.

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Annex C: Prominent people: past and present

The listing as compiled is by its nature subjective and general in content and is to a degree informed by current public events and news-orientated reports. It does not purport to provide a comprehensive listing of famous Iranians.

POLITICAL LEADERSHIP

Leader of the Islamic Republic and of the Nation: Supreme Leader Ayatollah Seyyed Ali Khamenei
Head of State: President Mahmoud Ahmadinejad

President: Mahmoud Ahmadinejad
First Vice-President: Parviz Davudi
Vice-President and Head of the National Youth Organisation: Ali Akbari
Vice-President and Head of the Atomic Energy Organisation: Gholamreza Aqazadeh
Vice-President and Head of the Management and Planning Organisation: Mansur Borqei
Vice-President and Head of the Foundation for the Affairs of Martyrs and War Veterans: Brigadier General Hossein Dehqan
Vice-President and Head of the Environmental Protection Organisation: Fatemeh Javadi
Vice-President and Head of Iran's Cultural Heritage and Tourism Organisation: Esfandiyar Rahim-Mashai
Vice-President and Head of the Physical Education Organisation: Mohammad Aliabadi
Vice-President for Legal and Parliamentary Affairs: Mohammad Reza Rahimi
Vice-President for Executive Affairs: Ali Saidlu
Minister of Agricultural Jihad: Mohammad-Reza Eskandari
Minister of Commerce: Massud Mir-Kazemi
Minister of Communications and Information Technology: Mohammad Soleymani
Minister of Co-operatives: Mohammad Abbasi
Minister of Culture and Islamic Guidance: Mohammad Hossein Saffar-Harandi
Minister of Defence and Armed Forces Logistics: Mostafa Najjar
Minister of Economic Affairs: Shamseddin Hosseini
Minister of Education: Alireza Ali-Ahmadi
Minister of Energy: Parviz Fattah
Minister of Foreign Affairs: Manuchehr Mottaki
Minister of Health, Treatment and Medical Education: Kamran Baqeri-Lankarani
Minister of Housing and Urban Development: Mohammad Saidi-Kia
Minister of Industries and Mines: Ali Akbar Mehrabian
Minister of Intelligence: Gholam Hossein Mohseni-Ezhei
Minister of the Interior: Ali Kordan
Minister of Justice: Gholam-Hossein Elham
Minister of Labour and Social Affairs: Mohammad Jahromi
Minister of Oil: Gholamhoseyn Nozari
Minister of Roads and Transport: Hamid Behbahani
Minister of Science, Research and Technology: Mohammad Mehdi Zahedi
Minister of Welfare and Social Security: Abdolreza Mesri
Governor, Central Bank of Iran: Tahmasb Mazaheri
Permanent Representative to the United Nations: Mohammad Khazaee
(Jane's Sentinel, 6 October 2008) **[125d]**

OTHERS

Aghajari Hashem
Political activist and university lecturer.

Bani-sadr Abolhasan
President 1980-1981. Dismissed by Khomeini and exiled to France.

Batebi Ahmad
Iranian student leader who shot to prominence during the Tehran University uprising of 1999. After being pictured on the front cover of the *Economist* waving the bloodied clothing of an injured contemporary, the 21-year-old undergraduate was sentenced to death in camera by a Revolutionary Court for sullying the name of the Islamic Republic. The tariff was subsequently commuted to 15 years in prison. Given temporary release in early 2005 following an outcry from human rights groups, Batebi skipped bail and went on the run. He was reportedly re-arrested on 27 July 2006 and taken to an undisclosed place of detention, believed to be Evin Prison in Tehran.

In 2007, Batebi was released from prison for medical treatment. When ordered to return in March 2008, he escaped to Iraq with the help of Kurdish guides and now has humanitarian parole status in the US. (New York Times, 13 July 2008) **[77c]**

Bazargan Dr Mehdi
Leader of Liberal Movement of Iran Nehzat-Azadi. Prime Minister in provisional government Feb-Nov 1979. Died in January 1995.

Ebadi Shirin
Awarded the Nobel Peace Prize in 2003 for her work defending the rights of Iranian women.

Ebtekar Ma'sumeh
One of seven vice presidents appointed in 1997 and the first woman appointed to such a senior government post since the Islamic Revolution.

Ganji Akbar
Jailed dissident. Journalist Akbar Ganji, who was released from jail on 17 March 2006, had become a symbol of resistance for Iran's reformists. Ganji, the state's most prominent political dissident had continued his criticism of Iran's ruling clerics from behind bars. His case had drawn international concern – and powerful allies. US President George W Bush and then UN Secretary General Kofi Annan were among those who had called for his release.

Hashemi-Shahrudi Mahmoud
Head of the judiciary and close to both the president and the supreme leader. He has promised to co-operate with President Khatami in reforming the judiciary. He is broad-minded and relatively untouched by the factionalism which affects the ruling clerics in Tehran.

Hedjri Moustapha
Secretary-General, of KDPI.

Karbaschi Gholamhossein

The former mayor, who took office in 1989, was convicted on embezzlement charges and sentenced in July 1998 to five years in prison, later reduced to two years on appeal. He was also barred from any public function. Mr Karbaschi, who was hated by Iran's conservatives, insisted that his conviction was politically motivated. His jail term began in May 1999, following a trial that was widely seen as a witch hunt by conservatives trying to settle scores with the reformist President Mohammad Khatami. The mayor's support helped the president win the election in 1997.

Kazemi Zahra
Canadian photojournalist who was beaten to death at Evin in summer 2003.

Khamenei Hojatoleslam Ali
President 1981-1989. Supreme Leader of the Islamic Revolution, Chief of State and Commander-in-Chief of the armed forces, 1989.

Kharrazi Kamal
Former Foreign Affairs Minister.

Khatami Seyed Mohammad
President August 1997-2005 following landslide election victory in May 1995.

Khomeini Ruhollah
Ayatollah. Exiled 1964-1979. Supreme leader 1979-1989. Died 3 June 1989. Traditionalist Muslim: issued fatwa against Salman Rushdie.

Montazeri Hussein Ali
He is one of Iran's highest ranking theologians and has a mass following among religious reformists. He was once nominated to succeed Ayatollah Khomeini, but was sacked by him for disagreeing on policy issues including human rights on which he took a softer line. He was put under house arrest in the holy city of Qom after criticising Ayatollah Khamenei for interfering in secular matters. He was finally freed from house arrest on January 2003 amid concern over his deteriorating health.

Moussavi Mir Hussein
Prime Minister 1981-1989; post abolished. Senior adviser to President Khatami, October 1997-2005.

Nateq-Nuri Ali Akbar
Majlis Speaker in 1997; unsuccessfully opposed Khatami in 1997 Presidential elections, despite backing of Khamenei.

Osanlu Mansur
The leader of the Syndicate Worker's of Tehran Bus Company.

Pahlavi Mohammad Reza
Shah of Iran 1941-1979. Died in Egypt, July 1980.

Pourmand Hamid
A colonel in the Iranian army from the city of Bushehr, imprisoned solely on account of his religion, stemming from legal discrimination against Christians in Iran.

Rafsanjani Ali Akbar Hashemi

President 1989-1997. One of seven vice-presidents appointed in 1997 [1997–]. In 2005 he tried to win a third term in office, but lost on the second ballot to Tehran Mayor Mahmoud Ahmadinejad in the 2005 Iranian presidential election.

Rajavi Massoud
Leader of MEK. Active in overthrow of Shah and led unsuccessful coup in 1981. Fled to France 1981.

Rahjavi Maryam
Wife of Massoud Rajavi; significant figure in MEK.

Rajani Muhammad Ali
Prime Minister 1979-1981. Elected President July 1981; assassinated late August 1981.

Soltani Abdolfattah
Jailed lawyer.

Yazdi Mohammad
The former head of the judiciary, which he turned into a bastion of the right. One of his changes was to establish general courts which gave total power to the judge and did away with many of the safeguards for the defendant. He was deputy speaker in parliament under Rafsanjani for several years. He is now a member of the powerful Council of Guardians.

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Annex D: List of abbreviations

AFP	Agence France-Presse
AI	Amnesty International
CCC	Center for Contemporary Conflict
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CIA	Central Intelligence Agency (US)
CIRB	Immigration and Refugee Board of Canada
CPJ	Committee to Protect Journalists
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
FIDH	Fédération Internationale des Ligues des Droits de l'Homme
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
ICFTU	International Confederation of Free Trade Unions
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
IRNA	Islamic Republic News Agency
MSF	Médecins sans Frontières
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
RFE/RL	Radio Free Europe/Radio Liberty
RSF/RWB	Reporters sans Frontières/Reporters without Borders
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNCHR	UN Commission on Human Rights
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USCIS	United States Citizenship and Immigration Services
USCRI	United States Committee for Refugees and Immigrants
USEIA	United States Energy Information Administration
USSD	United States State Department
WHO	World Health Organization
WBG	World Bank Group
WRI	War Resisters' International

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