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Iran

Country of Origin Information (COI) Report

COI Service

26 September 2013

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- Annex E – References to source material
- Annex F – Correspondence from Foreign and Commonwealth Office

Preface

- i This Country of Origin Information (COI) Report has been produced by COI Service, Home Office, for use by officials involved in the asylum and human rights determination process. The report provides background information about the issues most commonly raised in asylum and human rights claims made in the United Kingdom (UK). The main body of the report includes information available up to 31 August 2013. The report was issued on 26 September 2013.
- ii The report is compiled from material produced by a wide range of external information sources published in English (occasionally the Home Office will arrange for a translation of source material from another language into English. Where this has occurred, this is stated in the text). All information in the report is attributed to the original source material.
- iii The report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications in the UK. It is not intended to be a comprehensive survey of all issues that may arise in asylum and human rights claims. Officials are recommended to examine the original source material for further detail. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the report reflects the way it is used by Home Office 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 of interest. Key issues arising in asylum and human rights claims are usually covered within a dedicated section but may also be referred to in other sections. Some repetition is therefore inherent in the structure of the report.
- v The information included in this report is limited to that which can be identified from source documents. While the report aims to provide a range of information on topics relevant to asylum and human rights claims, it is not always possible to obtain information on all issues. 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. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.
- vi As noted above, the report is a compilation of extracts produced by a number of information sources. In compiling the report, no attempt has been made to resolve discrepancies between source documents. For example, source documents often contain different versions of names and spellings of individuals, places and political parties, etc. Reports do not aim to bring consistency of spelling but to reflect the spellings used in the original source documents. Similarly, statistics given in different source documents sometimes vary and these are 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 be 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 report and the accompanying source material are public documents. All COI reports are published on the Home Office website and the great majority of the source material is available in the public domain. Where the source documents identified 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, may be attached as an annex to the report or are available from COI Service upon request.
- ix COI reports are published on the 20 countries generating the most asylum claims in the UK. Reports on other countries may be published if there is a particular operational need. In addition, Home Office officials have access to an information request service for matters not covered by a report or where an update on a particular issue may be required.
- x In producing this report, COI Service has sought to provide an accurate, up-to-date, balanced and impartial compilation of source material on the main issues relevant to the asylum decision making process. Any comments regarding this report or suggestions for additional source material are welcome and can be submitted to Home Office as below.

Country of Origin Information Service

Home Office

Lunar House

40 Wellesley Road

Croydon, CR9 2BY

United Kingdom

Email: cois@homeoffice.gsi.gov.uk

Website: <http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/>

Independent Advisory Group on Country Information

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other COI material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the

decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

Independent Advisory Group on Country Information

Independent Chief Inspector of Borders and Immigration

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89 Eccleston Square

London, SW1V 1PN

Email: chiefinspectorukba@icinspector.gsi.gov.uk

Website: <http://icinspector.independent.gov.uk/country-information-reviews/>

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Useful news sources for further information

A list of news sources with Weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report. The full list of sources used in this report can be found in [Annex E – References to source material](#).

British Broadcasting Corporation (BBC) http://www.bbc.co.uk/news/world/middle_east/

Guardian <http://www.guardian.co.uk/world/iran>

International Campaign for Human Rights in Iran (ICHR) <http://www.iranhumanrights.org/>

Radio Free Europe/Radio Liberty (RFE/RL) <http://www.rferl.org/section/Iran/156.html>

Payvand Iran News <http://payvand.com/news/>

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Background Information

1. Geography

- 1.01 The Central Intelligence Agency (CIA) World Factbook, Iran, updated 22 August 2013, stated that Iran is in the 'Middle East, bordering the Gulf of Oman, the Persian Gulf, and the Caspian Sea, between Iraq and Pakistan'. [111a] (Location) Iran also has land boundaries with Afghanistan, Armenia, Azerbaijan-proper, Azerbaijan-Naxcivan exclave, Turkey and Turkmenistan. It has an area of 1,648,195 sq km (slightly smaller than Alaska). The capital of Iran is Tehran with a population of 7.19 million. Other major cities are Esfahan (1.704 million), Tabriz (1.459 million), Mashhad (2.592 million) and Karaj (1.531 million). The estimated population of Iran in July 2013 was 79,853,900. (CIA World Factbook, 22 August 2013) [111a] (Geography/People and Society)
- 1.02 The CIA World Factbook, updated 22 August 2013, provided the following estimate of ethnic groups in Iran: 'Persian 61%, Azeri 16%, Kurd 10%, Lur 6%, Baloch 2%, Arab 2%, Turkmen and Turkic tribes 2%, other 1%'. [111a] (People and Society)
- 1.03 The same source also provided the following breakdown of languages spoken in Iran, 'Persian (official) 53%, Azeri Turkic and Turkic dialects 18%, Kurdish 10%, Gilaki and Mazandarani 7%, Luri 6%, Balochi 2%, Arabic 2%, other 2%.' [111a] (People and Society) However, 'Only about half the population ...speaks Persian as a native language, but virtually all educated Iranians are conversant in it.' [131a] (Roshan Institute for Persian Studies, undated, accessed 8 May 2013)
- 1.04 The US Department of State's International Religious Freedom Report for 2012, published 20 May 2013 stated:
- 'According to the Statistical Center of Iran's 2011 National Population and Housing Census, the population is 75.2 million. Muslims constitute 99 percent of the population; 90 percent are Shia and 9 percent are Sunni (mostly Turkmen, Arabs, Baluchs, and Kurds living in the southwest, southeast, and northwest, respectively). There are no official statistics available on the size of the Sufi Muslim population; however, some reports estimate between two and five million people practice Sufism.
- 'Groups together constituting the remaining 1 percent of the population include Bahais, Christians, Jews, Sabeen-Mandaeans, and Zoroastrians. The two largest non-Muslim minorities are Bahais and Christians. The Bahais number approximately 300,000, and are heavily concentrated in Tehran and Semnan. According to UN figures, 300,000 Christians live in the country, though some NGOs [Non governmental organisations] estimate there may be as many as 370,000. The Statistical Center of Iran reports there are 117,700. The majority of Christians are ethnic Armenians concentrated in Tehran and Isfahan. Unofficial estimates of the Assyrian Christian population range between 10,000 and 20,000. There are also Protestant denominations, including evangelical 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. There are from 5,000 to 10,000 Sabeen-Mandaeans. The Statistical Center of Iran estimates there are 25,271 Zoroastrians, who are primarily ethnic Persians; however, Zoroastrian groups report they have 60,000 members.' [4e] (Section 1, Religious demography)

For further details about ethnic and religious groups see the sections on [Freedom of religion](#) and [Ethnic groups](#)

Maps

Iran

1.05 [Map of Iran](#) from the United Nations (UN) Cartographic Section dated 2004 [101]:



Tehran

1.06 This 2012 satellite [map of Tehran](#) shows the different areas of the city. (Maplandia.com) [72a]

Calendar

1.07 The Iran Chamber Society, undated, accessed 23 May 2012, stated: 'The Iranian calendar (also known as Persian calendar or the Jalaali 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.’ [58a] ‘Nowruz [or Norooz] is the name of the Iranian New Year in Iranian calendars and the corresponding traditional celebrations. Norooz is also widely referred to as the “Persian New Year”... Nowruz marks the first day of spring and the beginning of the year in Iranian calendar. It is celebrated on the day of the astronomical Northward equinox, which usually occurs on March 21 or the previous/following day depending on where it is observed.’ (Taghvim.com, accessed 13 May 2013) [92a] The Taghvim.com website stated that the Iranian year 1392 commenced on 20 March 2013 in Tehran. It also provided information on the times that Nowruz began in other parts of the world, either on 20 or 21 March 2013. [92a]

The Iran Chamber website includes an [Iranian calendar converter](#) to convert dates between the Iranian and the Gregorian calendar. [58a]

Public holidays

- 1.08 The Timeanddate.com website, accessed 9 September 2013, listed the public holidays in Iran for 2013. [1a]

Weekend

- 1.09 Undated information on the Kwintessential website, accessed 13 May 2013, noted that, ‘Friday is the Muslim holy day. Everything is closed. Many companies also close on Thursday, making the weekend Thursday and Friday.’ [132a]

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2. Economy

- 2.01 The Central Intelligence Agency (CIA) World Factbook, Iran, updated on 22 August 2013, accessed 11 September 2013, stated:

‘Iran’s economy is marked by statist policies and an inefficient state sector, which create major distortions throughout the system, and reliance on oil, which provides a large share of government revenues. Price controls, subsidies, and other rigidities weigh down the economy, undermining the potential for private-sector-led growth. Private sector activity is typically limited to small-scale workshops, farming, some manufacturing, and services. Significant informal market activity flourishes and corruption is widespread. Tehran since the early 1990s has recognized the need to reduce these inefficiencies, and in December 2010 the Majles passed President Mahmud Ahmadinejad’s Targeted Subsidies Law (TSL) to reduce state subsidies on food and energy. This was the most extensive economic reform since the government implemented gasoline rationing in 2007. Over a five-year period the legislation sought to phase out subsidies that previously cost Tehran \$60-\$100 billion annually and mostly benefited Iran’s upper and middle classes. Cash payouts of \$45 per person to more than 90% of Iranian households mitigated initial widespread resistance to the TSL program. However, inflation in 2012 reached its highest level in four years, eroding the value of these cash payouts and motivating the Majles to halt planned price increases for the second half of 2012 through at least March 2013. New fiscal and monetary constraints on Tehran, following international sanctions in January against Iran’s Central Bank and oil exports, significantly reduced Iran’s oil revenue, forced government spending cuts, and fueled a 20% currency depreciation. Economic growth turned negative for the first time in two decades. Iran also continues to suffer from double-digit

unemployment and underemployment. Underemployment among Iran's educated youth has convinced many to seek jobs overseas, resulting in a significant "brain drain." [111a] (Economy)

2.02 The CIA World Factbook, Iran, further noted that, according to data from the Iranian Government, the unemployment rate was estimated to be 15.3 per cent in 2011 and 15.5 per cent in 2012. [111a] (Economy) However, a Reuters article of 19 September 2012 reported Mehrdad Emadi, an Iranian-born economic adviser to the European Union, who is based in the UK, as saying that he believes '...the headline unemployment figure is above 20 percent.' [5c]

2.03 A September 2010 report by the Dubai Initiative, 'Iranian Youth in Times of Economic Crisis' stated that youth unemployment in Iran was 'at record high levels'. [90a] (Introduction) An Iran Primer report, also published in September 2010, stated that, 'Unemployment among youth has almost doubled since 1990. Young people between 15 and 29 make up 35 percent of the population but account for 70 percent of the unemployed. Among males, roughly one in four is unable to find a job. Among women with higher education, unemployment is estimated at around 50 percent.' [31f]

See the September 2010 [Dubai Initiative report](#) for a discussion of how the economic situation has affected young people in Iran.

2.04 A background report by the Council on Foreign Relations (CFR), 'The Lengthening List of Iran Sanctions', updated 31 July 2012, observed that 'The UN Security Council has wrestled with imposing sanctions on Iran since 2006 due to Iran's failures to comply with International Atomic Energy Agency [IAEA] requirements and its continuing uranium-enrichment activities.' [64a] The same report continued:

'Since 2010, the United States and international partners have ratcheted up sanctions as reports surfaced of the country's progress on potential nuclear weapons capability, although the regime regularly denies such a goal. An International Atomic Energy Agency report in November 2011 issued the agency's strongest indications to date that Iran is seeking a nuclear weapon. In response, the United States imposed new sanctions tightening the screws on Iran's petrochemical and oil and gas sectors. The United States also designated Iran's entire financial sector--including its central bank--as a "primary money laundering concern" under the Patriot Act... Meanwhile, the EU also has imposed sanctions on oil purchases from Iran, with all contracts terminating on July 1, 2012.' [64a]

2.05 For detailed information on the sanctions imposed by the UN, US and EU on Iran, see the Congressional Research Service (CRS) report, [Iran Sanctions](#), updated on 13 June 2013. [78b]

2.06 BBC News reported on 2 October 2012 that:

'As international sanctions against Iran have tightened, the value of the Iranian currency has plummeted... In the past seven days, Iran's rial has lost 25% of its value; it is now, at best, worth only a quarter of what it was 18 months ago. And the freefall seems to have no end in sight.

'Recent days in Iran have seen runs on foreign currencies and on gold - assets that are easily liquefied in the domestic market or transferable overseas.' [21f]

- 2.07 The CIA World Factbook, updated on 22 August 2013, noted the following basic economic facts:

Gross Domestic Product (GDP) (Purchasing Power Parity)	US\$1.016 trillion (2012 est.)
GDP Composition by Sector	agriculture: 11.3% industry: 37.6% services: 51% (2012 estimate)
GDP Per Capita	\$13,300 (2012 estimate)
Population Below Poverty Line	18.7% (2007 estimate)
Agriculture - products	wheat, rice, other grains, sugar beets, sugarcane, fruits, nuts, cotton; dairy products, wool; caviar
Industries	petroleum, petrochemicals, fertilizers, caustic soda, textiles, cement and other construction materials, food processing (particularly sugar refining and vegetable oil production), ferrous and non-ferrous metal fabrication, armaments

[111a] (Economy)

- 2.08 The US Department of State's 'Country Reports on Human Rights Practices for 2012, Iran (USSD Report 2012), published 19 April 2013, noted:

'The government set the minimum wage at 389,700 tomans (approximately \$318) per month, not including benefits and bonuses. According to a governmental Competitiveness Council official, the nationwide average income level below which a family with 3.7 members was considered to be living in poverty in 2011 was 580,000 tomans (\$473) a month. In Tehran the poverty income level in 2011 was 946,000 tomans (\$771) a month.' [4a] (Section 7d)

- 2.09 See also the report by the International Federation for Human Rights (FIDH) and the League for the Defence of Human Rights in Iran (LDDHI), '[Iran: Rising poverty, declining labour rights](#)', published in June 2013 for further information on the economy, inflation, unemployment, those living below the poverty line and the minimum wage. [56h] (Section 8)

Exchange rates

- 2.10 On 10 October 2012, the CATO Institute reported:

'On September 24th [2012], the Iranian government announced that it would adopt a three-tiered, multiple-exchange-rate regime...

'Currently, Iran has three exchange rates:

- The Official Exchange Rate: 12,260 IRR [Iranian rial]/USD [US Dollar]

Available only to importers of essential goods, such as grain, sugar, and medicine

- The "Non-Reference" Rate: 25,480 IRR/USD

Purportedly 2% lower than the black-market rate

Available to importers of important, but non-essential goods, such as livestock, metals and minerals

- The Black-Market Exchange Rate: Approximately 35,000 IRR/USD

The last freely-reported black-market rate was 35,000 IRR/USD (2 October 2012). The most recent anecdotal reports confirm this number as the current exchange rate.

'The Iranian government (read: police) has recently cracked down on currency traders and has also censored websites that report black-market IRR/USD exchange rates.

'This complex currency system results in lying prices that distort economic activity. By offering different exchange rates for different types of imports, the Iranian government is, in effect, subsidizing certain goods – distorting their true price. In consequence, any fluctuations in the black-market exchange rate – and, accordingly, in the price level – will be amplified to different degrees for different goods.' [133a]

2.11 See the [xe.com currency converter](#) for the official exchange rate of the British pound to the Iranian rial. [40a]

2.12 See the April 2013 report by the International Campaign for Human Rights in Iran (ICHRI), '[A Growing Crisis](#)', for further information on the effects of sanctions on the economy and currency exchange rates. [52aa] (p101-107)

See also [Iranian Revolutionary Guards Corps \(IRGC\)](#) for information on the IRGC's involvement in Iran's economy, [Corruption](#) and [Employment rights](#)

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3. History

The following provides a brief history of Iran, with the focus on recent events since the revolution in 1979. Further information on the country's history can be found in these sources:

US Department of State, Background Note: Iran, updated 1 February 2012, accessed 3 June 2013 [4c]

<http://www.state.gov/outofdate/bgn/iran/196733.htm>

Iran Chamber Society website [58c]

http://www.iranchamber.com/history/historic_periods.php

Pre 1979: Rule of the Shah

3.01 The US State Department (USSD) Background Note: Iran, updated 1 February 2012, accessed 3 June 2013, stated: 'The ancient nation of Iran, historically known as Persia, has traditionally been a major power in the region. Despite invasions by Arabs, Seljuk Turks, and Mongols, Iran has always reasserted its national identity and taken pride in its unique cultural and political heritage.' [4c] (History)

3.02 The same source continued:

'Many date the beginning of modern Iranian history to the nationalist uprisings 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, after finally ousting the Qajar dynasty, he declared himself Shah and established the Pahlavi dynasty.

'Reza Shah forcibly enacted policies of modernization and secularization in Iran and reasserted government authority over the country's tribes and provinces. In 1935, Reza Shah Pahlavi changed the country's name to Iran to accentuate Persia's Aryan roots. During World War Two, the Allies feared that the Shah's close relations with Nazi Germany would jeopardize Iran as a source of oil and a vital supply link to the Soviet Union. 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, ascended to the throne.' [4c] (History)

3.03 The USSD Background Note updated 1 February 2012, accessed 3 June 2013, noted: 'In 1978, domestic turmoil turned to revolution driven by several disparate groups – nationalists, Islamists, Marxists, and students – who joined together in opposition to the Shah. In January 1979, the Shah left Iran for Egypt and later traveled to the U.S. to seek medical treatment for cancer; he died in exile in Egypt one year later.' [4c] (History)

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From 1979 to 1999: Islamic revolution to first local government elections

3.04 The Freedom House report, 'Freedom in the World 2013 – Iran', covering events in 2012, released on 10 April 2013 (Freedom House Report 2013) noted:

' A popular revolution ousted Iran's monarchy in 1979, bringing together an unwieldy coalition of diverse political interests that opposed the regime's widespread corruption, misguided modernization efforts, and pro-Western foreign policy. Subsequently, the revolution's democratic and secular elements were largely subsumed under the leadership of the formerly exiled Ayatollah Ruhollah Khomeini. Although a newly drafted constitution incorporated some democratic institutions and values, Khomeini was named supreme leader based on the religious concept of velayat-e faqih (guardianship of the Islamic jurist). He was vested with control over the security and intelligence services, the armed forces, the judiciary, and the state media. With Iran in political turmoil, Iraqi dictator Saddam Hussein seized the opportunity to stop the spread of the Islamic revolution and settle a long-running border dispute. The ensuing Iran-Iraq War, which lasted from 1980 to 1988, cost over a million lives.

'After Khomeini's death in 1989, the title of supreme leader passed to Ayatollah Ali Khamenei, a compromise candidate who lacked the religious credentials and charisma of his predecessor. The constitution was amended, the office of prime minister was abolished, and Khamenei's power was consolidated, giving him final authority over all matters of foreign and domestic policy.' [112f]

3.05 The Freedom House Report 2013 continued:

‘Beneath its veneer of religious probity, the Islamic Republic gave rise to a new elite that accumulated wealth through opaque and unaccountable means. Basic freedoms were revoked, and women in particular experienced a severe regression in their status and rights. By the mid-1990s, dismal economic conditions and a demographic trend toward a younger population had contributed to significant public dissatisfaction with the regime. A coalition of reformists began to emerge within the leadership, advocating a gradual process of political change, economic liberalization, and normalization of relations with the outside world that was designed to reform, but not radically alter, the existing political system.’ [112f]

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From 2000 to 2008: Parliamentary and presidential elections

3.06 The Freedom House Report 2013 observed:

‘The 2000 parliamentary elections prompted a backlash by hard-line clerics. Over the next four years, the conservative judiciary closed more than 100 reformist newspapers and jailed hundreds of liberal journalists and activists, while security forces cracked down on student protests. Khatami was reelected with 78 percent of the vote in 2001, but popular disaffection stemming from the reformists' limited accomplishments, coupled with the disqualification and exclusion of most reformist candidates by the conservative Guardian Council, allowed hard-liners to triumph in the 2003 city council and 2004 parliamentary elections. These electoral victories paved the way for the triumph of hard-line Tehran mayor Mahmoud Ahmadinejad in the 2005 presidential contest. Although Ahmadinejad had campaigned on promises to fight elite corruption and redistribute Iran's oil wealth to the poor and middle class, his ultraconservative administration oversaw a crackdown on civil liberties and harsher enforcement of the regime's strict morality laws.

‘The new government also adopted a more confrontational tone on foreign policy matters, feeding suspicions that its expanding uranium-enrichment activity, ostensibly devoted to generating electricity, was in fact aimed at weapons production. Beginning in 2006, in an effort to compel Iran to halt the uranium enrichment, the UN Security Council imposed multiple rounds of sanctions on the country. However, diplomatic negotiations failed to break the stalemate.

‘In the 2006 local council and Assembly of Experts elections, voters signaled their disapproval of the government's performance by supporting more moderate officials. Carefully vetted conservative candidates won nearly 70 percent of the seats in the 2008 parliamentary elections, but many were considered critics of Ahmadinejad, and particularly of his economic policies.’ [112f]

See also [Economy](#) for further information on international sanctions

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From 2009 to May 2010

Presidential election – 12 June 2009

- 3.07 The Congressional Research Service's (CRS) Report, 'Iran: US Concerns and Policy Responses' dated 28 May 2013 noted:

'During his first term, splits widened between Ahmadinejad and other conservatives ("Principalists"). In the March 2008 Majles elections, some conservatives ran as an anti-Ahmadinejad bloc. Reformists saw a split in the conservative camp as an opportunity to unseat Ahmadinejad in the June 12, 2009 2009 presidential election. The main challenger to Ahmadinejad was a reformist, Mir Hossein Musavi, who had been prime minister during the 1980-1988 Iran-Iraq War. Out of 500 candidates that applied, the COG [Council of Guardians] also allowed to run Mehdi Karrubi ... and former Commander-in-Chief of the Revolutionary Guard Mohsen Reza'i.' [78a] (p9)

- 3.08 The Amnesty International (AI) report, 'Election contested, repression compounded', dated 10 December 2009 noted that all female nominees were excluded from standing in the election. [9f] (p16) The same source further noted that:

'The weeks preceding the polls, despite intensified repression by state authorities, witnessed a lively election campaign, including live televised debates between the four approved candidates. Inspired by this, the Iranian public took greater interest in the campaign than had been expected. The campaign drew millions of people into the debate and many thousands onto the streets to hear candidates speak at rallies. What became known as the Green Movement – the colour of those supporting Mir Hossein Mousavi, and by extension, social and political reform – was born.' [9f] (p15)

See also section on the [Green Movement](#)

- 3.09 The same AI report also noted that: 'On 8 June, just days before the election and following large pro-Mir Hossein Mousavi rallies in Tehran and elsewhere, the Head of the Revolutionary Guards Political Office accused Mir Hossein Mousavi's supporters of being part of a 'velvet revolution' in Iran, which, he warned, 'would not be successful'. [9f] (p16)

- 3.10 The CRS report of 28 May 2013 stated:

'The outcome of the election was always difficult to foresee; polling was inconsistent. Musavi's young, urban supporters used social media such as Facebook and Twitter to organize large rallies in Tehran, but pro-Ahmadinejad rallies were large as well. Turnout was high at about 85%; 39.1 million valid (and invalid) votes were cast. The Interior Ministry announced two hours after the polls closed that Ahmadinejad had won, although in the past results have been announced the day after. The vote totals, released June 13, 2009, showed Ahmadinejad receiving about 25 million votes (63%); Musavi receiving about 13 million, and under 1 million votes for Reza'i and Karrubi, respectively.

'After results of the election were announced on June 13, 2009, Musavi supporters began protesting, citing the infeasibility of counting the votes so quickly. Khamene'i declared the results a "divine assessment," appearing to certify the results even though formal procedures require a three-day complaint period. Some outside analysts said the results tracked pre-election polls, which showed strong support for Ahmadinejad in rural areas and among the urban poor.' [78a] (p9)

- 3.11 President Ahmadinejad was sworn in on 5 August 2009 for a second five year term; however, 'Senior officials and clerics attended the ceremony at Iran's parliament but it was boycotted by many opposition leaders and moderate politicians. (Guardian, 5 August 2009) [16m]

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Demonstrations and aftermath of the election to government crackdown during 2010

- 3.12 The CRS report of 28 May 2013 observed:

'Continuing to use social media, demonstrations built throughout June 13-19, 2009, largely in Tehran but also in other cities. Security forces used varying amounts of force, causing at least 27 protester deaths (opposition groups reported over 100 killed), including a 19-year-old woman Neda Soltani, who subsequently became a symbol of the opposition. On June 19, 2009, Khamene'i refuted allegations of vast fraud and threatened a crackdown, but protests continued. On June 29, 2009, the COG [Council of Guardians] tried to address the complaints by performing a televised recount of 10% of the votes of Tehran's districts and some provincial ballots. Finding no irregularities, the COG certified the results. As 2009 progressed, the opposition congealed into the "Green Movement of Hope and Change," which later moved beyond the election issue into a challenge to the regime...' [78a] (p9)

- 3.13 Post election protests had begun to dissipate by 22 June 2009 but sporadic protests continued thereafter. (House of Commons Library Report, 11 December 2009) [18a] (p38)

See section on the [Green Movement](#) for information on protests after June 2009.

- 3.14 The Secretary-General's report dated 23 September 2009 observed that: 'On 1 August [2009], the trial of about 100 defendants commenced on a variety of charges ranging from participation in the unrest, leading the riots, acting against national security, disturbing public order, damaging public and Government property and relations with anti-revolutionary groups.' [10g] (p8-9)

- 3.15 On 29 October 2009, the Times reported that Hossein Rassam, a senior Iranian employee at the British Embassy, had received a four year prison sentence for 'fomenting violence at the behest of the British Government.' [15b] On 4 October 2010, British Broadcasting Corporation (BBC) News reported that Mr Rassam's sentence had been commuted to '... one year in jail, suspended for five years, for propaganda against the establishment.' [21b]

- 3.16 Demonstrations were also reported on 7 December 2009. An article in the Telegraph on that day reported:

'There were bloody clashes as young people launched a fresh wave of anti-government protests on the country's official Students Day. Police used warning shots, baton charges and gas but failed to stop rallies, sit-ins and campus marches across the capital... Iranian students were commemorating three scholars who were killed by Shah Mohamed Reza Pahlavi's security forces on Dec 7, 1953, as they protested the sacking of nationalist prime minister Mohammed Mossadegh.' [43b]

- 3.17 The report of the Secretary General to the UN General Assembly on ‘The situation of human rights in the Islamic Republic of Iran’, dated 15 September 2010 stated:
- ‘In November [2009], the Ministry of Justice issued a list of verdicts on 89 cases involving post-election incidents. Five persons were given death sentences while 81 were sentenced to prison terms ranging from six months to 15 years. Further verdicts against 22 people mainly involving jail terms were finalized in December. Following the Ashoura protests on 27 December [2009], senior clerics and high-ranking Government officials repeatedly called for protestors to be dealt with harshly on charges of mohareb, which carries the death penalty.
- ‘On 30 January 2010, 16 defendants linked to the Ashoura unrest went on trial in Tehran. Five of the defendants were charged with mohareb offences, while the others were accused of taking part in illegal protests, threatening national security and spreading propaganda against the establishment. A day before the trial, Ayatollah Ahmad Jannati, the Secretary of the Guardian Council, urged the judiciary to impose harsh penalties for mohareb offences. In March 2010, authorities confirmed that six persons had been sentenced to death for their role in the Ashoura unrest and were awaiting execution confirmation from the Appeals Court. In April 2010, the Appeals Court upheld death sentences for two persons for their role in the anti-Government protest. Court verdicts for a further 217 people arrested in connection with the post-election unrest were reportedly finalized during the period under review [September 2009 to September 2010].’ [10u] (p13)
- 3.18 On 5 January 2010, the Guardian reported:
- ‘Authorities in Iran intensified their campaign to blame the country’s political turmoil on foreigners today by banning contact with more than 60 international organisations.
- ‘The intelligence ministry said the blacklist included thinktanks, universities and broadcasting organisations identified as waging a ‘soft war’ aimed at toppling Iran’s Islamic system.
- ‘It forbade Iranians from talking to or receiving aid from the proscribed organisations, including the BBC, which last year launched a Farsi satellite television channel, as well as two US government-funded outlets, Voice of America and Radio Farda, both of which broadcast in Farsi...
- ‘The blacklist was published after the intelligence minister, Heydar Moslehi, said on Monday [4 January] that foreign and dual nationals had been among those arrested amid violent disturbances that broke out during last month’s Ashura ceremonies. No detained foreign citizens have been named, although one was said to have been carrying a British passport.’ [16g]
- 3.19 British Broadcasting Corporation (BBC) news reported on 7 December 2010 that students had ‘...defied a security clampdown to stage anti-government protests throughout the country, witnesses and opposition groups say. Unconfirmed reports say about a dozen people have been arrested, including at Tehran University in the capital... The annual protests are held on Student Day, Iran’s annual commemoration of the killings of three students during anti-American protests in 1953.’ [21u]
- 3.20 The Freedom House report, ‘Freedom in the World 2013 – Iran’, published 10 April 2013, noted that, ‘Over the course of 2010... the government effectively crippled the opposition’s ability to mount large-scale demonstrations.’ [112f]

See also [Fair Trial](#), [Freedom of political expression](#), [Freedom of speech and media](#) and [Green Movement](#) for more information on the aftermath of the demonstrations.

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From 2011 to May 2012

- 3.21 The Freedom House report, 'Freedom in the World 2013 – Iran', published 10 April 2013, covering events in 2012, observed that, 'In the wake of the postelection confrontations, basic freedoms deteriorated and political affairs were further securitized.' [112f]
- 3.22 The Amnesty International report, "'We are ordered to crush you", Expanding repression of dissent in Iran', published in February 2012 reported:

'On 14 February 2011, thousands of Iranians, encouraged by the mass protests sweeping across North Africa and the Middle East, defied a government ban by demonstrating in Tehran and other cities. The paramilitary Basij militia and other security forces responded by shooting at protesters, firing tear gas at them, and beating them with batons, before arresting many of them. In the wake of the toppling of autocratic governments in Tunisia and Egypt, the Iranian authorities were taking no chances.

'The demonstrations were called by opposition leaders Mehdi Karroubi and Mir Hossein Mousavi in solidarity with the people of Tunisia and Egypt and were the first major public displays of opposition since the Iranian authorities viciously crushed vast protests that erupted and continued in the six months following disputed presidential election results in June 2009, culminating in demonstrations on the religious festival of Ashoura in December 2009.

'Without apparent irony, Iran's Supreme Leader, Ayatollah Ali Khamenei, celebrated the uprisings in Tunisia and Egypt, saying that it reflected an "Islamic awakening" based on Iran's 1979 revolution. Iran's leaders also supported Bahrainis demonstrating for their rights. Yet in 2009 Iran had ruthlessly repressed Iranians expressing the same desire as Tunisians, Egyptians and Bahrainis demonstrating for political rights and social justice. In February 2011, Iran's response to the mere call for solidarity demonstrations was to place Mehdi Karroubi and Mir Hossein Mousavi under house arrest, blocking and arresting hundreds of political activists and others.

'Subsequent demonstrations in 2011 in various Iranian cities were forcibly dispersed and further measures taken to stifle opposition and silence critics. One year later, Mehdi Karroubi and Mir Hossein Mousavi remain under house arrest, and hundreds of people are believed to be still in jail simply for daring to express their views. Meanwhile, the security forces, particularly the Basij militia, continue to operate with virtual impunity for their crimes.' [9x] (p5)

See also [Political affiliation](#), [Events during and after the 2009 Presidential elections](#) and the [Green Movement](#)

- 3.23 The CRS report of 28 May 2013 stated:

'As Green Movement unrest faded in 2010, Ahmadinejad sought to promote the interests of his loyalists - particularly chief-of-staff, Esfandiar Rahim Mashai, to whom he

is related through their children's marriage - and promote what his critics say is a nationalist version of Islam that limits the authority of Iran's clerics. Anti-Ahmadinejad hardliners have rallied around the Supreme Leader Khamene'i - who himself is believed suspicious of Ahmadinejad's allies' ambitions and ideology.

'The infighting escalated in April 2011 when Ahmadinejad dismissed MOIS [Ministry of Intelligence and Security] head (intelligence minister) Heydar Moslehi but the Supreme Leader reinstated him. Ahmadinejad protested by refusing to attend cabinet meetings from April 24 to May 4, 2011. Later that year, 25 Mashai loyalists were charged with witchcraft or sorcery. In September 2011, the split continued with allegations that a \$2.6 billion embezzlement scheme involving fraudulent letters of credit were facilitated by Mashai. (On July 30, 2012, four people were sentenced to death in the alleged scheme, the first of a total of 39 persons convicted in the case.) On February 7, 2012, the Majles, which generally expresses loyalty to the Supreme Leader, voted to summon Ahmadinejad for formal questioning—the first time this has happened since the Islamic revolution. He made the appearance on March 14, 2012, after the March 2 Majles elections, but the session reportedly was less contentious than expected.' [78a] (p10)

See also section on [Corruption](#) for further information on the embezzlement scheme.

Parliamentary elections: March and May 2012

- 3.24 The International Foundation for Electoral Systems' (IFES) Election Guide for Iran, updated on 19 March 2012, noted that the first round of parliamentary elections for the 290 seats in the Islamic Consultative Assembly (Majles-e-Shura-ye-Eslami) took place on 2 March 2012. The second round would be on 4 May 2012. [106b]
- 3.25 The Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, dated 20 March 2012 stated:

'5,395 individuals, including 428 women, had signed-up for Iran's ninth parliamentary elections scheduled for 2 March 2012. Compared to the parliamentary elections of 2008, the number of registered candidates had declined by 30 percent, which the authorities attributed to amendments made to the electoral law, such as the criterion of holding a master's degree. The registered candidates that ran for the election included 260 currently sitting lawmakers. On 11 February 2012, the Guardian Council announced the approval of 3,400 candidates to run for the March elections. The approved candidates had eight days to campaign, which restricted their ability to present their policies and agendas to their constituents and also limited voters' access to information necessary for making an informed electoral decision.

'Authorities put the overall turnout at 64.2% in the March 2 elections, an increase of 10% in voter turnout, as compare to the previous parliamentary elections. 3,467 candidates reportedly competed in the election, and 48 million citizens were eligible to vote at more than 47,000 polling stations across the country. 850,000 observers reportedly supervised the election process, and 13,00 [sic] local and 350 foreign reporters provided coverage. Serious concerns remain about the vetting of the candidates for this election. Initial reports indicated that between 30-50 currently serving members of the parliament, including Mr Ali Motahari, a vocal critic of the Government; Mr Hamidreza Katoziyan, the chairman of the Majlis Energy Committee and a conservative who supported the opposition candidate Mir Hussein Mousavi during the 2009 presidential elections; Mr Dariush Qanbari, the spokesman of the Majlis minority faction; and Mr Alireza Mahjoub, who is considered a representative of labourers, have

been disqualified. Some members of the Parliament challenged the legality of their disqualification and few of the aforementioned were reportedly reinstated. At least 28 members of the parliament, who have called for the questioning of the President, were reportedly either disqualified or their candidature rejected. It was further reported that the Guardian Council reinstated a number of candidates some days before election day, depriving candidates from conducting proper campaigns to lobby for support. Senior officials and the clergy have reportedly denounced reformist candidates and appealed for a high voter turnout in response to opposition moves to encourage a boycott of the polls. According to media reports, the judiciary has also announced that any statement calling for a boycott of the elections and endangering security is a crime.' [10ai] (p10-11)

3.26 The Economist Intelligence Unit (EIU) reported on 16 July 2012 that, 'The current Majlis was elected in March 2012 for a four-year term, and a conservative alliance of parties opposed to the president won 182 of the available seats. The United Fundamentalists Front, led by the speaker of parliament, Ali Larijani, won the single largest block of seats, empowering this ally of Ayatollah Khamenei.' [24b]

3.27 On 5 May 2012, the Guardian reported that President Ahmadinejad had '...suffered a major setback after his supporters fared badly in Iranian parliamentary elections.' [16a] The article continued:

'Supporters of the populist president were relegated to a small fraction of the parliament, hugely outnumbered by the conservatives closely linked with the supreme leader Ayatollah Ali Khamenei...

'As in the first round, parties directly aligned with Ahmadinejad did not fare well. His opponents won 20 while the president's supporters won only eight seats. Independents had a strong showing, winning 11 seats so far, which may help the president in what is expected to be a tough final year in office...

'The conservatives had previously backed Ahmadinejad, but then turned against him after he was perceived to challenge the authority of senior clerics. His allies are likely to be ousted from key posts, and his economic policies challenged.

'Ahmadinejad's opponents had already won an outright majority in the 290-member legislature in the first round of voting in March.

'Iran's major reformist parties, who oppose both Ahmadinejad and the conservatives, mostly did not field candidates.' [16a]

3.28 Following the parliamentary elections, the BBC reported on 14 March 2012 that President Ahmadinejad had appeared in parliament to answer questions from MPs. 'Mr Ahmadinejad took an hour to respond to a long list of questions about his foreign and domestic policy decisions. He insisted they had been in accordance with the law, and denied that he had challenged the authority of the Supreme Leader, Ayatollah Ali Khamenei. It was the first time since the 1979 Islamic Revolution that Iran's parliament has summoned the president.' [21m]

See also the [BBC Timeline: Iran](#), updated 17 June 2013, for a chronology of key events. [21p]

4. Recent developments (June to 31 August 2013)

Presidential elections 14 June 2013

4.01 The International Foundation for Electoral Systems (IFES) Iran profile, last updated on 18 June 2013, noted that the first round of the Presidential election was held on 14 June 2013. [106c] The following day, BBCNews reported that, 'Reformist-backed cleric Hassan Rouhani has won Iran's presidential election, securing just over 50% of the vote and so avoiding the need for a run-off...Interior Minister Mostafa Mohammad Najjar announced that Mr Rouhani had won 18,613,329 of the 36,704,156 votes cast. This represented 50.71% of the vote. Tehran Mayor Mohammad Baqer Qalibaf won 6,077,292 votes to take second place (16.56%).' [21v]

See the [IFES profile](#) of 18 June 2014 for the full election results. [106c]

4.02 On 5 August 2013, the Guardian reported that:

'Hassan Rouhani has been officially sworn in as Iran's new president, promising moderation and transparency but also urging those who want the "right response" from his country to "use the language of respect" instead of sanctions...

'Rouhani, Iran's seventh president since the 1979 Islamic revolution, formally began his four-year mandate on Saturday [3 August] when Iran's supreme leader, Ayatollah Ali Khamenei, in a separate ceremony, endorsed his sensational victory in June's presidential election.

'During Sunday's swearing-in ceremony, Rouhani delivered a speech in the Majlis (the parliament) in which he said "people have voted for moderation" and that his "government of hope and prudence" would work to fight poverty, corruption and discrimination.' [16i]

4.03 Radio Free Europe/Radio Liberty reported on 6 August 2013 that, 'During the [inauguration] ceremony, Rohani unveiled the nominees for his new cabinet, including former UN Ambassador Mohammad Javad Zarif as foreign minister and former Oil Minister Bijan Zanganeh to return to the post. The nominees have to be approved by parliament.' [42i] On 15 August 2013, BBC News reported that:

'Iran's parliament - dominated by Islamic hardliners - has rejected three of the new President Hassan Rouhani's 18 nominees for his cabinet. The men nominated for education, sports and science ministries, were allied to the reformist camp. They drew criticism for having Western educations. Education nominee Mohammad Ali Najafi and science nominee Jafar Milimonfared were accused of fomenting unrest after Iran's disputed elections in 2009... Masoud Soltanifar - put forward by Mr Rouhani to be minister for youth and sports - was accused of being inexperienced... President Rouhani has up to three months to name replacement ministers.' [21f]

4.04 On 29 August 2013, the Guardian reported that Iran had appointed its first foreign ministry spokeswoman. Mohammad Javad Zarif, the foreign minister, was reported as saying that Marzieh Afkham had been appointed 'spokesperson for the country's diplomatic apparatus.' [16j] The same Guardian article also noted that, 'President Hasan Rouhani has promised more opportunities for women. Last week, he appointed another woman, Elham Aminzadeh, as vice-president in charge of legal affairs.' [16j]

5. Constitution

5.01 The Iran Chamber Society website, accessed 20 June 2013, stated:

‘According to Iran’s Constitution, the Supreme Leader is responsible for the delineation and supervision of ‘the general policies of the Islamic Republic of Iran,’ which means that he sets the tone and direction of Iran’s domestic and foreign policies...The president is the second highest ranking official in Iran. While the president has a high public profile, however, his power is in many ways trimmed back by the constitution, which subordinates the entire executive branch to the Supreme Leader. In fact, Iran is the only state in which the executive branch does not control the armed forces.’ [58d]

An English version of the [Iranian Constitution](#) is available on the Iran Chamber Society website. [58e]

5.02 The report of the Secretary-General to the UN General Assembly on ‘The situation of human rights in the Islamic Republic of Iran’ dated 23 September 2009, stated: ‘...the 1979 Constitution of the Islamic Republic of Iran guarantees a wide range of human rights and fundamental freedoms. In practice, however, 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.’ [10g] (p3)

5.03 The International Federation for Human Rights (FIDH) and the Iranian League for the Defence of Human Rights (LDDHI) report, ‘The Hidden Side of Iran: Discrimination against ethnic and religious minorities’, published in October 2010, elaborated:

‘Many rights that the Constitution seems to recognise for the Iranian citizens are extremely restricted and qualified by adding the phrase ‘in compliance with Islam’s criteria.’ These may be noted for instance in Articles 4, 10, 14, 20, 24, 26, 27, and 28 among others. One of the worst is perhaps Article 14 which expressly and emphatically denies human rights to those who ‘engage in conspiracy or activity against Islam and the Islamic Republic of Iran.’ [56c] (p8-9)

See also [Penal Code](#) and [Security Laws](#)

5.04 The 2013 Annual Report of the United States Commission on International Religious Freedom (USCIRF), covering the period 1 April 2012 to 31 March 2013, released on 30 April 2013, stated that, ‘The Constitution of the Islamic Republic of Iran proclaims the Twelver (Shi’i) Jaafari School of Islam to be the official religion of the country. All laws and regulations, including the Constitution itself, must be based on Islamic criteria.’ [88a] (Iran chapter, p3) Zoroastrians, Jews, and Christians are recognised as religious minorities under the constitution (Freedom House 2013) [112f]

5.05 The FIDH and LDDHI report of October 2010 stated: ‘The Constitution does not recognise a number of faiths, e.g. the Baha’i faith, and various branches of Sufis. Non-believers and atheists do not have the right to exist at all.’ [56c] (p8)

5.06 The Freedom House report, ‘Freedom in the World 2013 – Iran’, published 10 April 2013, covering events in 2012, stated that: ‘The constitution and laws call for equal

rights for all ethnic groups, but in practice these rights are restricted by the authorities... Ethnic Kurds, Arabs, Baluchis, and Azeris complain of discrimination.’ [112f]

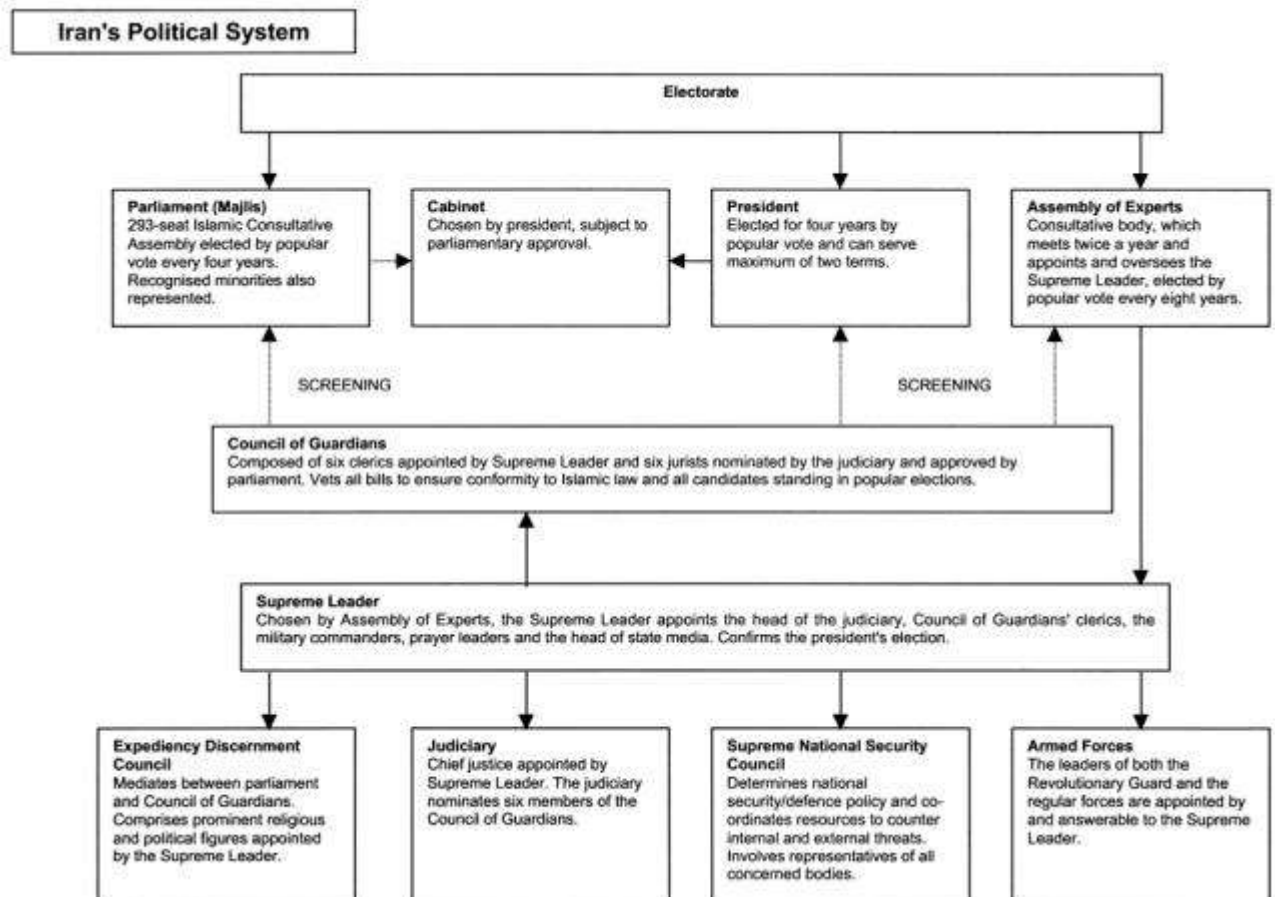
See also sections on [Freedom of Religion](#) and [Ethnic Groups](#) for further information on how religious and ethnic groups are treated in practice.

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6. Political system

- 6.01 The US State Department’s, ‘Country Reports on Human Rights Practices 2012 – Iran’, released on 19 April 2013 (USSD Report 2012), stated that:
- ‘The Islamic Republic of Iran is a theocratic republic established after the 1979 adoption of a constitution by popular referendum. The constitution, amended in 1989, created a political system based on the concept in Shia Islam of velayat-e faqih, the “guardianship of the jurist” or “rule by the jurisprudent.” Shia clergy and political leaders vetted by the clergy, many of which are increasingly associated with the country’s security forces, dominate key power structures.’ [4a] (Executive summary)
- 6.02 The Freedom House report, ‘Freedom in the World 2013 – Iran’, published 10 April 2013, observed:
- ‘Iran is not an electoral democracy. The most powerful figure in the government is the supreme leader, currently Ayatollah Ali Khamenei. He is chosen by the Assembly of Experts, a body of 86 clerics who are elected to eight-year terms by popular vote, from a list of candidates vetted by the Guardian Council. The supreme leader, who has no fixed term, is the commander in chief of the armed forces and appoints the leaders of the judiciary, the heads of state broadcast media, the Expediency Council, and half of the Guardian Council members. Although the president and the parliament, both with four-year terms, are responsible for designating cabinet ministers, the supreme leader exercises de facto control over appointments to the Ministries of Defense, Interior, Foreign Affairs, and Intelligence.
- ‘All candidates for the presidency and the 290-seat, unicameral parliament are vetted by the Guardian Council, which consists of six Islamic theologians appointed by the supreme leader and six jurists nominated by the head of the judiciary and confirmed by the parliament, all for six-year terms. The council generally disqualifies about a third of parliamentary candidates, though some are able to reverse these rulings on appeal. It also has the power to reject legislation approved by the parliament. Disputes between the two bodies are arbitrated by the Expediency Council, another unelected, conservative-dominated entity, currently headed by former president Ali Akbar Hashemi Rafsanjani.’ [112f]
- 6.03 The USSD Report 2012 noted:
- ‘The constitution provides citizens the right to peacefully change the president and Islamic Consultative Assembly members through free and fair elections, but candidate vetting and electoral process supervision by unelected bodies severely abridged this right in practice... There is no separation of state and religion, and certain clerics had significant influence in the government. The supreme leader also approved all presidential candidates. Voters elect the president by direct popular vote with universal suffrage.’ [4a] (Section 3)

- 6.04 The USSD Background Note updated 1 February 2012, accessed 3 June 2013, stated that suffrage is universal at 18. [4c] (Government)
- 6.05 Jane's 'Sentinel Security Assessment', updated 25 June 2012, included the following diagram detailing how the political system in Iran operates [61a] (Internal Affairs):



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Political parties

- 6.06 Information on the Global Security website, last updated 27 October 2012, stated:
- 'The Islamic Republican Party was the dominant party until political parties were banned in 1987. Political parties were again legalized in 1998. However, official political activity was permitted only to groups that accept the principle of political rule known as *velayat-e faqih*, literally, the guardianship of the *faqih* (religious jurist), better known as the Supreme Leader. Allegiances, still based on special interests and patronage, remained fluid.' [70a]
- 6.07 Jane's 'Sentinel Security Assessment', updated 25 June 2012, noted that 'Iranian politics is very dynamic and fluid, with parties emerging for short periods of time and disappearing, reflecting splits and disputes among reformists and conservatives.' [61a] (Internal Affairs)

6.08 Jane's 'Sentinel Security Assessment', updated 25 June 2012, stated:

'Article 26 of the Iranian constitution permits: '[the] formation of parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the recognised religious minorities... provided they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic'. A 1981 law on political parties specified what a political party is and defined the conditions under which it could operate, and it made the formation of a party dependent on getting a permit from the Ministry of the Interior.' [61a] (Internal Affairs)

6.09 Referring to Article 26 in their October 2010 report, 'The Hidden Side of Iran', the International Federation for Human Rights (FIDH) and the Iranian League for the Defence of Human Rights (LDDHI) stated '...it is notable that it [Article 26] stipulates: 'The formation of parties... as well as religious societies, whether Islamic or pertaining to one of the recognised religious minorities, is permitted.' Thus, no other associations are tolerated, except followers of Islam or one of the three recognised religions.' [56c] (p9)

6.10 The 'Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran', dated 6 March 2012, noted:

'A new bill, entitled the 'Parties and Associations Law Reform Plan', defines membership requirements for all political organizations, stating that 'followers and associates of antagonistic groups that act or have previously acted against the Islamic Republic' are prohibited from membership of political parties. Those deemed ineligible would be denied operation licenses and therefore prohibited from forming a political party or association.' [10d] (p6)

6.11 The Amnesty International report, "'We are ordered to crush you'", expanding repression of dissent in Iran', published February 2012, noted that, 'Political parties, particularly those associated with opposition leaders Mehdi Karroubi and Mir Hossein Mousavi, have been closed down, some by court order since 2009, joining other political parties banned since 1979.' [9x] (p19)

For a comprehensive discussion of the Iranian electoral system, including the history of political parties and the results of presidential elections since 1980, see the report by the International Foundation for Electoral Systems (IFES), '[Duality by Design: The Iranian Electoral System](#)', published March 2011. [106a]

A list of political organisations is at [Annex B](#); see also [Political affiliation](#) for information about political rights in practice.

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Human Rights

7. Introduction

7.01 An article in the Iran Primer, a joint product of the US Institute of Peace (USIP) and the Woodrow Wilson Center for International Scholars, dated 16 December 2010, entitled 'Patterns of Iran Human Rights Abuses 2010', stated:

'Iran launched a sweeping crackdown on human rights and civil society in 2010, following political unrest after the disputed June 2009 presidential election. The executive branch, the Revolutionary Guards and security services increasingly engaged in the arbitrary exercise of power. As Iran became more authoritarian, human rights conditions deteriorated dramatically. A military crackdown blocked public demonstrations, while a wave of convictions and executions demonstrated the almost absolute power of the state. Yet Iran's brutality also revealed the regime's fear of its own citizens, democracy and dissent.' [31a]

- 7.02 The UN Human Rights Council's Universal Periodic Review (UPR) of Iran took place in February 2010 and [the Report of the Working Group](#), detailing the recommendations made and Iran's response was published on 15 March 2010. [10ab]
- 7.03 The report of the Special Rapporteur, 'The situation of human rights in the Islamic Republic of Iran', dated 23 September 2011, noted that, 'The President of the Human Rights Council appointed the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran on 17 June 2011. Mr. Shaheed officially commenced his mandate on 1 August 2011, at which time he wrote to the authorities in the Islamic Republic of Iran to seek their cooperation in the discharge of his mandate.' [10e] (p3)
- 7.04 In the Special Rapporteur's latest report dated 28 February 2013, he reported that he had '...communicated his desire to visit the Islamic Republic of Iran in order to engage in dialogue and to further investigate the veracity of allegations of human rights violations most recently on 9 May 2012. However, the Government remains reticent on this engagement and his request.' [10n] (p3) Furthermore, despite Iran's standing invitation, '...several requests to visit the country remain outstanding, and that no visit has been granted to any Special Procedure mandate-holder since 2005.' [10n] (p4)
- 7.05 In 'Human Rights and Democracy: The 2012 Foreign & Commonwealth Office [FCO] Report, Iran', released in April 2013, the FCO reported:
- 'The human rights situation in Iran remained extremely poor in 2012. The government heavily suppressed freedom of speech, using intimidation and arbitrary arrest as tools of oppression and control. Senior opposition leaders remained under house arrest after almost two years of detention. Some minority groups described systematic repression of their communities and targeted intimidation of those speaking out against human rights violations. Several prominent human rights defenders remained in prison – some alleging torture and others suffering serious health issues for which they were denied adequate medical treatment. The death penalty was again widely applied, particularly for drugs offences, and in many cases in contravention of international law. The majority of the recommendations in the UN Human Rights Council Universal Periodic Review for Iran in 2010 remained unimplemented.' [26f] (p175)
- 7.06 The Human Rights Watch (HRW) 'World Report 2013, Iran', released 31 January 2013 reported:
- 'In 2012, Iranian authorities prohibited opposition candidates from participating in parliamentary elections. They have held prominent opposition leaders under house arrest for more than a year-and-a-half. Executions, especially for drug-related offenses, continued at high rates. The government targeted civil society activists, especially lawyers, rights defenders, students, and journalists, and announced plans for the first phase of a halal (legitimate) internet.' [8a](p 537)

- 7.07 Amnesty International's 'Annual Report 2013 – Iran' (AI Report 2013), covering events in 2012 and published on 23 May 2013, noted:
- 'The authorities maintained severe restrictions on freedoms of expression, association and assembly. Dissidents and human rights defenders, including minority rights and women's rights activists, were arbitrarily arrested, detained incommunicado, imprisoned after unfair trials and banned from travelling abroad. There were scores of prisoners of conscience and political prisoners. Torture and other ill-treatment were common and committed with impunity. Women, religious and ethnic minorities, and members of the LGBTI [Lesbian, gay, bisexual, transgender and intersex] community were subject to discrimination in law and practice. The cruel judicial punishments of flogging and amputation continued to be used. Official sources acknowledged 314 executions, but a total of 544 were recorded. The true figure may be considerably higher.' [9h]
- 7.08 The Freedom House report, 'Freedom in the World 2013 – Iran', published 10 April 2013 stated:
- 'The Iranian government continued to curtail political freedoms and violate civil liberties in 2012, imposing particularly harsh conditions on journalists, civic activists, human rights defenders, women, and minorities. The authorities stepped up restrictions on the internet and suppressed demonstrations related to the worsening economic situation. The UN special rapporteur on Iran was again denied access to the country during the year, and leading opposition figures remained in detention.' [112f]
- 7.09 The report of the Special Rapporteur, 'The situation of human rights in the Islamic Republic of Iran', dated 28 February 2013 stated:
- 'The Special Rapporteur concludes in this report that there continue to be widespread systemic and systematic violations of human rights in the Islamic Republic of Iran. Reports communicated by nongovernmental organisations, human rights defenders, and individuals concerning violations of their human rights or the rights of others continue to present a situation in which civil, political, economic, social and cultural rights are undermined and violated in law and practice. Moreover, a lack of Government investigation and redress generally fosters a culture of impunity, further weakening the impact of the human rights instruments Iran has ratified.' [10n] (p3)
- 7.10 The Report of the UN Secretary-General dated 20 March 2012 noted that Iran had ratified the following five core international human rights treaties:
- the International Covenant on Economic, Social and Cultural Rights (ICESCR);
 - the International Covenant on Civil and Political Rights (ICCPR);
 - the International Convention on the Elimination of Racial Discrimination (ICERD); and
 - the Convention on the Rights of the Child (CRC).
- 7.11 The same report further noted that Iran had also ratified, '... the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Iran is also a signatory to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.' [10ai] (p14)
- See the individual sections throughout the Human Rights section of this report for information on the effect of the above in practice, in particular [Ethnic Minorities and Children](#).

7.12 The Special Rapporteur's report of 28 February 2013 concluded:

'In reflecting on the last two years of his mandate and his current report, the Special Rapporteur concludes that there has been an apparent increase in the degree of seriousness of human rights violations in the Islamic Republic of Iran. Frequent and disconcerting reports concerning punitive State action against various members of civil society, reports about actions that undermine the full enjoyment of human rights by women, religious and ethnic minorities; and alarming reports of retributive State action against individuals suspected of communicating with UN Special Procedures raises serious concern about the Government's resolve to promote respect for human rights in the country.

'The Special Rapporteur also continues to be alarmed by the rate of executions in the country, especially for crimes that do not meet serious crimes standards, and especially in the face of allegations of widespread and ongoing torture for the purposes of soliciting confessions from the accused. The Government's ability to meaningfully address matters raised by a number of human rights instruments and the Human Rights Council is constrained by a lack of meaningful cooperation, by its intransigent position on the existence of human rights violations in the country, and by de jure and de facto practices that undermine its international and national human rights obligations.' [10n] (p23)

7.13 On 5 February 2013, the final judgement from the Iran Tribunal was published which concluded that the Islamic Republic of Iran had, "...committed crimes against humanity in the 1980-1989 periods against its own citizens in violation of applicable international laws.' [135a] 'The Prosecution in the Iran Tribunal charged the Islamic republic of Iran with five forms of "gross human rights abuses", these being:

(i) murder, including of over 5,000 political prisoners in 1988 and over 12,000 political prisoners between 1981 to 1984;

(ii) torture, both physical and psychological;

(iii) persecution, against political dissidents and ethnic and religious minorities; (iv) sexual abuse, of both men and women; and,

(v) unlawful imprisonment, including detention without trial, use of kangaroo courts, and subjection to cruel, inhuman and degrading treatment. The prosecution commented on the cruel treatment to which prisoners' families were subjected, which has left a "legacy of abuse [that] is extensive and inevitably persists to the present day".' (Payvand Iran News, 7 February 2013) [134a]

7.14 On 21 August 2013, the International Campaign for Human Rights in Iran (ICHRI) published a report following the Presidential elections of June 2013, entitled, 'Fulfilling Promises: A Human Rights Roadmap for Iran's New President', which noted President Rouhani's, '...promises to respect human rights and uphold the "rights of the people" during his election campaign.' [52m] (p7)

The ICHRI report provides comprehensive, up to date information on the current human rights situation in Iran and should be consulted directly for further details. [52m]

7.15 The Foreign & Commonwealth Office (FCO) also publishes frequent updates on the human rights situation in Iran. At the time of writing, the most recent update was dated

30 June 2013 and included information on executions, the Penal Code, religious minorities, amputations, prison conditions and freedom of expression. [26g]

The human rights situation for various groups is detailed in the sections following: [Political affiliation](#); [Freedom of speech and media](#) (including journalists and bloggers); [Freedom of religion](#), [Human rights institutions and activists](#), [Ethnic groups](#), [Lesbian, Gay and Bisexual persons](#); [Women](#) and [Children](#).

See also section on [Penal Code](#) for information on the new Penal Code which, at the time this report was drafted, had not been signed into law by the President and was not yet in operation.

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8. Crime

Drug smuggling

- 8.01 The US Department of State's, International Narcotics Control Strategy Report (INCSR) 2013, published March 2013, covering the period 1 January to 31 December 2012, stated:

'Iran remains a significant transit and consumer country for opiates and hashish originating in Afghanistan, as well as a growing source of methamphetamine for both domestic and international markets. According to Iran's own statistics provided to the UN Office on Drugs and Crime (UNODC), the country led the world in opium seizures in 2011, the last year for which statistics are available. In 2012, media reports indicate that Iran's Law Enforcement Police seized approximately 430 tons of illicit drugs between March 2011 and March 2012 (the Iranian calendar year), with approximately 70 percent of these seizures occurring along the country's 1,147-mile eastern border with Afghanistan and Pakistan. Opium and heroin seizures appear to be remaining stable or declining, while seizures of methamphetamine appear to be increasing dramatically (over 11-fold between 2008 and 2011).

'Iran devotes considerable resources to confronting the illegal drug trade, approximately \$1 billion annually according to official government estimates. Iranian enforcement strategies rely heavily on border interdiction, and include the construction of moats, barriers and watchtowers along the country's eastern borders...Iranian-based methamphetamine trafficking networks have become leading suppliers to markets within the country and across the Middle East and the Asia Pacific region. Drug-related corruption appears to be a significant problem, though there is no evidence that senior level officials condone drug trafficking.' [4b]

- 8.02 The Amnesty International (AI) report, 'Addicted to Death: executions for drugs offenses in Iran, published 15 December 2011, reported:

'In 2010, the authorities announced a new approach to their anti-narcotics strategy, which included revisions to the Anti-Narcotics Law that had reportedly been pending for some years and on which UNODC provided advice. The amended law – also passed by the Expediency Council – came into effect in January 2011. It introduced the death penalty for trafficking or possessing more than 30g of specified synthetic, non-medical psychotropic drugs and for recruiting or hiring people to commit any of the crimes under

the law, or organizing, running, financially supporting, or investing in such activities, in cases where the crime is punishable with life imprisonment. It also provides for a mandatory death sentence for the “heads of the gangs or networks”, although there is no definition given of a gang or network.’ [9k] (p14-15)

A ‘Summary of 17 offences that carry the death penalty under the 2011 Anti-Narcotics Law’ may be found in Appendix 1 of the [AI report](#). [9k] (p43)

8.03 The same AI report further noted:

‘The amended law also continues to provide measures for the rehabilitation and reform of drug addicts, rather than criminalizing them. Under Articles 15 and 16, drug addicts are required to seek treatment in authorized rehabilitation and harm reduction centres. Those with a certificate of treatment in a rehabilitation centre are exempted from punishment for offences under the law. Any addict not in possession of such a certificate will be sent to such a centre by a judicial order for six months. This period can be extended once for a further three months at the request of the centre or of the individual with the agreement of the centre. During this time, prosecution of the individual will be suspended. If the centre reports that the individual has undergone successful rehabilitation, prosecution will be dropped. However, unlike the previous law, prosecution is envisaged for addicts who fail to be rehabilitated. Penalties include imprisonment, fines or flogging.’ [9k] (p15)

8.04 The AI report, ‘Death sentences and executions in 2012’, published on 10 April 2013, noted that, ‘At least 223 executions, or 71% of all officially acknowledged executions in 2012, were for drug offences.’ [9k] (p31)

8.05 A United Nations Office on Drugs and Crime (UNODC) translation of the [Anti-Narcotics Law of the Islamic Republic of Iran](#) (consolidated as of 1997) provides full details of the law prior to December 2010 [10q] but note changes to the law detailed above. On 21 April 2011, the Foreign and Commonwealth Office (FCO) provided the UK Border Agency with an official English translation of the new Anti Drug Law of December 2010 translated from Farsi by the UNODC. [10k]

8.06 The Harm Reduction International (HRI) report, ‘The Death Penalty for Drug Offences: Global Overview 2012’, provided the following statistics on executions for drug offences: [84a] (p26)

Year	Total executions	Executions for Drug offences
First six months of 2012	At least 140	Large majority
2011	At least 676	At least 540 (more than 80 per cent of total documented)
2010	More than 650	Approx. 590
2009	At least 346	At least 172
2008	At least 317	At least 96
Executions for drugs offences 1979-2011:		More than 10,000
Mandatory death penalty for drug offences:		Yes

- 8.07 The AI report, '[Addicted to Death: Executions for drugs offences in Iran](#)', published 15 December 2011 provided detailed information on Iran's anti-narcotics strategy, including information on people executed for drugs offences. [9k]

See also [Death Penalty](#) and Penal Code: [Crimes committed outside Iran](#), [Double jeopardy \(ne bis in idem\)](#)

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9. Security forces

Overview of security and intelligence forces

- 9.01 A World Security Network (WSN) paper on Iran's intelligence and security services, dated 29 November 2010, stated:
- 'The leadership of the country is quite obscure for the observers abroad, and thus, Iran's intelligence services, collateral and incumbent, are more efficient. The Islamic Revolutionary Guards Corps (IRGC) – one of the Iranian intelligence services, is a complex combination of institutions – army forces, intelligence services, undercover and special operations forces, police, paramilitary forces and business groups with implications at a global level. The Ministry of Intelligence and Security (MOIS) – another Iranian intelligence service, is more traditional and has both foreign and domestic intelligence responsibilities. The 'secrecy' that characterizes the Iranian regime and organizations is specific to the intelligence services too. The president has more authority with the MOIS, one of the ministries of the government, while the IRGC has become a national institution under the leadership of Iran's Supreme Leader. Iran's Supreme National Security Council (SNSC) – the state official organization that makes foreign and military decisions and Supreme Leader's Intelligence Unit are two semi-collateral organizations that gather all the intelligence authorities. Their decisions must ultimately be approved by the Supreme Leader.' [45a]
- 9.02 The WSN paper concluded that '...Iran's intelligence and security forces represent a conglomerate of civilian, military and paramilitary organizations whose responsibilities are complementary and coincide to a very large extent, which could lead to the idea that none of these services is in complete control over the domain.' [45a]
- 9.03 The US Department of State's 'Country Reports on Human Rights Practices 2012, Iran', released on 19 April 2013 (USSD Report 2012), stated:
- 'Several agencies shared responsibility for law enforcement and maintaining order, including the MOIS, Law Enforcement Forces under the Interior Ministry, and the IRGC, which reported to the supreme leader. The Basij, a volunteer paramilitary group with local organizations in cities and towns across the country, sometimes acted as an auxiliary law enforcement unit subordinate to the IRGC ground forces. Basij units often engaged in crackdowns on political opposition elements without formal guidance or supervision from superiors.
- 'The security forces were not considered fully effective in combating crime, and corruption and impunity were problems. Regular and paramilitary security forces, such as the Basij, committed numerous human rights abuses, including acts of violence against protestors and public demonstrations. There was no transparent mechanism to

investigate or punish security force abuses and no reports of government actions to discipline abusers.’ [4a] (section 1d)

See also [Human rights violations by the security forces](#) and [Political dissidents outside Iran](#) (for information on the actions of the security forces outside the country)

Ministry of Intelligence and Security (MOIS) and Vezarat-e Ettela’at va Amniyat-e Keshvar (VEVAK) aka Ettela’at

9.04 Jane’s Sentinel Security Assessment, updated 30 January 2013, stated:

‘The Ministry of Intelligence and Security (MOIS) is Iran’s intelligence and state security service. The agency is responsible for fighting opposition to the regime not only at home but also abroad. Some Iranian intelligence agents have operated in foreign locations under diplomatic cover, as part of a drive to collect intelligence on Iranian opposition elements operating outside Iran. The MOIS has had a particular focus on the Mujahideen e-Khalq (MEK) opposition militia group and its allied political group, the National Council of Resistance of Iran (NCRI). Monarchists, Iranian Kurdish dissidents and left-wing groups have also come under the scrutiny of the MOIS...

‘The MOIS, initially better known by the acronym SAVAMA (Ministry of Intelligence and National Security; Sazman-e Ettela’at va Amniyat-e Melli-e Iran), is the successor to SAVAK (National Intelligence and Security Organisation; Sazeman-e Ettela’at va Amniyat-e Keshvar), the intelligence agency that operated under the Shah and which was dissolved in 1979 at the time of the Islamic revolution. Senior officials of SAVAK were executed after the Khomeini regime took power. However, some analysts believe it is likely that former SAVAK personnel were employed in the new agency, because of their intimate knowledge of left-wing groups and Iraq’s Baath Party...

‘MOIS is currently headed by Heydar Moslehi, who was appointed to the post of minister of intelligence and security in August 2009 under President Ahmadinejad, replacing Gholam Hossein Mohseni Ejei, who had succeeded Yunesi. Moslehi, a conservative, who was born in Isfahan in 1956 and was the representative of Supreme Ayatollah Khamenei in the IRGC Ground Forces. Moslehi, and his predecessor as intelligence chief, Mohseni Ejei, were among a group of senior Iranian officials blacklisted in September 2010 by the US Treasury Department which accused them of “serious human rights abuses”. In 2011, Ahmadinejad sacked Moslehi but he was immediately reinstated by Khamenei.

‘In February 2012 the US Treasury Department blacklisted MOIS “for its support to terrorist groups as well as its central role in perpetrating human rights abuses against the citizens of Iran and its role in supporting the Syrian regime as it continues to commit human rights abuses against the people of Syria”. The department accused MOIS of providing support to Hizbullah and Hamas, as well as facilitating the movement of Al Qaeda operatives in Iran and providing them with documents, identification cards and passports. The department also stated that MOIS agents were responsible for the “beatings, sexual abuse, prolonged interrogations, and coerced confessions of prisoners, particularly political prisoners” following the June 2009 elections in Iran. In a further development in 2012, the Treasury Department accused MOIS of providing technological and analytical support to Syria’s General Intelligence Directorate to monitor internet and social media as part of a programme directed against opposition groups.

'Under the MOIS general directorate at headquarters in Tehran, the service has five main directorates:

- Directorate for Analysis and Strategy - has the role of providing intelligence analysis for the Iranian leadership.
- Internal Security Directorate - has the role of protecting state institutions; it is also tasked with exercising control over international transit facilities - airports, sea ports and land border crossing points.
- National Security Directorate - has the role of maintaining surveillance on opposition movements.
- Counter-Intelligence Directorate - responsible for combating espionage at home and abroad.
- Foreign Intelligence Directorate. Apart from gathering foreign intelligence and carrying out research, this directorate also has an intelligence analysis role. It has a number of departments, dealing with particular geographical regions. There are also departments with a particular speciality, such as a department supporting Islamist movements abroad, and a department based at the Ministry of Foreign Affairs overseeing MOIS stations in Iranian diplomatic missions abroad.

'Apart from these main directorates, there are a number of departments, each with a particular responsibility: foreign affairs; interior intelligence; open source intelligence; religion studies; planning; Tehran intelligence; attorney general; operations; training; administration; financial services; stores.' [61d] (Security and Foreign Forces)

See also section on [Corruption](#).

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Law enforcement forces (including the police)

9.05 Jane's Sentinel Security Assessment, updated 30 January 2013 stated:

'The [Law Enforcement Forces (Niruha-ye Entezami-ye Jomhuri-ye Islami)] LEF 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...

'Units within the LEF have overlapping responsibilities. The Social Corruption Unit of the LEF deals with social behaviour considered "immoral". 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. The latter group came to prominence after arresting and questioning journalists...

'The LEF has a counterintelligence unit, which has also been involved in the investigation of corruption...It is part of the LEF's role to coordinate on internal security matters with the Ministry of Intelligence and Security (MOIS).

'Maintaining security along Iran's borders is an important role of the LEF. Brig Gen Moqaddam, LEF chief, said in August 2008 that after public security, control over Iran's borders was the biggest concern of the LEF. Iran has been stepping up security on its borders, with the LEF using what has been described as "modern technologies" in order to counter drug trafficking, smuggling and the movement of individuals considered to pose a threat to state security.

'In June 2011, the US Treasury department blacklisted Moqaddam and his deputy, Ahmad-Reza Radan, accusing the LEF of providing material support to the Syrian General Intelligence Directorate and sending personnel to Damascus to assist the Syrian government in suppressing the Syrian people. The department accused Radan of travelling to Damascus in April 2011 and providing expertise to the Syrian security services to aid the regime's crackdown on the people.

'In 2012, the US Treasury Department further targeted the LEF as part of a move against individuals and entities in Iran and Syria judged to have perpetrated human rights abuses by means of Information Technology.' [61d] (Security and Foreign Forces)

- 9.06 The 2013 [Interpol website](#), accessed 2 September 2013, provides information on the various operational police force units in Iran. [75a]

Iranian Revolutionary Guards Corps (IRGC also known as 'Pasdaran')

- 9.07 A British Broadcasting Corporation (BBC) News profile of Iran's Revolutionary Guards Corps (IRGC) dated 18 October 2009 stated that:

'Iran's Islamic Revolution Guards Corps (IRGC) was set up shortly after the 1979 Iranian revolution to defend the country's Islamic system, and to provide a counterweight to the regular armed forces. It has since become a major military, political and economic force in Iran, with close ties to the Supreme Leader, Ayatollah Ali Khamenei, and President Mahmoud Ahmadinejad, a former member...

'It also controls the paramilitary Basij Resistance Force and the powerful bonyads, or charitable foundations, which run a considerable part of the Iranian economy.' [21i]

- 9.08 Information on the Global Security website, updated on 26 March 2012 stated:

'The 125,000 strong Iranian Revolutionary Guard Corps (IRCG 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)...

'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.' [70b]

- 9.09 Jane's Sentinel Security Assessment, updated 30 January 2013, noted:

'The Islamic Revolutionary Guards Corps (IRGC), commonly known as the Pasdaran (Guardians), is composed of a number of main branches - Ground Forces; Air Force (referred to as Aerospace Force); Navy (including a Marine force); Basij militia and the Qods Force special operations branch...

The IRGC's paramilitary organisation, the Basij, plays an increasingly prominent role in the suppression of domestic unrest...The Basij were among the forces deployed to suppress the protests following the 2009 presidential election.' [61d] (Security and Foreign Forces)

- 9.10 The Freedom House report, 'Countries at the Crossroads 2012: Iran', published on 20 September 2012, reported:

'The role of the IRGC in domestic politics has increased since the 2005 election of Ahmadinejad, who is a former Guards member. Some of his cabinet ministers and a number of lawmakers are also IRGC veterans. In July 2011 the head of Iran's judiciary, Sadeqh Larijani, publicly endorsed the IRGC's greater influence in the political sphere, saying that it is more than a military force. The IRGC was thought to be actively involved in the postelection crackdown, reportedly organizing attacks on university students, engaging in violence against peaceful protesters, and torturing prisoners. The IRGC operates one of the wards of Evin Prison, where a number of political activists have been held. The country's Prison Organization, a government oversight body, has not had access to the prisoners held there.' [112a]

- 9.11 Information on the Global Security website updated on 26 March 2012 stated:

'In late July 2008 reports originating with Iranian Resistance network said that the IRGC was in the process of dramatically changing its structure. In a shake-up, in September 2008 Iran's Revolutionary Guards (Pasdarans) established 31 divisions and an autonomous missile command. The reported new structure was largely decentralized, with the force broken into 31 provincial corps, possibly to reflect a far greater internal role, with one for each of Iran's 31 Provinces.' [70b]

- 9.12 The Congressional Research Service (CRS) report, 'Iran: U.S. Concerns and Policy Responses', dated 28 May 2013, observed that the IRGC was '...increasingly involved in Iran's economy, acting through a network of contracting businesses it has set up, most notably Ghorb (also called Khatem ol-Anbiya, Persian for "Seal of the Prophet"). Active duty IRGC senior commanders reportedly serve on Ghorb's board of directors and its commander, Rostam Ghasemi, became Oil Minister in August 2011.' [78a] (p23)

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Qods / Quds Force

- 9.13 Jane's Sentinel Security Assessment, updated 30 January 2013, stated:

'The IRGC's Sepah-e Qods (Qods Corps or Jerusalem Corps, also known as the Qods Force) is reported to have carried out covert operations in countries as far afield as Pakistan, Afghanistan, Iraq, Lebanon and Bosnia. The Qods Force's national headquarters are in the southwestern city of Ahvaz and it is headed by Brigadier General Qasem Soleimani...

'In October 2007 the US government announced sanctions on the Qods Force, accusing the organisation of providing material support to the Taliban, Lebanese Hizbullah, Hamas, Palestinian Islamic Jihad and the Popular Front for the Liberation of Palestine - General Command (PFLP-GC). In a statement, the US Department of the Treasury said that the Qods Force was the Iranian regime's 'primary instrument for providing lethal support to the Taliban'...

'In April 2011, the US Treasury Department further sanctioned the Qods Force which it accused of providing support to Syria's General Intelligence Directorate in the crackdown on unrest in Syria. The following October, the Qods Force commander, Brigadier Soleimani and three other senior officials were blacklisted by the department, which accused the men of involvement in an Iranian plot to assassinate the Saudi Arabian ambassador to the US.' [61d] (Security and Foreign Forces)

9.14 Jane's further noted:

'The IRGC's Qods Force allegedly controls all external terrorist activities. The Qods has offices or "sections" in many Iranian embassies, which operate as closed sections. It is not clear whether these are integrated with Iranian intelligence operations, or that the ambassador in such embassies has control of, or detailed knowledge of, operations by the Qods staff. However, there are indications that most operations are co-ordinated between the IRGC and offices within the Iranian Ministry of Foreign Affairs and Ministry of Intelligence and Security (MOIS).' [61d] (Security and Foreign Forces)

9.15 On 28 February 2013, an article on the Iran Tracker website reported that:

'Brigadier General Hassan Shateri, a member of the Islamic Revolutionary Guards Corps Quds Force (IRGC-QF), was assassinated in Syria on February 13, 2013...Shateri is the senior-most member of the Quds Force known to have been killed outside of Iran in the organization's three-decade history. He had deep connections with Lebanese Hezbollah and Iran's global force projection network. His death is a serious blow to the Quds Force, and his very presence in northern Syria shows the depth of Iran's involvement in that conflict.' [82a]

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Basij

9.16 Jane's Sentinel Security Assessment, updated 30 January 2013, stated that 'Known as the "Mobilisation of the Oppressed", the Basij volunteer force is a paramilitary militia organised throughout Iran under the tutelage of the Islamic Revolutionary Guards Corps (IRGC). Basij personnel are the eyes and ears of the Islamic regime and are considered extremely loyal.' [61d] (Security and Foreign Forces) An Iran Primer paper of 21 October 2010 observed that 'The Basij have branches in virtually every city and town in Iran.' (Iran Primer, 21 October 2010) [31b]

9.17 A World Security Network paper dated 29 November 2010 stated:

'The Basij Force is the instrument used by IRGC to implement domestic security measures. The Basij Force also contributes to the gathering of intelligence. Its name comes from "Niruyeh Moghavemat Basij", meaning "The Mobilization and Resistance Force" and it was founded in 1980...

'The structure of Basij is slightly similar with the structure of a communist party from certain totalitarian states. There are several levels of society: every Iranian city of a considerable size is divided into two "areas" or "regions" whereas in the small Iranian towns and villages there are "cells" organized as social, religious and governmental bodies. There are also Basij units for students, workers and members of the tribes. Basij also created "Ashura Brigades" for men and "al-Zahra Brigades" for women.' [45a]

9.18 The Iran Primer, a joint product of the U.S. Institute of Peace and the Woodrow Wilson Center for International Scholars, produced a paper on the Basij dated 21 October 2010 which stated that:

‘Estimates of the total number of Basij vary widely. In 2002, the Iranian press reported that the Basij had between 5 million to 7 million members, although IRGC commander Gen. [General] Yahya Rahim Safavi claimed the unit had 10 million members. By 2009, IRGC Human Resource chief Masoud Mousavi claimed to have 11.2 million Basij members - just over one-half the number originally called for by Khomeini. But a 2005 study by the Center for Strategic and International Studies, a Washington think-tank, put the number of full-time, uniformed and active members at 90,000, with another 300,000 reservists and some 1 million that could be mobilized when necessary. Persian language open-source material does not provide any information about what percentage of the force is full time, reservists or paid members of the organization.

‘Members include women as well as men, old as well as young. During the Iran-Iraq War, Basij volunteers were as young as 12 years old, with some of the older members over 60 years old. Most today are believed to be between high school age and the mid-30s. The perks can include university spots, access to government jobs and preferential treatment.’ [31b]

9.19 The same source continued:

‘The Basij statute distinguishes between three types of members:

- **Regular members**, who are mobilized in wartime and engage in developmental activities in peacetime. Regular members are volunteers and are unpaid, unless they engage in war-time duty.
- **Active Members**, who have had extensive ideological and political indoctrination, and who also receive payment for peacetime work.
- **Special Members**, who are paid dual members of the Basij and the IRGC and serve as the IRGC ground forces.

‘The Basij statute says members are selected or recruited under the supervision of “clergy of the neighborhoods and trusted citizens and legal associations of the neighborhoods.” The neighborhood mosques provide background information about each volunteer applicant; the local mosque also functions as the Basij headquarters for the neighborhood. For full-time paid positions, applicants must apply at central offices of the Basij, in provincial headquarters of the Basij.’ [31b]

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9.20 Jane’s Sentinel Security Assessment, updated 30 January 2013 noted:

‘The Basij has taken a very active role in Iran’s domestic security affairs. It maintains a formal presence in all government offices, universities, schools, trade associations, hospitals and factories. Formed on the orders of the Ayatollah Khomeini in November 1979 after the US Embassy siege, the Basij militia is designed to defend the Islamic republic against internal enemies and foreign intervention.

‘Now apparently based at more than 70,000 locations nationwide, members of the Basij are organised into five main elements: the Pupil Basij, the Student Basij, the University Basij, the Public Service Basij and the Tribal Basij. The diverse range of these units

demonstrates the various roles of the militia, and the fact that the aim of the Basij is not just to forge a paramilitary force, but to reinforce support for the regime through ideological dissemination. As a result, the figure of 12.6 million includes 4.6 million schoolchildren of both genders. Making up the Pupil Basij, these members are between the ages of 12 and 18, with the younger recruits (between the ages of 12 and 15) forming the poyandegan (seekers) and the elder recruits being the peeshmargan...

'The preservation of internal security is the primary role of the Basij. Although it also nominally exists to contribute to external defence, as in the case of the Iran/Iraq war when large numbers were deployed, given its size and paramilitary nature the main utility of the Basij members to the government is to act as the eyes and ears of the Islamic republic. In carrying out their ideologically-based duties, Basij members act as "moral police" in towns and cities by enforcing the hijab, arresting women for violating the dress code, prohibiting male-female fraternisation, monitoring the activities of citizens, seizing 'indecent' material and satellite dish antennae, intelligence gathering and even harassing government critics and intellectuals. Basij volunteers also act as bailiffs for local courts.' [61d] (Security and Foreign Forces)

- 9.21 The Iran Primer paper of 21 October 2010 stated that 'The Basij have become more important since the disputed 2009 election.' However:

'The Basij's performance since the June 2009 election has been mixed. It managed to suppress street protests in the provinces with the help of the local police forces, but maintaining order in major urban centers, especially Tehran, was more difficult. And their actions have faced backlash. On June 15, Basij members reportedly shot and killed protesters at Azadi Square who were forcing their way into the local militia station. From June 22 onward, the Basij constituted only a minority of the forces cracking down on protesters. Basij commander Hossein Taeb, a Shiite cleric with the rank of hojatoleslam, claimed that eight Basij had been killed and 300 wounded during the anti-government protests...

'The regime signaled its displeasure with the Basij's performance. In October 2009, Taeb was removed as Basij chief. A few days later, the militia was formally integrated into the Revolutionary Guards ground forces, with Brig. Gen. Mohammad Naghdi as the new chief. In 2010, the Basij focused significant attention on combating perceived threats to the regime from the Internet. Thousands of members were educated in blogging and filtering of dissident websites, Basij officials acknowledged.' [31b]

- 9.22 A report by the [Crown Centre for Middle East Studies](#) at Brandeis University, Massachusetts, published in September 2010, includes further detailed information on the membership and ideological and political training of the Basij. [80a]

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Ansar-e Hezbollah (Helpers of the Party of God)

- 9.23 A United States Institute of Peace (USIP) publication dated 8 June 2010 stated 'Ansar-e Hezbollah, or "Followers of the Party of God," is one of the loosely allied militia groups in the wider Basij network. The vigilante group uses force but is not part of official law enforcement. Members wear plain clothes. Ansar-e-Hezbollah is often unleashed against protesters, notably during the 1999 Iran student riots.' [100a]

9.24 Jane's Sentinel Security Assessment, updated 30 January 2013, stated:

'Ansar-e Hezbollah is an extremist Islamist vigilante group. The group claims to be a grassroots movement which calls for harsh policies against opponents of the Islamic theocratic system and promotes itself as fully in line with the ideals propagated by the founder of the Islamic Republic, Ayatollah Khomeini. In reality, its senior members and most of its activists are associated with and funded by state organs under hardline control...

'Senior figures in Ansar-e Hezbollah have pledged loyalty to Ahmadinejad and vowed to "root out the hypocrites", a reference to those who question the legality of the ruling regime and existing political and social norms. The group, which is fiercely loyal to Supreme Leader Ayatollah Ali Khamenei, wrote in its journal in November 2005 that the "virus of inadequate veiling among women and lack of faith" in Iran was more dangerous than the "threat of a nuclear attack on Iran". The group's official mouthpiece, Ya-Lesarat, is published weekly...In 2007 the group vociferously backed the LEF's crackdown on "improper dressing".' [61d] (Security and Foreign Forces)

9.25 The estimated total strength of Ansar e-Hezbollah is 5,000 (Jane's Sentinel Security Assessment, 30 January 2013). [61d] (Security and Foreign Forces)

Armed forces

9.26 Jane's 'Sentinel Security Assessment', updated 11 March 2013, stated that the total strength of the armed forces was 523,000 comprising of: Army 350,000, Air Force 30,000, Navy 18,000 and IRGC 125,000. [61c] (Armed Forces)

9.27 The Central Intelligence Agency (CIA) World Fact Book, updated 22 August 2013, stated that the military branches included:

'Islamic Republic of Iran Regular Forces (Artesh): Ground Forces, Navy, Air Force (IRIAF), Khatemolaniah Air Defense Headquarters; Islamic Revolutionary Guard Corps (Sepah-e Pasdaran-e Enqelab-e Eslami, IRGC): Ground Resistance Forces, Navy, Aerospace Force, Quds Force (special operations); Law Enforcement Forces (2011)' [111a] (Military)

See also [Iranian Revolutionary Guard Corps](#) above.

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Human rights violations by government forces

Arbitrary arrest and detention

For details of legal rights, including official documentation, see [Arrest and detention – legal rights](#)

9.28 The Amnesty International report, "We are ordered to crush you" Expanding repression of dissent in Iran', published February 2012, stated:

'Iran's domestic legal framework governing pre-trial detention, although flawed, should provide some protection against arbitrary arrest and detention, which are prohibited under Article 9 and 14 of the ICCPR [International Covenant on Civil and Political

Rights]. Despite this, and the country's international obligations, thousands of people have been arbitrarily arrested since 2009, many of whom have been subjected to other serious human rights violations, including incommunicado detention in conditions amounting to enforced disappearance and torture or other ill-treatment.' [9x] (p20)

- 9.29 The UN Human Rights Council's, 'Report of the Working Group on Enforced or Involuntary Disappearances', released 2 March 2012, covering the period 13 November 2010 to 11 November 2011, stated that, 'Since its establishment, the Working Group has transmitted 536 cases [of enforced or involuntary disappearance] to the [Iranian] Government; of those, five cases have been clarified on the basis of information provided by the source, 14 cases have been clarified on the basis of information provided by the Government, and 517 remain outstanding.' [10f] (p62)
- 9.30 A March 2011 report by the International Campaign for Human Rights in Iran stated:
- 'Iranian authorities revealed that security forces arrested more than 6,000 individuals following the June 2009 presidential election. The Campaign has specifically documented the names of 385 people detained by authorities for peaceful activities or their exercise of free expression. This number includes 52 journalists, 65 rights defenders, 74 students and 15 campaign staffers. Many were detained either without a specific charge or on unfounded charges that do not meet international human rights standards, and without warrants or on the basis of generic warrants enabling authorities to detain anyone. Many reported being detained by unidentified persons and removed to unknown locations, and held incommunicado for long periods.' [52o] (p13)
- 9.31 The USSD Report 2012 stated 'Although the constitution prohibits arbitrary arrest and detention, these occurred frequently during the year [2012].' [4a] (Section 1d) Furthermore,
- 'Authorities commonly used arbitrary arrests to impede allegedly illegal antiregime activities. Often plainclothes officers arrived unannounced at homes or offices, arrested persons, conducted raids, and confiscated private documents, passports, computers, electronic media, and other personal items without warrants or other assurances of due process. Individuals often remained in detention facilities for long periods without charges or trials and were sometimes prevented from informing others of their whereabouts for several days. Authorities often denied detainees access to legal counsel during this period and imposed travel bans on the individuals if they were released pending trial.' [4a] (Section 1d)
- 9.32 The Freedom House report Freedom in the World 2013 – Iran, published 10 April 2013, stated that, 'Although the constitution prohibits arbitrary arrest and detention, such abuses are increasingly employed, and family members of detainees are often not notified for days or weeks. Suspected dissidents are frequently held in unofficial, illegal detention centers. Prison conditions in general are notoriously poor, and there are regular allegations of abuse, rape, torture, and death in custody.' [112f]
- 9.33 Amnesty International's 'Annual Report 2013 – Iran' (AI Report 2013), published 23 May 2013, stated:
- 'Government critics and opponents were arbitrarily arrested and detained by security forces. They were held incommunicado for long periods and denied medical care. Many were tortured or otherwise ill-treated. Tens [sic] were sentenced to prison terms after unfair trials.

'Dozens of peaceful government critics detained in connection with mass protests in 2009-2011 remained in prison or under house arrest throughout the year. Many were prisoners of conscience.' [9h]

See also [Torture](#), [Political affiliation](#) and [Freedom of speech and media](#)

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Detention centres

- 9.34 Amnesty International's report, "We are ordered to crush you" Expanding repression of dissent in Iran', published February 2012, stated:

'Under the law, detainees must be held in facilities controlled by the Prisons Organization. However, in practice, many of those arrested, particularly those suspected of opposing the government, are arrested without a warrant or on the basis of a general arrest warrant that does not specify them by name or fully explain the reason for arrest, and are taken to detention facilities run by intelligence bodies such as the Ministry of Intelligence or the Revolutionary Guards Intelligence branch. It is common for detainees to be held incommunicado for days, weeks or even months after arrest with no chance to understand or challenge the basis for their detention, in conditions which can amount to enforced disappearance. Detainees' families are often unable to obtain any information concerning their whereabouts, and are shuffled from pillar to post as they try to find out if their relatives are even in the hands of the authorities.' [9x] (P21)

- 9.35 The same source also observed:

'For those ending up in Iran's prisons and detention centres, torture and other ill-treatment remain routine and widespread. Former detainees – both men and women – as well as some prisoners who write open letters from cells up and down the country recount being beaten, including on the soles of their feet, sometimes while suspended upside down. They have said they were burned with cigarettes and hot metal objects. They have described being subjected to mock execution. They have told of being raped - sometimes with implements – including by other prisoners, or threatened with rape. They have complained of being denied adequate food and water, while medical treatment is often delayed or even denied. In many instances, torture and other ill-treatment are used to extract "confessions" under duress, and courts routinely ignore complaints of torture and accept as evidence "confessions" extracted using such illegal means.' [9x] (p7)

- 9.36 A November 2010 report by Iranian lawyer Behnam Daraeizadeh, published by the Iran Human Rights Documentation Center (IHRDC), reported that:

'In political/press related charges, the investigator on the case has the authority to keep the accused in the detention center of the Ministry of Intelligence for up to four months. After this time has passed, and if the individual remains in prison, his or her detention will constitute an illegal detention and carries a designated punishment unless the legal authority (the security investigator on the case) extends the detention period. Since the Iranian judicial system is not independent and properly functioning, investigators of the security branches often approve the requests from local intelligence offices to extend the detention of political/press related accused. When the temporary detention order is

extended, the individual can - according to the Law of the Formation of Public and Revolutionary Courts - appeal it within 10 days. Unfortunately however, due to prisoners' lack of knowledge of this provision, an individual's exercise of this legal right has seldom occurred.

'Long stretches of detention in solitary cells, lack of access to hygienic services, use of blindfolds, inappropriate behavior of interrogation teams and even simple administrative employees, uncertainty and stalling in investigations, complete news bans (or alternatively, the transfer of misinformation and troubling news), bans on fresh air, and refusal to allow phone conversations and visitation with families are all indeed clear and evident examples of psychological torture in Iranian prisons.' [51b] (p8-9)

9.37 The UN Secretary General's interim report of 14 March 2011 stated 'Special Procedures mandate holders issued several communications to the Iranian authorities in a variety of cases that suggested widespread lack of due process rights and the failure to respect the rights of detainees. Particular concerns were expressed at routine practice of incommunicado detention, use of torture and ill-treatment in detention, use of solitary confinement and detention of individuals without charges.' [10aa] (p14)

9.38 The Amnesty International report of June 2010, reported:

'Once the interrogation of detainees has ended – because they have “confessed” or have refused to do so, and the authorities wish to conclude their case – they are usually transferred to cells or prisons within the regular prison system to await trial. This period awaiting trial can last for months. They may also be released on bail.

'If convicted and sentenced to prison, those held may be transferred to different prisons, which may be far from a prisoner's home, particularly if their sentence includes the additional penalty of the imprisonment to be served in exile.

'People held outside Tehran have also been held in parallel detention centres following arrest.' [9o] (p30-31)

9.39 The same report also noted:

'For many people, Evin Prison in north Tehran is synonymous with the arbitrary detention which is now the experience of so many Iranians. Originally established as a detention centre, it is now also [sic] holds sentenced prisoners, although detainees are still held there...

'Numerous other unofficial detention centres, under the control of the MOIS or Revolutionary Guards, are believed to exist in Tehran and elsewhere in Iran. They are not registered as prisons. Some of these, such as Prison 59, said to have been located in the Vali Asr (also known as Eshrat abad) Garrison – a Revolutionary Guards' base in Sarbaaz Street, Tehran, have reportedly been closed. However, some may be reopened in periods of mass arrests, such as during the Ashoura demonstrations. Most if not all towns and cities have an office of the MOIS and Amnesty International receives regular reports that detainees are held in such buildings when first arrested.' [9o] (p31-32)

9.40 The Freedom House report, 'Freedom in the World 2013 – Iran', released on 10 April 2013, stated

'Suspected dissidents are frequently held in unofficial, illegal detention centers. Prison conditions in general are notoriously poor, and there are regular allegations of abuse, rape, torture, and death in custody. In October 2012, at least nine female political prisoners went on hunger strike to protest unannounced inspections, impromptu body searches, and verbal abuse and beatings by female guards. In November 2012, Sattar Beheshti, a 35-year old blogger, died while in police custody. The head of Tehran's cybercrimes unit was subsequently fired after allegations surfaced that Beheshti died while under interrogation.' [112f]

- 9.41 The Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, dated 6 March 2012, stated:

'Following the closing of the Kahrizak detention centre in July 2009, a parliamentary committee assigned to investigate allegations in January 2010 reportedly established the responsibility of the former Prosecutor General of Tehran, Saeed Mortazavi, for abuses at Kahrizak, and confirmed the death of three prisoners following beatings at the hands of their jailers. On 30 June 2010, the judicial organization of the Iranian Armed Forces announced that 11 members of the Kahrizak prison staff and one civilian had been indicted for their involvement in the above-mentioned crimes. The indictment submitted to the Head of the Military Courts in Tehran charged the defendants with several crimes, including "denying detainees their constitutional rights" and "violating their civil rights". Of those convicted, two were sentenced to death for the deaths of Amir Javadifar, Mohsen Rooholamini and Mohammad Kamrani, and nine were suspended from service, given fines and made to pay compensation, and sentenced to flogging and imprisonment. One of the defendants was acquitted...

'In a joint statement, the International Federation for Human Rights and the Iranian League for the Defence of Human Rights maintained that the court's investigation was not comprehensive and was remiss in examining the death of at least two other detainees, Ramin Aqazadeh- Qahremani and Abbas Nejati-Kargar, who died as a result of torture soon after being released from the detention centre. All of the plaintiffs interviewed stated that a number of high-ranking officials, whose names were made available to the Special Rapporteur, enjoy impunity for their abuse of several detainees and for their complicity in the Kahrizak crimes.' [9x] (p11-12)

See [section I of the Annex of the Special Rapporteur's report](#) for more detailed information on Kahrizak Detention Centre cases, including detainees' testimonies of treatment received. [9x] (p22)

- 9.42 The Amnesty International report of June 2010, noted that, following the closure of police-run Kahrizak detention centre, '...the Police Chief said that the police were building a standard detention facility to replace Kahrizak, which would be open within a month. Reports in May 2010 suggest that a new facility has been opened there under another name – Soroush 111.' [9o] (p31-32)

- 9.43 The International Campaign for Human Rights in Iran (ICHR) reported on 3 July 2013:

'A lower court ruling in the Kahrizak case issued yesterday indicates that the three suspects in the case were permanently dismissed from judicial positions, and further dismissed from government employment for five years. To the astonishment of observers, Saeed Mortazavi [former Prosecutor General of Tehran], the prime suspect in the case, was acquitted from the charge of "participation in murder," and sentenced to approximately \$60 in fines for "false reporting."

'The Kahrizak court ruling was issued without any of the plaintiffs' witnesses ever being called to testify during the 11 sessions of the court, and the entire proceeding was held behind closed doors, concealing all details from public knowledge...

'During his Monday, July 1 press conference, the Judiciary spokesperson Mohseni Ejei referred to the lower court ruling in the Kahrizak case, saying that the defendants will have 20 days in which to appeal the court ruling, but did not provide any details about the ruling.' [52ab]

For a first hand account of conditions in Vozara detention centre, see the IHRDC's document [Witness Statement of Mahdis](#), dated 19 April 2010. [51d] The June 2010 Amnesty International report, '[From protest to prison](#)' records specific cases of individuals held in various detentions centres and prisons including the conditions in which they were held. [9o] See also the February 2012 AI report, '[We are ordered to crush you](#)', for further details of the conditions under which individuals have been held in detention centres and prisons. [9x]

See also [Prison Conditions](#), [Political prisoners](#), the following section on [Torture and Bloggers](#) (for information on the death of blogger Sattar Beheshti in police custody in November 2012).

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Torture

- 9.44 The Human Rights Watch report, 'We are a buried generation', published December 2010 stated:

'Iranian law bans the practice of torture, particularly when used to extract confessions, and evidence acquired through the use of force is inadmissible in court. In addition, those responsible for torture are subject to prosecution and punishment. Yet the practice of torturing prisoners to extract confessions is relatively common in Iran, and forced confessions are often accepted as evidence in criminal trials.

'In June 2002, Iran's Council of Guardians - a committee of twelve senior clerics - vetoed a bill which had been passed by the Majlis (parliament) which would have placed certain restrictions on the use of torture, and would have limited the judicial use of confessions obtained under duress. The refusal of Iran's government to enact even rudimentary safeguards against torture, whether specifically sanctioned by the judge or committed by police and security forces, sent a message that confessions can be obtained from arrestees by any means.' [8m] (p22)

- 9.45 Amnesty International's report, 'We are ordered to crush you' Expanding repression of dissent in Iran, published February 2012, stated:

'The Iranian legal framework provides limited protection from torture...

'However, in reality torture is routinely and widely used. The Iranian authorities have admitted that in order to obtain information or confessions, law enforcement officials are, in special cases, permitted to use interviewing and interrogation techniques which may cause physical or mental pain or suffering when ordered to do so by a superior law enforcement official or other government official.

'In many instances, torture and other ill-treatment are used to extract "confessions" under duress. Methods frequently reported by detainees include severe beatings; electric shocks; confinement in tiny spaces; hanging upside down by the feet for long periods and rape or threats of rape of both men and women, including with implements. Detainees are also frequently subject to death threats, including mock executions; threats to arrest and torture family members; actual arrest of family members; deprivation of light or constant exposure to light and deprivation of food and water. Accusations of torture are routinely ignored in court and not investigated, while "confessions" extracted under duress are accepted as evidence.' [9x] (p21)

- 9.46 The Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, dated 6 March 2012, noted that, in reports conveyed to him, 'Several [interviewees] stated that they had been subjected to coercive treatment that is tantamount to torture, including the excessive use of solitary confinement, electric shock, severe beatings, threats of rape and threats to detain and/or harm friends, associates and family members. People were also allegedly forced to make on-camera confessions.' [10d] (p10-11)
- 9.47 The USSD Report 2012 stated:
- 'The constitution prohibits all forms of torture "for the purpose of extracting confession or acquiring information," but there were numerous credible reports that security forces and prison personnel tortured and abused detainees and prisoners. After some high-profile incidents involving reports of torture or cruel, inhuman, or degrading treatment or punishment, the government announced its intention to investigate. While such investigations rarely implicated specific officials or confirmed torture or degrading treatment had occurred, the government occasionally fired or reassigned officials after investigations. Findings from those investigations, which rarely occurred, were made public. The government defended its use of flogging and amputation as "punishment," not torture.' [4a] (Section 1c)
- 9.48 The March 2011 International Campaign for Human Rights in Iran (ICHRI) report, 'Official distortion and disinformation: a guide to Iran's human rights crisis', stated:
- 'The International Campaign for Human Rights in Iran has collected dozens of eyewitness and personal accounts of torture carried out by the Iranian government. Security forces reportedly resorted to torture during interrogations of detainees carried out after the post-election protests to coerce confessions. These confessions were often the only evidence used to convict detainees.
- 'Four protesters held in Kahrizak Detention Center died as a result of wounds they suffered under torture. Reported methods of torture include rape, severe beatings, sleep deprivation, threats of harm to family members, pouring ice cold water on prisoners with heart conditions after they have been subjected to intense heat, prolonged periods of solitary confinement, and deprivation of health care, basic necessities and toilet use. Iran explicitly rejected recommendations to ratify the Convention Against Torture during its February 2010 UPR [Universal Periodic Review] citing Iran's culturally relevant and differing domestic legal definitions of torture.' [52o] (p9-10)
- 9.49 The March 2011 ICHRI report observed that, 'On 28 July 2009, authorities admitted to widespread use of torture and cruel treatment at Kahrizak Detention Center and closed it after news went public that the son of Abdolhusein Rouhalmi, a high-ranking Revolutionary Guard commander, was amongst those killed under torture in the facility.'

[52o] (p11-12) The same report also noted that, ‘...officials have ignored or failed to adequately investigate credible allegations of extensive torture and ill treatment at other prisons, including Evin Prison, Rajae Shahr Prison, and other prisons in the provinces, as well as several secret detention centers controlled by the Revolutionary Guards and the Intelligence Ministry.’ [52o] (p11-12)

See also [Detention Centres](#) for further information on Kahrizak detention centre.

9.50 The USSD Report 2012 noted:

‘Common methods of torture and abuse in prisons included prolonged solitary confinement with extreme sensory deprivation (sometimes called “white torture”), beatings, rape and sexual humiliation, long confinement in contorted positions, kicking detainees with military boots, hanging detainees by the arms and legs, threats of execution, burning with cigarettes, being forced to eat feces, pulling out toenails, sleep deprivation, and severe and repeated beatings with cables or other instruments on the back and on the soles of the feet. To intensify abuse perpetrators reportedly soaked prisoners before beating them with electric cables, and there were some reports of electric shocks to sexual organs. Prisoners also reported beatings on the ears, inducing partial or complete deafness; blows in the area around the eyes, leading to partial or complete blindness; and the use of poison to induce illness. There were increasing reports of severe overcrowding in many prisons and repeated denials of medical care for prisoners.

‘Some prison facilities, including Evin Prison in Tehran, were notorious for cruel and prolonged torture of political opponents of the government. Authorities also allegedly maintained unofficial secret prisons and detention centers outside the national prison system where abuse reportedly occurred. The government reportedly used white torture especially on political prisoners, often in detention centers outside the control of prison authorities, including ward 209 of Evin Prison, which news organizations and human rights groups reported was under the control of the country’s intelligence services.’ [4a] (Section 1c)

9.51 Amnesty International’s Report 2013 (AI Report 2013) covering events in 2012, published on 24 May 2013, noted:

‘The security forces continued to torture and otherwise ill-treat detainees with impunity. Commonly reported methods included beatings, mock execution, threats, confinement in small spaces and denial of adequate medical treatment.

‘• Saeed Sedeghi, a shop worker sentenced to death for drug offences, was tortured in Evin Prison after his scheduled execution was postponed following international protests. He was hanged on 22 October [2012].

‘At least eight deaths in custody may have resulted from torture, but none were independently investigated.

‘• Sattar Beheshti, a blogger, died in the custody of the Cyber Police in November [2012] after lodging a complaint that he had been tortured. Contradictory statements by officials called into question the impartiality of a judicial investigation. His family were pressured by security forces to keep silent.’ [9h]

- 9.52 Regarding the government's investigation into the death of Sattar Beheshti, the Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, dated 28 February 2013 (Report of the Special Rapporteur 2013), noted that, 'A domestic report released in January 2013 by the Majles' National Security and Foreign Policy Commission criticized the Tehran Cyber Crimes Police Unit for holding Mr. Beheshti in its own (unrecognised) detention center, but fell short of alleging direct wrongdoing in his death or of calling for an investigation into the apparent widespread maintenance of illegal detention centers, operated by branches of Intelligence services, in contravention of Iranian law.' [10n] (p9)
- 9.53 The Report of the Special Rapporteur 2013 also reported that:
- 'Of the 169 interviews conducted for this [the Special Rapporteur's] report, 81 cases of reported detention were examined for allegations of torture. It was found that approximately 76% of interviewees reported allegations of torture; 56% reported physical torture, including rape and sexual abuse; and 71% of those interviewed reported psychological torture. In an effort to further investigate the methods of torture reported by interviewees, the Special Rapporteur examined a study on Iran performed by one of the world's largest torture treatment centres [Freedom from Torture], which investigates and forensically documents evidence of torture in accordance with Istanbul Protocol standards. Data collected was both quantitative and qualitative, detailing "history of detention, specific torture disclosures and the forensic documentation of the physical and psychological consequences of torture." The medical-legal evidence presented in this study appears to be consistent with a substantial number of statements submitted to the Special Rapporteur in which allegations of torture were reported.
- 'The study examines 50 of some 5,000 documented cases of torture reported by Iranians to the centre since 1985. Twenty-nine of the individuals whose cases were examined for this study were detained in 2009, 14 in 2010 and seven in 2011. Fifty-six percent of the cases were detained only once in 2009-2011, while 44% were detained more than once and up to three times before leaving Iran.
- 'The study concluded that methods of physical torture described in the 50 cases included: "blunt force trauma including beating, whipping and assault" (100% of cases). The study found that the "main forms of blunt force trauma consisted of repeated and sustained assault by kicking, punching, slapping and of beatings with a variety of blunt instruments including truncheons, cables, whips, batons, plastic pipes, metal bars, gun butts, belts and handcuffs. People reported being assaulted or beaten on all parts of the body, though most commonly on the head and face, arms and legs and back. Most were blindfolded while beaten and many were restrained, meaning they were unable to defend or protect themselves."
- 'The study further found the following methods of torture prevalent among the cases reviewed: sexual torture including rape, molestation, violence to genitals and penetration with an instrument (60% of cases); suspension and stress positions (64%); use of water (32%); sharp force trauma including use of blades, needles and fingernails (18%); burns (12%); electric shock (10%); asphyxiation (10%); and pharmacological or chemical torture (8%). Of the cases sampled, 60% of females and 23% of males reported rape.' [10n] (p9-10)
- 9.54 The Freedom from Torture report referred to by the Special Rapporteur above, "We will make you regret everything", Torture in Iran since the 2009 elections' was published in

March 2013 and included detailed information on the 50 reported cases of detention and torture between 2009 and 2011 in Iran. The report found that:

‘The group of 50 cases is divided into 26 cases where the individual had no personal history of political or other activism or family profile of dissent prior to the 2009 election period, 11 cases where the individual had a history of dissent preceding the 2009 elections (including support for the Kurdish cause or involvement in dissident student politics), and 13 cases where the individual had no personal history of involvement in political activism or dissent before being detained, even during the 2009 elections and their aftermath.

‘Five of the cases included in this research had been resident in the UK at some point prior to their detention and torture, three of whom were ordinarily resident in the UK as students at the time of detention, having returned to Iran for short family visits. In two of these three cases, the individual was interrogated under torture about their links with and activities undertaken in the UK.’ [105a] (p9)

See the [Freedom from Torture report](#) of March 2013 directly for further information on the cases they studied. [105a]

See also the following section on Amputation and floggings

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Amputation and floggings

9.55 The Secretary-General’s interim report of 14 March 2011 reported that:

‘The Penal Code of Iran allows amputation and flogging for a range of crimes, including theft, Mohareb (enmity against God) and certain sexual acts. The Iranian authorities argue that punishments of this kind are proscribed by Islamic law and are not considered to be torture or cruel, inhuman or degrading treatment. They argue that the application of sentences of this kind are effective in deterring crime and offer an alternative to incarceration.’ [10aa] (p5)

9.56 The April 2012 briefing by the Global Initiative to End All Corporal Punishment of Children, submitted to the Committee on Economic, Social and Cultural Rights Pre-Sessional Working Group on 21-25 May 2012, noted that, ‘Ta’azirat corporal punishments (lashing) are prescribed for insulting, swearing or using profane language, insulting state employees, crimes against public morality by an unmarried man or woman excluding adultery, publicly violating a religious taboo, publishing or being in receipt of media which violates public morals, libel, and publishing false information (articles 608, 609, 637, 638, 640, 697 and 698).’ [13a]

9.57 The April 2009 International Federation for Human Rights (FIDH) report, ‘Iran/Death Penalty: a State Terror Policy’, stated that: ‘Under the law, the punishment for [theft for] the first time is amputation of four fingers of the right hand and for the second time amputation of the left foot.’ [56b] (p12) The same report added that ‘first amputation of the right hand and then of the left foot’ is a possible punishment for anybody convicted of being mohareb or mofsed-e fel-arz [anybody who takes up arms to create fear and to divest people of their freedom and security, Iranian Penal Code Article 183]. [56b] (p12)

9.58 The Secretary-General's report of 20 March 2012 stated:

'Cases of amputation and corporal punishment such as flogging continue to be reported. On 11 December 2011, authorities in Shiraz reportedly amputated the hand and foot of two persons. According to the official news agency INSA, the foot amputation was carried out in Adel Abad Prison on an armed robber who already had his hand amputated. The hand amputation was carried out simultaneously on a second person charged with robbery. The Public Prosecutor of Shiraz stressed in media reports the effectiveness of Sharia law in the deterrence of crimes and that the judiciary is determined to deal decisively with serious crimes. On 29 October 2011, another amputation of the limb of a thief was reported to have been carried out in Yazd central prison.

'Increased cases of corporal punishments, particularly in public, also remain a cause of utmost concern. On 24 December 2011, a man accused of "forbidden acts" was reportedly publicly whipped in Masjid Soleiman province. On 20 December 2011, authorities in Shiraz carried out sentences of public lashing for three persons accused of indecent conduct. Furthermore, media reports suggest that three persons accused of kidnapping were each publicly punished with 99 lashes on 31 October 2011 in Shahrod Province.' [10ai] (p4)

9.59 The AI Report 2013, noted that, during 2012, 'Sentences of flogging and amputation continued to be imposed and carried out. Siamak Ghaderi, a journalist and blogger, and 13 other political prisoners were reported to have been flogged in August in Evin Prison. He had been sentenced to four years in prison and 60 lashes for allegedly "insulting the President" and "spreading lies" in part for posting interviews with LGBTI [Lesbian, Gay, Bisexual, Transgender and Intersex] individuals on his blog in 2007.' [9h]

9.60 On 25 January 2013, France 24 reported that Iran had 'unveiled' an amputation machine:

'One of Iran's official press agencies published photos showing the public amputation of a thief's fingers on Wednesday [23 January]. These show a man getting his finger chopped off with a machine resembling a rotary saw...

'According to the INSA [ISNA – Iranian Students News Agency] press agency, the man shown getting his finger cut off was charged with robbery and adultery by a court in the southwestern city of Shiraz. He was also accused of being at the head of a criminal organisation. On top of losing his fingers on one hand, he was sentenced to three years in prison and 99 whip lashes.' [136a]

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Extra-judicial killings

9.61 An Amnesty International (AI) report dated 10 December 2009, commented on the number of reported deaths during the postelection unrest, stating:

'The authorities have said that 36 people, including Basij personnel, died during the postelection unrest; opposition figures put the figure at 72 as of 5 September [2009]. According to the website Norooz, officials showed the families of people who went missing after the protests albums containing photographs of hundreds of corpses in makeshift morgues. Documents of evidence collected by the opposition shown to the

UK newspaper The Times indicate that at least 200 demonstrators were killed in Tehran and 173 in other cities. Over half of these were killed in the streets. Over 50 others were unaccounted for.’ [9t] (p34)

9.62 The AI report continued:

‘Reports also suggested that 44 bodies were buried secretly at night in anonymous graves in Section 302 of Behesht-e Zahra cemetery in Tehran. Following the revelation of the graves, Mahmoud Rezayan, the cemetery Chief, said coroners had certified that the bodies were those of unknown people who died in car accidents or from drug overdoses. However, the documents shown to The Times newspaper contain coroners’ statements refuting this...

‘Nevertheless, considerable evidence of unlawful killings by the security forces, particularly the Basij, has emerged. In addition to the usual witness testimony, mobile phones were widely used by demonstrators and bystanders to film some of the incidents. Footage of the invasion of [the] dormitory at Tehran University on 14 June shows men dressed in black and armed with sticks and other weapons chasing and attacking students, who later identified them as having been from the Basij. A video taken on 15 June [2009] shows a member of the Basij firing from a building used by the Basij towards demonstrators; at least seven people were killed that day.’ [9t] (p35)

9.63 On 10 June 2010, Rooz online reported on the death in 2009 of Ramin Pourandarjani, a resident doctor at the Kahrizak detention centre:

‘While the Islamic Republic judiciary officials have turned silent after making several contradictory statements about the death of Ramin Pourandarjani, Rooz has determined that contrary to official claims, the young doctor at Tehran’s Kahrizak prison did not in fact commit suicide, but that he died by means other than poison. This conclusion is based on information obtained from a source closely associated with the case and from documents related to the case.

‘As a resident doctor at the Kahrizak detention facility, Ramin Pourandarjani had examined some of the prison detainees who had been murdered at the facility, after which he himself was announced dead. Officials initially attributed his death to a heart attack, but later said that Pourandarjani had committed suicide. Eventually, the coroner’s office announced that the young doctor had died of poisoning. But documents obtained by Rooz reveal that the official account of Ramin Pourandarjani’s death is not true. According to these documents, police officer Sotvan Noorian from police station #129 had written this in his report on the body of the victim: “Signs of bruising and blood spots are visible in the [victim’s] neck area.”... This vital evidence was for some reason completely ignored by the coroner’s office.’ [63b]

9.64 The USSD Report 2012 stated:

‘There were numerous reports that the government and its agents committed acts of arbitrary or unlawful killings, including by torture, denial of medical treatment, and beatings. The government made limited attempts to investigate cases. Members of the country’s ethnic minority communities were disproportionately victims of such abuses...

‘Impunity for past unlawful killings remained a serious problem. On March 18 [2012], President Mahmoud Ahmadinejad appointed former Tehran prosecutor general Saeed Mortazavi head of the country’s Social Security Fund. Mortazavi was implicated in the

torture and deaths of three university students and protestors at Kahrizak Prison in 2009, and a criminal case remained pending against him at year's end.' [4a] (Section 1a)

See the [USSD Report 2012](#) for further details on reported cases of extra-judicial killings. [4a] (Section 1a)

See also [Detention Centres](#) for updated information on the Kahrizak Prison case.

- 9.65 A report by the International Campaign for Human Rights in Iran (ICHR), 'Dangerous Borders, Callous Murders', published in August 2012, reported:

'In 2006, Iranian authorities began implementing a new border security program intended to prevent terrorists and smuggled goods from crossing its borders. In the months between March 2011 and April 2012, at least 74 low-income Iranian citizens working as cross-border couriers were killed in the border regions, and at least another 76 were injured, largely by security forces...

'The numerous cases of border security forces killing couriers, often called kulbar, in the northwestern provinces of West Azerbaijan, Kurdistan, and Kermanshah represent a growing pattern of excessive use of lethal force.' [52q] (p7)

See the [ICHR report](#) directly for further information and a list of people killed. [52q]

See also [Death Penalty](#) and [Detention Centres](#)

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10. Military service

- 10.01 A submission to the 101st session of the United Nations Human Rights Committee, prepared in December 2010 by Conscience and Peace Tax International (CPTI) stated:

'Recent information on military service in Iran is not easy to obtain... During the war with Iraq, the period of military service was 28 months. This was reduced in 1988 to 24 months. It has subsequently been shortened again and was 18 months in 2006. It was reported that in June 2009 the Majlis approved further, stepped, shortenings of the period of service for conscripts with higher education qualifications, ranging from two months for those with diplomas to ten months for holders of doctorates, which are to take effect from 2011.' [30a]

- 10.02 On 1 July 2009, War Resisters' International (WRI) also reported on the reductions to military service to take effect from 2011, stating that:

'According to the latest Majlis ratification, military service for conscripts with a PHD falls [by] 10 months. Master and bachelor graduates will serve 8 and 6 months lesser respectively. The service decreased [by] 4 and 2 months for associate degree and diploma holders respectively...

'The new regulation defines the maximum period of military service up to 24 months and the commander-in-chief has authority to change the period.' [25b]

- 10.03 A research project by the Small Media Foundation (SMF), published in May 2012, included information on military exemption for gay and transsexual persons. The SMF report also noted that, 'Compulsory military service usually lasts 18 to 24 months and

exemption regulations are strict. It is sometimes possible to buy an exemption, but this is risky, expensive and highly illegal. Exemptions are highly prized. The official information concerning the different categories of and reasons for military exemptions is available on Iran's official police website at <http://www.police.ir> [in Persian].' [108a]

10.04 The Central Intelligence Agency (CIA) World Fact Book, updated 22 August 2013, stated that Iran's military service age and obligation were: '18 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; women exempt from military service (2012)' [111a] (Military)

10.05 The CPTI submission dated December 2010 noted:

'The army maintains 220,000 conscripts alongside 130,000 regular troops. This compares with well over 600,000 young men reaching "militarily significant age" each year. Clearly, even after medical examination and the exemption of sole family breadwinners and sons and brothers children of "martyrs of the revolution" (ie those killed in the Iraq war), there is a surplus of manpower available. The selection of those who actually serve is thus made by ballot, but it was reported in the 1990s believed [sic] that those not selected were, like students, granted a deferment, rather than exemption, meaning that they might leave the country only in exceptional circumstances, for three months, and on payment of a deposit. In this context, it is believed that Iran is one of the countries where certification of military service status is a prerequisite for such purposes as obtaining a passport or driving licence or employment in the public sector. It was also reported that Iranians living abroad might purchase exemption for a fee of between \$1000 and \$3000; for those who left the country before March 1990, this option had been available only to graduates and on payment of a fee of \$16,600.' [30a]

10.06 An English translation of information on the United Kingdom (UK) website of the Iranian Embassy by Dr. Mohammad M. Hedayati-Kakhki of Durham Law School, dated 9 June 2011, noted the conditions under which a conscript may be eligible for exemption from military service due to medical reasons:

'Conditions: If the conscript is ill, he must inform the National Military Service Organisation as soon as he reaches the age of conscription and provide them with valid evidence to prove his medical condition. He must attend in person to the Tehran Military Service Department where he will be examined by the department's trustworthy doctor who is a member of the commission which is responsible for granting such exemptions. The conscript will only be granted a medical exemption if the matter is investigated by the commission and proven to their satisfaction...

'Identifying the type of illness of the conscript is the responsibility of the body of medical consultants and those conscripts who claim they must be granted medical exemption must fill a form and submit their supporting documents at least two months before the due date for the commencement of their military service to be able to qualify and use these regulatory facilities.' [76a]

10.07 Dr. Hedayati-Kakhki's translation of information on the UK website of the Iranian Embassy also noted the existence of the 'Kefalat Exemption', a provision for exemption in cases where the conscript's father is over 60; the conscript is his only male child and is over 18 years of age. Various documents, including the original birth certificates and

passports of both the conscript and his father, need to be submitted to the National Military Service Organisation for the application to be considered. [76b]

- 10.08 Regarding conscientious objection in Iran, the War Resisters' International (WRI) report, 'Refusing to bear arms: a world survey of conscription and conscientious objection to military service', dated 1998, noted that 'The right to conscientious objection is not legally recognized and there are no provisions for substitute service.' [25a] The CPTI report of December 2010 observed: 'It is not recorded that any provision exists in Iran to accommodate conscientious objectors to military service. Although there have been no reports of individual cases, this does not prove that such objections are unknown; it could well be that any potential conscientious objector might have felt unsafe in expressing these, particularly to the recruitment authorities.' [30a]
- 10.09 The results of a fact finding mission to Iran, Turkey and London by the Danish Immigration Service, Norwegian LANDINFO and the Danish Refugee Council undertaken from 9 to 20 November 2012 and 8 to 9 January 2013, published in February 2013 (Danish fact finding report 2013), reported Mr. Hossein Abdy, the Head of Passport and Visa Department as saying that, '... in Iran there is mandatory military service whereby a young man must serve 18 months of military service. When his military service is completed, a young man may travel outside of Iran. He is however, able to apply and obtain permission to travel before completion of service for educational purposes or in the event that he needs to travel for medical attention abroad.' [86a] (p69-70)
- 10.10 The Danish fact finding report 2013 also reported that:
- 'The consular officers of the U.S. embassy in Ankara noted that after the post-election political turmoil in the summer of 2009 it appears as if the Iranian Government has eased the requirements to allow people to leave the country in the sense that a young man wishing to leave the country before having completed his military service is able to deposit a bond of 12,000 USD and be allowed travel abroad for study. If the person does not return to Iran, the amount is taken by the authorities. It was commented that young dissatisfied individuals could be perceived as a potential source of unrest by the authorities. It was considered that by allowing them to leave, the authorities were thereby getting rid of dissent.' [86a] (p70)
- 10.11 The WRI report of 1998 includes further information on military service, including possible punishments for evasion and desertion. More recent information on possible penalties had not been identified at the time of writing.
- 10.12 The US Department of State's 'International Religious Freedom Report for 2012, Iran', published 20 May 2013 stated:
- 'The constitution states the army must be Islamic, in the sense that it must be committed to Islamic ideals and must recruit individuals who are committed to the objectives of the Islamic Revolution. In practice, however, no members of religious minority groups are exempt from military service. The law forbids non-Muslims from holding officer positions over Muslims in the armed forces. Members of constitutionally protected religious minorities with a college education may serve as officers during their mandatory military service but may not be career military officers.' [4e] (Section II)

See also sections on [Exit and Return](#) for further information on restrictions relating to military service and [Sexual orientation and gender identity](#) for information on exemption regulations.

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11. Judiciary

Organisation

11.01 Jane's 'Sentinel Security Assessment', updated 25 June 2012, stated:

'The 1979 constitution established a legal system based on Islamic law (sharia) and, in November 1985, a new criminal code was introduced. Judicial authority is vested in the Supreme Court and the four-member High Council of the Judiciary, which together are responsible for supervising the enforcement of all laws and for establishing judicial and legal policies. The supreme leader appoints the public prosecutor and the president of the Supreme Court, which has 16 branches. When Mohammad Khatami purged the country's intelligence ministries during the first term of his presidency (1997-2001), the judiciary established its own intelligence service, which is only accountable to Ayatollah Sadeq Larijani (the head of the judiciary since 2009) and the supreme leader.' [61a] (Internal Affairs)

11.02 The US Department of State's, 'Country Reports on Human Rights Practices 2012, Iran, released on 19 April 2013, (USSD Report 2012) stated that, 'The constitution provides that the judiciary be "an independent power." In practice the court system was subject to political influence and judges were appointed "in accordance with religious criteria." The supreme leader appoints the head of the judiciary, and in practice the heads of the judiciary, the Supreme Court, and the prosecutor general have been clerics.' [4a] (Section 1e)

11.03 A November 2010 report by Iranian lawyer Behnam Daraeizadeh, published by Iran Human Rights Documentation Center, observed that 'The Judicial system in Iran is ineffective and suffers many weaknesses. Political considerations play a major role in this system, while it pays no mind to many accepted international principles.' [51b] (p2) 'Since the disputed 2009 presidential elections, the reign of terror initiated by both secret revolutionary court trials as well as mass show trials against members of the opposition, protesters and activists continue to underwrite the political status quo in the Islamic Republic.' (Jane's, 25 June 2012) [61a] (Internal Affairs)

11.04 In an undated article in the Iran Primer, accessed 21 June 2012, Hadi Ghaemi, the executive director of the International Campaign for Human Rights in Iran, observed, 'The judiciary plays the paramount role in suppressing dissent and prosecuting dissidents, often on charges of "acting against national security." Working closely with intelligence services, the judiciary has for decades tried a wide range of opponents and critics, from students and street protestors to civil society activists and political reformers.' [31d]

11.05 The Commentary on the January 2013 Country of Origin Information (COI) Report on Iran, prepared for the Independent Advisory Group on Country Information (IAGCI) by Dr. Mohammad Hedayati Kakhki from the School of Law, Durham University on 11th March 2013 (IAGCI Review 2013), noted that:

'...on occasion, the Judiciary creates a taskforce to deal with criminality of a very particular type or arising out of a specific event. 'The resulting branch of the judiciary is known as the 'Special/Security Branch'. It is important to note that these task forces do not adhere to the general procedure and may fashion their own procedure in order to do their job. Recent examples of Special Branches include one dealing with the 2009 protests in Iran and another in relation to embezzlement/fraud scandals.' [6a] (p15)

Court structure

11.06 In his undated article in the Iran Primer, Hadi Ghaemi, the executive director of the International Campaign for Human Rights in Iran, stated:

'Iran's legal system has many layers of courts. The constitution calls for civil and criminal courts, as well as military courts. Prosecutions originate in lower courts and can be appealed to higher courts. The Supreme Court reviews cases of capital offenses and rules on death sentences. It is also tasked with ensuring proper implementation of the laws and uniformity of judicial proceedings.

'But the Islamic Republic also has Revolutionary Courts and the Special Court for the Clergy. Both sets of tribunals were based on decrees by revolutionary leader Ayatollah Ruhollah Khomeini. They have never been incorporated into the constitutional clauses defining the role and structure of the Judiciary. Legal experts critical of these tribunals have repeatedly challenged their legal standing. The Special Court for the Clergy has also been used as a political tool against clerics who urge reforms, criticize the regime or challenge the role of the supreme leader.' [31d]

11.07 A report on Globalex (an electronic legal publication dedicated to international and foreign law research published by the Hauser Global Law School Program at New York University School of Law), titled 'A Guide to the Legal System of the Islamic Republic of Iran', updated February 2011, provided the following information on the Iranian court system:

'The Courts are functionally classified according to their area of jurisdiction, civil or criminal, and according to the seriousness of the crime or the litigation, e.g., value of property under dispute or the level of punitive action involved.

'The judiciary in Iran follows the Islamic Law. There are basically three types of courts in Iran- (a) Public Courts, (b) Clerical Courts and (c) Revolutionary Courts.

'The regular courts in Iran, known as public courts, are classified into:

- '1. Civil Courts,
- '2. Special Civil Courts,
- '3. First Class Criminal Courts; and
- '4. Second Class Criminal Courts.

'These courts mainly deal with the civil and criminal matters of the common public in Iran. In the first instance, family matters, including marriage, divorce and custody, come under the jurisdiction of the Special Civil Court allocated to family affairs. Whereas personal status matters such as citizenship and probate come under the jurisdiction of the Public Civil Courts. All non-financial matters and financial affairs evaluated at above 2,000,000 RI [Rial] from these courts can be appealed to the appellate courts. Criminal courts fall into two categories: first and second level criminal courts. The first level

courts have jurisdiction over prosecution for felony charges, while the second level courts try cases that involve lighter punitive action. There are nearly 600 Public Courts in Iran.

‘The Clerical Courts are entrusted with the task of trying and punishing misdeeds by the clergy although it has also taken on cases involving lay people. There is a Special Clerical Court that holds operations independent of the regular judicial system and is accountable to the Supreme Leader of Iran. Judgments handed down by the Clerical Courts are final and cannot be appealed.

‘The Revolutionary Courts rule on serious offences related to the country’s security, drug trafficking, etc. There are two Revolutionary Courts in Iran. The judgments given by these courts cannot be challenged in any Court in Iran. The Revolutionary Courts do not allow for the involvement of defense attorneys in Court proceedings related to various legal matters addressed by these Courts.

‘The judges of these courts fulfill additional roles as prosecutors and mediators. All judges in the courts have received a higher education in Islamic Law and most of them are also members of the group of ruling clergies.

‘Besides, there is Administrative Court of Justice, which under the supervision of the head of the judicial branch is authorized to investigate any complaints or objections by people with respect to government officials, organs, and statues and a Disciplinary Court for Judges was established in 1987.

‘The Constitution requires all trials to be open to the public unless the court determines that an open trial would be detrimental to public morality or public order, or in case of private disputes, if both parties request that open hearings not be held.’ [67a]

- 11.08 [A paper](#) by Ehsan Zarrokh, Attorney at Law at Kermanshah Bar Association, Iran, dated 3 June 2008 and published on the BioInfoBank Library website, provides more detailed information on the judicial system including the structure and functions of the Revolutionary Court, Dispute Resolution Councils, the Public Courts, the Courts of Appeal, the Military Courts, the Special Clerical Court, the Court of Administrative justice, the Supreme Court and the Special Civil Court. [95a]

See also Political affiliation, sub section on [Political Prisoners](#) for information on the establishment in March 2010 of a court for political prisoners in Evin Prison.

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Independence

- 11.09 Chapter XI, Article 156 of the [Iranian Constitution](#) states that ‘The judiciary is an independent power, the protector of the rights of the individual and society, responsible for the implementation of justice...’ (Iran Chamber Society website, accessed 17 August 2011) [58e] The USSD Report 2012, however, reported that, ‘International observers, including the UNHRC [UN Human Rights Council], independent legal experts, and human rights NGOs [Non-governmental Organisations], including AI [Amnesty International], HRW [Human Rights Watch], and Reporters without Borders (RSF), continued to criticize the lack of independence of the country’s judicial system and judges and maintained that trials disregarded international standards of fairness.’ [4a] (Section 1e)

- 11.10 The report of the Secretary-General to the UN General Assembly on ‘The situation of human rights in the Islamic Republic of Iran’, dated 1 October 2008, stated:
- ‘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.’ [10a] (p4)
- 11.11 The Iran Primer report, ‘Patterns of Human Rights Abuses 2010’, published by the United States Institute of Peace (USIP), on 16 December 2010, stated:
- ‘The last vestiges of the rule of law and an independent judiciary seriously diminished in 2010. The Intelligence Ministry and Revolutionary Guards had a growing role in investigations, arrests, detentions, interrogations, trials, sentences, and bail decisions. Detainees have routinely been denied access to lawyers, family, their files and even charges against them. Some were not told their trials [sic] dates and then denied the right to speak at their trial. Show trials, in which multiple defendants have confessed publicly to alleged crimes, after torture and coercion, have become common.’ [31a]
- 11.12 The Concluding Observations of the United Nations Human Rights Committee (UN HRC), 17 October – 4 November 2011, stated:
- ‘The Committee is concerned that the independence of the judiciary is not fully guaranteed and is compromised by undue pressure from the Executive power, including the Office for Supervision and Evaluation of Judges, as well as senior clerics and high-ranking Government officials ahead of trials. The Committee is also concerned that judges have used Shari’a law and fatwas to reach a verdict that was in contravention to the rights and principles as laid down in the Covenant [International Covenant on Civil and Political Rights] (art.14).’ [10t] (paragraph 22)
- 11.13 The Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, dated 28 February 2013, stated:
- ‘The Special Rapporteur continues to share the International Bar Association’s concerns regarding the erosion of the independence of the legal profession and Bar Association in the Islamic Republic of Iran. Legislative action such as the approval of the draft Bill of Formal Attorneyship, which increases Government supervision over the Iranian Bar Association, is a case-in-point. The Special Rapporteur is also concerned by article 187 of the Law of the Third Economic, Social and Cultural Development Plan, which has created a parallel body of lawyers known as “Legal Advisors of the Judiciary”. While the law has seemingly increased the number of legal professionals in the country, partly through a less onerous licensing process, the Judiciary ultimately controls the licensing

process of all article 187 legal advisors. The Special Rapporteur has also received reports about the revocation of the licenses of article 187 [from] legal advisers after they represented prisoners of conscience.

‘Furthermore, the Law on Conditions for Obtaining the Attorney’s License allows Bar members to elect members of their Board of Directors, but requires the Supreme Disciplinary Court for Judges, a body under the Judiciary’s authority, to confer with the Ministry of Intelligence, the Revolutionary Court and the Police to vet potential candidates for its Board. Some Iranian lawyers have reported that, in practice, candidates who represent human rights defenders have been prohibited from seeking Board membership as a result.’ [10n] (p7)

11.14 The Freedom House report, Freedom in the World 2013 – Iran, published on 10 April 2013, observed that:

‘The judicial system is not independent, as the supreme leader directly appoints the head of the judiciary, who in turn appoints senior judges. Suspects are frequently tried in closed sessions without access to legal counsel. Political and other sensitive cases are tried before revolutionary courts, where due process protections are routinely disregarded and trials are often summary. Judges deny access to lawyers, commonly accept coerced confessions, and disregard torture or abuse during detention.

‘The government practice of pressuring lawyers to abandon the cases of political and social detainees is widespread in Iran. Lawyers who resist such pressure can face harassment, interrogation, and incarceration. Since 2009, at least 42 attorneys have been prosecuted, including prominent human rights lawyers Nasrin Sotoudeh, Mohammad Seyfzadeh, Abdolfattah Soltani, and Mohammad Ali Dadkhah, who have received long prison sentences and been barred from practicing law. In recent years, the government has progressively intervened in the affairs of the Iranian Bar Association, an independent body responsible for issuing licenses to lawyers, overseeing their performance, and legally protecting them. In early 2012 the judiciary submitted a draft bill to the parliament that would replace the association with a state-controlled body composed of lawyers appointed by the judiciary itself; the process continued at the end of 2012.’ [112f]

See also section on [Human rights activists and lawyers](#).

11.15 The USSD Report 2012 stated:

‘According to the constitution, the Court of Administrative Justice, under the supervision of the head of the judiciary, investigates citizens’ grievances regarding government officials, organs, and statutes. In practice citizens had limited ability to sue the government. Citizens were not able to bring lawsuits against the government for civil or human rights violations. Dispute resolution councils were available to settle minor civil and criminal cases through mediation before referral to courts.’ [4a] (Section 1e)

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Fair trial

- 11.16 The report of the Secretary General to the UN General Assembly on 'The situation of human rights in the Islamic Republic of Iran', dated 15 September 2010, stated:
- 'The Constitution, the Penal Code and the Code of Criminal Procedure of the Islamic Republic of Iran provide a range of procedural guarantees to ensure due process of law, which include equality before the law, the right to legal counsel, presumption of innocence, prohibition of torture, prohibition of illegal arrests, right to appeal a ruling and open trials. Concerns were raised throughout the year by the United Nations High Commissioner for Human Rights and the special procedure mandate holders about the degree to which these procedures were observed in practice, in particular in relation to the trials of opponents of the Government.' [10u] (p14)
- 11.17 The interim report of the UN Secretary-General dated 14 March 2011 observed:
- 'Although article 35 of the Constitution requires all courts to hold hearings and sessions in the presence of a defense counsel and considers judgments issued without the presence of a defense attorney null and void, in practice many defendants are denied this core right. Article 128 of the code of criminal procedures narrows down this constitutional guarantee by giving judges discretionary authority to exclude a counsel from hearings on sentencing in sensitive cases; or a counsel may be present but may not speak until the end of the proceedings. Reports received further suggest the use of confession extracted through coercive methods being admitted in court proceedings and the setting of disproportionately high bail payments for the release of detainees.' [10aa] (p14)
- 11.18 The Concluding Observations of the UN HRC, 17 October – 4 November 2011, stated, 'The Committee is deeply concerned about the frequent violations of fair trial guarantees provided for under the Covenant [International Covenant on Civil and Political Rights], especially in the Revolutionary Courts and the Evin Prison Court. It is also concerned about the invocation by judicial officials of the "mahdoor-ol-dam" (deserving of death) definition in their rulings (articles 14,6).' [10t] (paragraph 21)
- 11.19 The Amnesty International report, "'We are ordered to crush you" Expanding repression of dissent in Iran', published in February 2012, stated:
- 'The majority of trials in Iran are grossly unfair, particularly those before Revolutionary Courts and other special courts such as the Special Court for the Clergy (SCC). Revolutionary Courts are used to prosecute national security offences and offences under the Anti-Narcotics Law, whereas the SCC tries cases in which Muslim clerics or their followers are involved. Trials by Revolutionary Courts are frequently held behind closed doors. Defendants are routinely denied access to lawyers in the preliminary pre-trial investigation stage and often during the trial itself under a restrictive interpretation of a note to Article 128 of the Code of Criminal Procedures. Dozens of defendants have told Amnesty International how they were told that if they did not have a lawyer, "it would be better" for them. Trials are often only minutes long and prisoners sometimes claim that the judges receive instructions from the intelligence service which has overseen their interrogation on the verdict and sentence.' [9x] (p23)

11.20 Regarding judicial corruption, Payvand News reported on 9 December 2010 that:

‘Judiciary Chief Ayatollah Sadeq Amoli Larijani has said it is not fair to say that all judges are corrupt. Larijani made the remarks on Wednesday in response to an MP, who recently said that all judges receive bribes.

“We do not deny the existence of corruption” because humans are fallible, but it is not fair to say all judges are corrupt and that lawmaker should present his evidence to prove his claims, he added...

“We know that there are some problems in the judicial system, but the Judiciary and the administration should not be undermined,” he stated.’ [130d]

11.21 The USSD Report 2012 stated:

‘According to the constitution and criminal procedure code, a defendant has the right to a fair trial, a presumption of innocence, a lawyer of his or her choice, and the right of appeal in most cases that involve major penalties. These rights were not respected in practice. Panels of judges adjudicate trials; there is no jury system in the civil and criminal courts. Public trials were usually “show trials.” Defendants rarely had the opportunity to confront their accusers, and were granted access to government-held evidence infrequently.

‘The government charged persons with vague crimes, such as “antirevolutionary behavior,” “moral corruption,” “siding with global arrogance,” “enmity towards God” (moharebeh), and “crimes against Islam.” Prosecutors imposed strict penalties on government critics for minor violations. When postrevolutionary statutes did not address a situation, the government advised judges to give precedence to their knowledge and interpretation of Islamic law (Sharia). Under Sharia law judges may find a person guilty based on their own “divine knowledge” or they may issue more lenient sentences for persons who kill others considered “deserving of death,” meaning that the victim was thought to have done something serious and contrary to Sharia. AI and numerous other NGOs [non-governmental organisations] reported that secret summary trials lasting only five minutes frequently occurred. Other trials were designed to publicize coerced confessions.

‘During the year [2012] human rights groups noted the absence of procedural safeguards in criminal trials. According to AI, there were many examples of the prosecution providing fabricated evidence, forced confessions, and trials closed to the public. Courts admitted as evidence confessions made under duress or torture.’ [4a] (Section 1e)

11.22 The Amnesty International (AI) report, ‘Death sentences and executions in 2012’, stated:

‘Trial procedures in Iran are generally flawed. Many death sentences in Iran follow grossly unfair trials, in which Iranian courts frequently accept as evidence alleged “confessions” extracted through torture and other ill-treatment. Televised “confessions” have repeatedly been used by the authorities to incriminate detained individuals during their trials. Many have later retracted these “confessions”, stating that they were coerced into making them, sometimes under torture...

'Under Iran's Code of Criminal Procedures, defence lawyers are not permitted to fully represent their clients until formal charges have been made, a process which may take months. As a consequence, detainees are sometimes held for months in incommunicado detention, that is, without access to their lawyers and relatives. State-appointed lawyers are rarely able to mount an adequate defence for their clients, whose case may have been allocated only days or even hours before the initial trial.' [9y] (p34)

- 11.23 The results of a fact finding mission to Iran, Turkey and London by the Danish Immigration Service, Norwegian LANDINFO and the Danish Refugee Council undertaken from 9 to 20 November 2012 and 8 to 9 January 2013, published in February 2013 (Danish fact finding report 2013), reported Amnesty International's International Secretariat (AIIIS) as saying that, '...information they [AIIIS] have suggests that the manner in which the administration of justice is conducted varies considerably across the country, but that adherence to the rule of law is, at this time, weak.' Furthermore, 'Case outcomes, they suggested, appear to depend more on the type of case; the people involved and the differing forms of power, or leverage that parties to the matter might have rather than the objective merits of a given case. There is anecdotal evidence that the administration of justice in the provinces is even weaker than in Tehran.' [86a] (p64)

See the [Danish fact finding report 2013](#) directly for further information on the rule of law. [86a] (p64)

See also [Penal code](#) and [Political affiliation](#)

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Trial in absentia

- 11.24 A response by the Immigration and Refugee Board of Canada (IRBC), dated 6 May 2009, commented on in absentia judgments, stating that correspondence in December 2008 from a legal attorney in London advised:

'In case the accused is not present at any time during the proceedings or the trial, then the judgment will be considered to have been issued in absentium (Article 217). The accused is then entitled to ask for a re-trial within 10 days from being actually served with the judgment. If the judgment is served at the accused's last known address, then the accused is entitled to ask for a re-trial within 10 days of being informed of the service. In any event, the judgment of the court will be subject to appeal to the Court of Appeal.' [2a]

See also the '[English Translation of the Islamic Republic of Iran's Criminal Code of Procedure for Public and Revolutionary Courts](#)', Articles 217 and 236, on the Iran Human Rights Documentation Center's website. [51i]

- 11.25 The Danish fact finding report 2013 reported:

'Two Iranian lawyers with criminal law experience stated that if a person departs the country while on bail, he or she may be tried in absentia. If he or she then returns and the legal procedure for confiscation of bail in the meantime is completed, he or she upon return should serve the remaining prison sentence given. The sureties of the bail are not given back. It was added that if a person is tried in absentia, he or she has the right to appeal the case.' [86a] (p62-63)

Double jeopardy (ne bis in idem)

11.26 A 2004 paper by Mansour Rahmdel, an Attorney at Law in Tehran, discussed the possibility of the double jeopardy (ne bis in idem) rule in the Iranian Penal Code, noting that:

‘On 12th October, 1982, the Iranian legislator adopted the Penal Code (later reformed in 1991). In Art. 3 of the code the legislator treated the question of jurisdiction concerning offences committed abroad, but removed the regulations of transnational criminal law relating to the “ne bis in idem” rule, and in para. (d) referred to the principle of active personality without any exception, making punishable all crimes committed abroad by Iranian nationals whether the accused were prosecuted and punished abroad or not.

‘On 29th July, 1991, the legislator reformed some articles of this code and changed para. (d) of the 1982 code to Art. 7, without changing the substance of the paragraph.

‘This Article has caused some problems for people who have committed offences abroad and have been punished. When they come back to Iran, especially when there is a private complainant, the court prosecutes the accused. Most problems arise from the difference between the kinds of punishment in Iranian law and those in other penal systems, especially of non-Islamic countries, because in Islamic countries many similar acts are criminalised, but some of these acts committed in non-Islamic countries either are not criminalised or have shorter sentences.

‘The post-revolutionary legislator in Iran does not accept not only the ne bis in idem rule but also the reduction of punishment rule, because it considers foreign judgments to have no validity and says “every Iranian national who commits an offence abroad will be punished according to Iranian penal laws upon return”, whether he has been punished or not and whether he returns to Iran voluntarily or not, and in some cases the accused can be punished twice...

‘The ambiguity of Art. 7 of the Iranian penal code has led judges to make differing interpretations. Some judges believe that whether the accused has been convicted abroad or not, he could still be prosecuted and punished in Iran.’ [22a]

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Bail

11.27 Regarding bail, an Immigration and Refugee Board of Canada response dated 6 May 2009 included the following information from Amnesty International’s International Secretariat in London:

‘The most common form of bail is known as kefalat in Persian, or guardianship, a non-valued form of surety in the first instance and indicates the guardian’s “word” or “honour” that the designated person appear in court at the appointed time and corresponds to the provisions set out in article 131.1 of the Code of Criminal Procedures (1999).

‘Under this arrangement the guarantor is personally liable and responsible for delivering the accused to the court whenever he or she is summoned. Kefalat constitutes a specified monetary value which will be paid post facto if the guarantor fails in their

undertaking to “deliver”. The guarantor is not required to produce the cash “up front” and often offers a property deed or another asset, or proof of asset as guarantee that the specified sum would be paid if the occasion arises...

‘While the Code of Criminal Procedure sets out those cases where bail may and may not be provided, and the manner in which it is to be set, in our experience, the bails we report on often appear excessive in terms of the “crimes” alleged and in terms of average incomes in Iran, appearing to fly in the face of Article 134 of the 1999 Code of Criminal Procedures, which requires bail bonds or security to be commensurate with, inter alia, the severity (Persian: sheddat) of the alleged crime. Bail, in terms of the largely political cases that AI sees, is taken in the form of property deeds and can involve several properties, generally belonging to family members.

‘We have no information on how bail is collected, or, confiscated, that is, how people are evicted from their places of residence and the property seized; nor in what manner bail is disposed.’ [2a]

11.28 An Iran Human Rights Documentation Center (IHRDC) report published in August 2010 stated that Article 134 of the Iranian Code of Criminal Procedure requires that the amount of bail set should ‘be in accordance with the importance of the crime, severity of punishment, reasons and tools for the accusation, possibility of flight of the accused and destroying the signs of crime, background of the accused, his health, age and respect in the community.’ [51c] (p47)

11.29 The IHRDC report continued:

‘The law does not provide guidance on what are important crimes and what amount is in accordance with those crimes. However, Iranian human rights lawyers have noted that ‘judges who are in the business of trying political prisoners heed the demands of their leaders in the military and economic centers of power’ and portray the accused to be so dangerous that the proposed amount of bail issued “will be disproportionate to the importance of the alleged crime committed, as well as his health, age, and respect in the community.”...

‘Women’s rights activists detained following the 2009 election believe that high bails were set in an effort to punish them and discourage them from continuing their activism. When detainees were unable to pay the full bail, the authorities negotiated third-party financial guarantees, often with family members. These guarantees put heavy economic pressure on the detainees and their families to remain silent. This method continues to be particularly effective in Iran’s weak economy.’ [51c] (p47)

11.30 The Amnesty International report, “We are ordered to crush you” Expanding repression of dissent in Iran’, published in February 2012, stated:

‘The Code of Criminal Procedures says that detainees can petition a judge for release on bail. It requires that the bail or surety is appropriate and proportionate to the crime and punishment in question, as well as the status of the accused and his background.

‘Despite this, bail is often set extremely and disproportionately high, which may force the family of the detainee to surrender more than one property deed. Many of those arrested since the June 2009 election have stood bail of amounts equivalent to several hundred thousand US dollars. In some cases, detainees and their families are simply unable to meet such high demands, and the individual continues to languish in detention.’ [9x] (p20)

11.31 The USSD Report 2012 reported that, 'The courts set prohibitively high bail, even for lesser crimes, and in many cases courts did not set bail. Authorities often compelled detainees and their families to submit property deeds to post bail. Persons released on bail did not always know how long their property would be retained or when their trials would be held, which effectively silenced them for fear of losing their families' property.' [4a] (Section 1d)

11.32 The 'English Translation of the Islamic Republic of Iran's Criminal Code of Procedure for Public and Revolutionary Courts' on the IHRDC's website, '...addresses the investigation and prosecution of crimes, trial procedure and issuance of sentence, and appeal guidelines.' Regarding bail, Article 140 of the Code states:

'Whenever an accused that has been given recognizance or bail does not appear when necessary without a valid excuse, the recognizance deposit will be obtained by the director of the District Court, and the pledge is confiscated. If a person bails the accused and puts up a bond, and the accused does not appear, the bondsman or surety will be warned to surrender the accused within 20 days, if not and upon an actual notice of the director of District Court, the recognizance deposit will be obtained and the pledge confiscated.' [51i]

Articles 141 to 147 of the [Criminal Code of Procedure](#) include further information on bail and should be accessed directly. [51i]

11.33 See the [joint report](#) from the Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council's fact-finding mission to Tehran, Iran, Ankara, Turkey and London, 'On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures', undertaken from 9 to 20 November 2012 and 8 to 9 January 2013 [Danish fact finding report 2013], published February 2013, for further information on the use of bail and consequences of a person leaving Iran while on bail. [86a] (Section 3, p60-64)

See also [Arrest and Detention – Legal Rights](#) for further information on bail and court documents

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Penal code

Some of the sources referred to in this and other sections refer to a new Penal Code. It should be noted, however, that the current or was still in force when this report was drafted. The new Penal Code is awaiting signature by the President and is not yet in operation

11.34 The website of the Mission for Establishment of Human Rights in Iran (MEHR Iran), accessed on 16 March 2010, includes details of the current [Iranian Penal Code](#). [66a] 'The Islamic Penal Law was approved by the Islamic Consultancy Parliament on 30 July 1991 and ratified by the High Expediency Council on 28 November 1991. The Book Five of the Penal Code – Ta'azirat – has been ratified in May 22 of 1996.' (MEHR Iran) [66a]

- 11.35 The Human Rights Watch (HRW) report, 'Codifying Repression', published August 2012, stated:

'The Islamic Penal Code, which came into effect in 1991, is the codification of several different pieces of legislation that addresses punishment and compensation for criminal (and tortious) conduct. Along with the Code of Criminal Procedure and the Law Establishing General and Revolutionary Courts, the code serves as the primary body of procedural and substantive law related to the administration of justice on all criminal matters.

'The code comprises 729 articles and is divided into five "books" or main sections that deal with general penal provisions and four specific categories of punishments referenced in shari'a law. These categories include: a) hadd or hodud (pl.) [hodood], defined as "crimes against God," the punishments for which, including degree, type and implementation, are specified in shari'a law ; b) qesas, retributive justice reserved for crimes that cause death or injury, such as murder ("retribution crimes"); c) diyeh, monetary fine or compensation to victims in the form of "bloody money" for unintentional acts that cause death or injury or for intentional crimes not covered by qesas ("compensation crimes"); and d) ta'zir, or punishments for criminal acts that do not have specific or fixed sentences or penalties under sharia law but are considered to be in conflict with religious or state interests ("discretionary crimes").' [8j] (p8)

- 11.36 The International Federation for Human Rights (FIDH) report, 'Iran/death penalty: A state terror policy', dated 28 April 2009, noted:

'The death penalty is meted out mostly under the hodood section, and the qesas section in the case of murder, as well as once under the ta'zirat section for "cursing the prophet". However, the Iranian legal system distinguishes also between punishments considered to be the sole "right of Allah" and those considered to be the "right of the people." The former have a "public aspect" and withdrawal of complaint shall not have any effect on them, e.g. punishment for fornication. An example of the "right of people" is qesas or retributive punishment. Under the law, the Supreme Leader may grant amnesty if a crime violated the "right of Allah" in cases that do not fall under hodood punishments, but he cannot grant amnesty if the 'right of people' has been violated. A large number of extremely heterogeneous crimes entail the death sentence in Iran.' [56b] (p10)

- 11.37 The Foreign and Commonwealth Office advised on 11 May 2010 that, 'In the case of murder it is usual for a qysas [qesas] sentence to be handed down. A qysas sentence means either the payment of blood money to the victim's family (at which point the accused is freed) or a death sentence. The decision rest solely with the family of the victim – they cannot choose a third alternative (e.g. a lengthy gaol term).' [26c]

- 11.38 The Freedom House Report, 'Freedom in the World 2013 – Iran', stated, 'The country's penal code is based on Sharia (Islamic law) and provides for flogging, amputation, and execution by stoning or hanging for a range of social and political offenses; these punishments are carried out in practice.' [112f]

See also [Death penalty and Amputations and floggings](#)

11.39 The Amnesty International report, “‘We are ordered to crush you”, expanding repression of dissent in Iran’, published February 2012, noted, however:

‘The first four books of the Penal Code have been under revision in parliament since 2007. In January 2012, the Council of Guardians, which vets legislation for conformity to the Constitution and to Islamic Law, said no provisions in the draft were in violation of Islamic Law, paving the way for the Bill to be sent to the President for ratification. An earlier version of the Bill seen by Amnesty International maintains many existing provisions which are incompatible with Iran’s obligations under international human rights instruments. In particular, it continues to provide for flogging and amputation as a punishment; it continues to penalise consensual sexual relations outside marriage, whether same sex or heterosexual; it continues to allow judges to pass judgment on the basis of their “knowledge”, which could be their subjective opinion; and discriminates against women and religious minorities in a number of areas. It also appears to still provide for the execution of juvenile offenders at the discretion of the judge and would permit the use of stoning as a penalty for adultery while married by allowing judges to cite Islamic Law.’ [9x] (p12-13)

11.40 The International Campaign for Human Rights in Iran (ICHR) reported on 27 February 2012 that, ‘Iran’s new penal code was finally approved by the Guardian Council, a body of clerics and lawyers in charge of approving legislation, in February 2012. Once the new penal code is signed by President Mahmoud Ahmadinejad and published in the official gazette, it will officially replace the current penal code.’ [52t] The ICHR further noted, ‘The new penal code largely maintains the same categories of crimes, and the new punishments are more or less the same. Some of the elements of certain crimes, including adultery and sodomy, have, however, changed.’ [52t]

11.41 The Secretary-General’s report of 20 March 2012 reported:

‘The Secretary-General welcomes the omission of punishment of stoning and details of this method of execution in the new Islamic Penal Code, passed by the Iranian parliament in January 2012 [but not yet effective (HRW, August 2012 [8j]). The Secretary-General regrets, however, that the new law fails to fully abolish the death penalty or restrict its imposition to only the “most serious crimes”, as stipulated in article 6 (2) of the ICCPR [International Covenant on Civil and Political Rights]. The new Penal Code still provides the death penalty for people charged with “action against national security”, Moharebeh (enmity against God), Mofsid-Fil-Arz (corruption on earth), drug trafficking, rape, Qisas (retribution in kind) and certain other hudud crimes.’ [10ai] (p4-5)

11.42 A Foreign and Commonwealth update of 31 March 2012 noted:

‘There has been no discernible improvement in the human rights situation in Iran. Death sentences continue to be handed down in large numbers, and the targeting of journalists, human rights defenders and religious and ethnic minorities continues apace. While the passage of a new penal code gives the semblance of improvement, the text has not addressed international concerns, continues to allow for stoning, and has increased the severity of sentences for a number of crimes.’ [26h]

11.43 In their August 2012 report, ‘Codifying Repression’, HRW reported:

‘The most serious problems with the new code include:

1) retention of the death penalty for child offenders;

- 2) retention of the death penalty for crimes considered not to be “serious” under international law;
- 3) failure to codify laws related to serious punishments including death;
- 4) the use of broad or vaguely worded national security laws criminalizing the exercise of fundamental rights;
- 5) the continued use of punishments that amount to torture or cruel and degrading treatment, such as stoning, flogging, and amputation; and
- 6) the retention of previously discriminatory provisions against women and religious minorities related to the implementation of punishments, retribution and compensation, and use of evidence in court.

‘While the amended penal code makes a few important advances, the provisions highlighted above continue to deprive Iranians of their basic rights under international law to fundamental freedoms, freedom from cruel and arbitrary punishment, and freedom from discrimination.’ [8j] (p11)

- 11.44 The HRW August 2012 report, ‘Codifying Repression’ includes a detailed assessment of the new penal code and noted:

‘For the new code to take full effect, President Mahmoud Ahmadinejad must sign it into law and it must be published in the country’s official journals. However, President Ahmadinejad has not yet signed the bill into law. Once he signs it, it will undergo a three year trial period. In April 2012 Ayatollah Sadegh Larijani, the head of Iran’s Judiciary, announced that in the meantime he had instructed courts to apply the previous code but expressed hope that Ahmadinejad would sign the new provisions into law as soon as possible.’ [8j] (p9)

See also [Knowledge of the judge](#), [Proposed law on apostasy](#), [Adultery](#), [Death penalty for Children](#), [Lesbian Gay and Bisexual Persons](#) and [Stoning](#).

- 11.45 On 3 June 2013, Human Rights Watch reported that:

‘Iran’s semi-official Mehr News Agency reported on April 27, 2013, that the Guardian Council had finished reviewing and making changes to the draft penal code and that the law would soon be implemented. The Guardian Council is an unelected body empowered to vet all legislation to ensure its compatibility with Iran’s constitution and Sharia, or Islamic law. It had approved an earlier version of the draft penal code but then withdrew its approval in late 2012 to amend it further before implementation.’ [8o]

At the time of writing, the new penal code had not yet been implemented.

Security laws

- 11.46 The Human Rights Watch (HRW) report, ‘Codifying repression’, published August 2012 stated:

‘The new provisions [in the Penal Code] do not alter other crimes defined under the broadly or vaguely worded ‘Offenses against the National and International Security of the Country’ (national security laws), many of which criminalize the exercise of fundamental rights. Examples of these patently political crimes include “collusion and gathering against the national security,” “propaganda against the regime,” “disturbing the public order,” “membership in illegal groups,” “participating in unlawful gatherings,” “insulting the Supreme Leader,” and “publication of lies.” Courts generally hand down

sentences on these charges that include heavy prison terms of up to 25 years, flogging, internal exile, and work bans.

‘In fact, the penal code’s sections on security laws, which remain untouched by the amendments incorporated in the new code, constitute the government’s primary legal tool for stifling dissent. These laws are so broadly articulated that the government is able to punish a range of peaceful activities and free expression with the legal cover that it is protecting national security. The provisions governing security offenses have been in place since 1996, and the government has frequently relied on them to arrest and harass perceived critics.

‘The provisions of the security laws prohibit various forms of speech, assembly, and expression, allowing the state to arbitrarily and subjectively judge them as being ‘against’ the nation or its security.’ [8j] (p41-42)

See the [HRW report of August 2012](#) directly for further information on the current penal code (including security laws) and the proposed changes to it, which are not yet effective.

Knowledge of the judge

- 11.47 The Human Rights Watch report, ‘We are a buried generation’, published December 2010, noted that article 120 of the Iranian Penal Code allows ‘...convictions, including those relating to same-sex conduct, based solely on the knowledge of the Shari’a judge as ‘derived through customary methods,’ which enables judges to rely on tenuous circumstantial evidence to determine whether a crime has occurred.’ [8m] (p7)
- 11.48 In a document dated 9 July 2010, Amnesty International (AI) stated that ‘knowledge of the judge’ is ‘...a provision in Iranian law that allows judges to make their own subjective and possibly arbitrary determination whether an accused person is guilty even in the absence of clear or conclusive evidence.’ [9g]
- 11.49 The International Federation for Human Rights (FIDH) report, ‘Iran/Death Penalty: a State Terror Policy’, dated 28 April 2009, noted that: ‘Judges are ... empowered to rule on the basis of their own “knowledge” in various cases. Hence, a good number of stoning as well as other sentences are issued on the basis of the “knowledge of the judge”. This is illegal even according to the letter of the Islamic Penal Code.’ [56b] (p39)
- 11.50 The AI report, ‘Death sentences and executions in 2012’ published 10 April 2013, noted: that, ‘In January [2012], a revised Penal Code was passed by the Council of Guardians as presented by parliament, but did not enter into force during the year... The new Penal Code would also continue to allow judges to decide on the merits of a case based on their subjective “knowledge of the judge” (elm-e qazi), a key element in the [stoning] conviction of Sakineh Mohammadi Ashtiani.’ [9y] (p33-34)
- 11.51 The HRW report, ‘Codifying Repression’, published in August 2012 assessed the revised Penal Code and also noted that:
- ‘Like the old code the amended code also allows judges to rely upon their “knowledge,” not only in resolving issues related to applicable laws, but also in determining issues of fact and evidence. Article 210 of the new code states that “knowledge of the judge” comprises certainty derived from presentable evidence in connection with an issue before the judge.” In the absence of confessions or other available testimony by

eyewitnesses, a judge may enter a conviction for certain crimes based on his “knowledge.”...The law requires, however, that rulings based on a judge’s “knowledge” derive from evidence, including circumstantial evidence, and not merely personal belief that the defendant is guilty of the crime.

‘Human Rights Watch has documented instances where defendants have received summary trials in which judges ignored the strict evidentiary guidelines that the penal code stipulated for such cases. Instead, the judges have used this apparently unrestricted power to include or exclude evidence to rely on evidence that should have been inadmissible as evidence of guilt, including confessions where there was very strong evidence that they were extracted through the use of physical torture and extreme psychological pressure.’ [8] (p35)

See also [Penal Code](#), [Lesbian, Gay and Bisexual Persons](#), [Stoning](#), and [Women: Adultery](#)

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Crimes committed outside Iran

11.52 [Book 1, Chapter 1 of the Penal Code](#) includes articles referring to crimes committed outside Iran, some of which are:

‘Article 4

If part of the crime has happened in Iran and its results have happened outside the territory of Iran, or if part of the crime has happened in or outside Iran and the results have happened in Iran, the ruling is that the crime is [sic] happened in Iran.

‘Article 5

1. Any Iranian or foreigner, who has committed one of the following crimes and is found in Iran or is extradited to Iran, will be punished in accordance with the Penal Law of the Islamic Republic of Iran:

Any act against the government of the Islamic Republic of Iran, the internal and external security, territorial integrity or the independence of the Islamic Republic of Iran...

‘Article 6

Any crime that is committed by the foreign citizens that are working for the State of the Islamic Republic of Iran, or the State employees working outside of the territory of the Islamic Republic of Iran, also any crimes that are committed by the political, and consular and cultural officials of the Iranian State who are using diplomatic immunity, are punishable in accordance with the Penal Laws of the Islamic Republic of Iran.

‘Article 7

In addition to the above-mentioned provisions in Articles 5 and 6, any Iranian who has committed a crime outside the territory of Iran and is found in Iran will be punished in accordance with the Penal Laws of the Islamic Republic of Iran.’ [10x]

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Court documentation

Summonses

- 11.53 A response by the Immigration and Refugee Board of Canada (IRBC) dated 6 May 2009 quoted information provided by Amnesty International's International Secretariat in London, which stated that:

'Courts summons may be issued by prosecutors' offices or judges from a variety of courts including those in the Revolutionary and General Criminal Courts (Dadgah-ha-ye Enghlab va 'Omomi dar Omour-e Keyfari); Civil (Dadgah-ha-ye 'Omomi); specialised courts, including those for government employees, family courts; military tribunals and so forth and special courts, notably the Special Court for the Clergy.

'Prosecutors and judges may, in Amnesty International's experience, issue court summons for a variety of reasons, including questioning, to take part in an investigation (whether as suspect or witness); to take part in a trial (whether as suspect or witness), to deal with bail or for attendance in court for the delivery or enforcement of a verdict.

'Judges responsible for implementing a verdict (Qazi-ye Ejra) may issue summons in order that those convicted report for the allocated punishment, notably to start prison terms.

'A summons may be sent by post, but it is more usually delivered by court bailiffs, sometimes also called "sheriffs" in Persian zabeteyn. Individuals may also be brought to court in the absence of a summons, under duress, including by plain-clothed officials (called in Persian lebas shakhsi), though Amnesty International is not aware of the agency affiliation of such officials, nor whether they have any such formal affiliation. It is impossible to judge the frequency of the latter.

'If summons here is also meant to mean a "notice of conviction," this could be in reference to a summons from the implementation, or Ejra section of the Prosecutors Office.' [2a]

- 11.54 The same IRBC response also noted that, 'Amnesty International points out that despite the existence of laws requiring that court or other judicial officials write up and issue judicial documents to those affected by such documents (those putting up forms of bail; witnesses, suspects, lawyers, other judicial officials), such documentation may not, be produced and those affected may ultimately be ignorant of decisions taken, by virtue of not having been informed.' [2a]
- 11.55 The Danish Fact Finding Report 2013 noted, 'Concerning the procedures for issuing of summonses, two Iranian lawyers with criminal law experience stated that this is done by the competent court. A summons is issued by the court and forwarded by the police to the person in question. The summons will request that the person in question appear in court in the near future and it was mentioned that in some cases this could be within three days.' [86a] (p60)
- 11.56 The Danish Fact Finding Report 2013 further stated:

'Regarding the procedures for delivering a summons, the sources stated that the police delivers the summons to the person in question at his or her address or working place. If the person is present, it is handed over to the person in question. He or she is given

the original summons and must sign the copy which goes back to the court. (NB. Footnote 34 in the Danish report pointed out that, 'Previous information has indicated that the person who has been summoned to the court would receive a carbon copy of the summons. However, due to new "technologies" summons are today mainly computerized and issued in duplicate. The person, who is summoned, receives one copy, and the other copy, with his signature, is returned to the court. This information has been provided (1 February 2013) by lawyers used by the Danish Embassy in Tehran.')

11.57 The Danish Fact Finding Report 2013 continued:

'If the person in question is not present, a family member can receive the summons in his or her place. The same procedures for receiving the summons apply in that the family member signs the copy which must go back to the court and keeps the original. There are no consequences for the family member if the accused does not show up in court.

'If no person or family member is present on the address, the summons can be put in the mailbox and this will be registered on the copy that goes back to the court. The sources confirmed that the stated procedures were uniform throughout Iran, but commented that sometimes inexperienced police officers bring back the original document to the court and let the person in question keep the copy. It was added that in the case of a murder suspect, the police would arrest the person on the spot.

'The lawyers confirmed that a neighbour might accept to receive the summons on behalf of the suspect. In that case, the neighbour must sign the copy of the summons that goes back to the court and show his ID-card. The neighbour will not be punished if the suspect later does not show up in court, according to the lawyers.

'The sources added that if there is no address, the summons might be posted in the newspapers. If the summons is published in the papers, at least a month will pass before a trial in absentia would commence. If the accused has an address, the summons will normally not be printed in the newspapers. After being summoned several times, the trial may commence in absentia.

'About the possibility of leaving the country if a person has been summoned to the court, the sources stated that in major fraud cases, a suspect would be banned from leaving the country.

'A private plaintiff may also request that the suspect be banned from leaving the country while the case is ongoing. However, if the case involves theft for example, and the accused has been released on bail, the person will be able to leave the country.'

11.58 The IAGCI Review 2013 noted that, 'Any "court summons" will be served internally by the judiciary's bailiffs office and would not be sent by post, text message or email as the court needs to be assured that the relevant document was served to the subject before proceeding with the next stage of criminal litigation.'

See the '[English Translation of the Islamic Republic of Iran's Criminal Code of Procedure for Public and Revolutionary Courts](#)', Part Four, Articles 112 to 131 for further information on summonses.

See also [Trial in absentia](#)

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Arrest warrants

11.59 A report from the IRBC, dated 20 June 2006, stated that:

‘Correspondence with Sabi and Associates, a law firm specializing in Iranian law, located in London, England, yielded the following information:

‘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.’ [2d] (p1)

11.60 A response by the Immigration and Refugee Board of Canada dated 6 May 2009 quoted information provided in correspondence dated December 2008 from a lawyer with a legal firm in London who left Iran in 1979 but has kept in touch with events in Iran ‘through contacts with colleagues and associates.’ The lawyer stated that:

‘In accordance with Article 34 of the Criminal Procedure Code (CPC), the examining magistrate (acting effectively as prosecutor or district attorney) when handling a criminal case, may at any time during the investigation issue a warrant of arrest of the accused. The warrant of arrest shall be submitted to a judge within 24 hours and subject to the approval of the judge, a temporary order for arrest of the accused will be issued. (ibid.)

‘The order of temporary arrest is subject to approval of the head of the judicial division of the relevant district (Article 33) and is appealable to the Court of Appeal within 10 days from its issuance. The Court of Appeal is required to immediately consider the objections of the accused and shall rule thereon within one month from the date of arrest of the accused. (ibid.)

‘Further, the law enforcement officers (includes the police, Government militia, the army and gendarmerie) are entitled to arrest anyone [who commits] a crime (Article 21). (ibid.)

'... it is well known that the agents of the Ministry of Information (the secret service) have detained many individuals without going through the process that is set out in the CPC. In a particular case that [the attorney] was personally involved, [he] noticed that many months after their arrest, a number of the accused were forced to sign statements that they [had] received temporary arrest warrants on a monthly basis and acknowledged receipt thereof. Some of the detainees ... [were] released without being charged and without any record of their arrest. (ibid.)' [2a]

- 11.61 The USSD Report 2012 stated, 'The intelligence arm of the IRGC reportedly conducted arrests during the year, sometimes without a warrant. In addition, security forces executed general warrants to arrest protesters or those perceived as opponents of the government. The use of these general warrants precluded the need for individual warrants.' [4a] (Section 1d) The Concluding Observations of the UN Human Rights Committee, 17 October - 4 November 2011, included, 'The Committee is concerned about reports of the use of general and blanket arrest warrants, which do not contain the names of the accused and are not based on a judge's review of evidence (art. 9).' [10t] (Paragraph 17).

See also [Arrest and detention – legal rights](#) and for information about leaving the country, see [Exit and return](#)

Reporting

- 11.62 The IAGCI Review 2013, dated 11 March 2013, stated that, 'Reporting conditions are an established part of Iranian judicial/law enforcement procedure and may be applied to any type of suspect. It is within the discretion of the Judge to impose any conditions and restrictions deemed fit to ensure that the individual is available for any further questioning and sentencing. This authority is given under Article 19 of the Iranian Penal Code.' [6a] (p17)

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Court verdicts and issuance/enforcement of judgments

- 11.63 The November 2010 report by Iranian lawyer Behnam Daraeizadeh, published by Iran Human Rights Documentation Center, stated:

'Although the law states that judges must issue their verdicts within a week's time, it seldom occurs that a court decision is handed down within a week of completion of trial. In political/press related cases, suspending the investigation or keeping individuals in a state of uncertainty is a matter of security in the hands of the administration. Aside from inflicting serious mental anguish on the politically accused, this illegal policy pits the individual against the regime in a defensive and passive position, and deprives the individual of the ability to take any decisive action during this period.

'In any case, a verdict from the court must be well-founded and documented. This means that in issuing his opinion, the judge must mention both the basis of his reasoning as well as the legal scripture and articles on which his sentence is based. Article 166 of the Constitution, as well as Article 9 of the Law of Formation of the Public and Revolutionary Court, prescribe similar regulations in this regard.

'A court verdict must be officially handed down to the accused and/or his attorneys. The handing down of the verdict is an important matter and not just a formality. Not only is a

court verdict considered to be an official document of the country holding special validity, but the date that the verdict is issued is of significant importance as it declares the beginning of the limited period for appealing the verdict.’ [51b] (p15)

11.64 The same report also noted, however:

‘In political/press related cases, a verdict is normally not handed down. The authorities of the Islamic Republic fear publication of their anti-human rights verdicts and will not allow the accused or his attorney to retain a copy of the court verdict. In cases where I represented clients in the revolutionary court, aside from one or two examples, I was never able to obtain a copy of the court opinion or decision. There are hundreds of political prisoners in Iran who are never able to obtain a document indicting their sentence or period of imprisonment. On the other hand, all the decisions of the courts can be appealed and the possibility of these appeals and the method of using this right are stated in the text of the verdict.’ [51b] (p15)

See the [November 2010 IHRDC report](#) for further information on criminal procedure in Iran. [51b]

11.65 Regarding the contents of a court verdict, Article 213 of the English Translation of the Islamic Republic of Iran's Criminal Code of Procedure for Public and Revolutionary Courts’, accessed 26 June 2013, stated:

‘Once the sentence is formed, the letter [verdict] shall be edited starting with the name of God and will be imparted to both parties after the following notes are clarified in:

- A- The reference number of the letter with the date and the file number.
- B- Specification of the examining court and the Magistrate.
- C- Specification of the parties to the case.
- D- Evidence and the documentation of the sentence.
- E- The nature of the sentence and those articles of law to which the sentence is referred.’ [51i]

11.66 Regarding appeals, Article 236 of the ‘English Translation of the Islamic Republic of Iran's Criminal Code of Procedure for Public and Revolutionary Courts’, accessed 26 June 2013, stated that, ‘The deadline for requesting an appeal for people residing in Iran is 20 days, and for people residing out of the country, they have 2 months after the date of notification or the running of the time in which s/he can appeal. Except for the cases mentioned above in item (A), (B) and (C) of Article (235) and item (D) of Article (240) of this Code.’ [51i]

See Chapter Three – Revision of Sentences, Part One – Generalities, Articles 232 to 250 of the [Criminal Code of Procedure](#) for further information on sentences and appeals. [51i]

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12. Arrest and detention – legal rights

- 12.01 The US Department of State's 'Country Reports on Human Rights Practices 2012', Iran, released on 19 April 2013, (USSD Report 2012) stated:

'The constitution and penal code require a warrant or subpoena for an arrest and state that an arrested person must be informed of charges within 24 hours. In practice authorities often violated these procedures. Authorities held some detainees, at times incommunicado, for weeks or months without charge or trial, frequently denying them prompt contact with family or timely access to legal representation. In practice there was neither a time limit for detention nor judicial means to determine the legality of the detention. According to the law, the state is obligated to provide indigent defendants with attorneys only for certain types of crimes. The courts set prohibitively high bail, even for lesser crimes, and in many cases courts did not set bail. Authorities often compelled detainees and their families to submit property deeds to post bail. Persons released on bail did not always know how long their property would be retained or when their trials would be held, which effectively silenced them for fear of losing their families' property...

'Incommunicado arrest and detention were common. A February 23 [2012] UN Human Rights Council (UNHRC) study on secret detention practices in countering terrorism identified a pattern of incommunicado detention of political prisoners in secret or unofficial detention facilities. The report charged that political prisoners were often held in prolonged, solitary, and incommunicado confinement at ward 209 of Evin Prison.' [4a] (Section 1d)

- 12.02 The report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, dated 6 March 2012, stated:

'Article 32 of the Constitution calls for the immediate presentation of charges to persons arrested in accordance with its criminal procedures. The rules that govern criminal procedure also prohibit arbitrary detention and require that families of the detained be informed. The law guarantees access to and representation by legal counsel, and prohibits temporary detention for non-violent crimes, unless there is flight risk...

'Reports recently conveyed to the Special Rapporteur, however, suggest that, despite these legal provisions, violations of due process rights are chronic, reducing the likelihood of a fair trial; for example, the majority of persons interviewed for the present report maintained that they were not presented with a warrant or reason for arrest during their interrogations. Several interviewees reported that they had endured unlawful searches and seizures, and had been held for weeks, even months, in solitary confinement without being informed of their charges. All interviewees stated that they had been blindfolded during transfer and their interrogation, and most were unable to contact family members to inform them of their whereabouts and did not have access to legal counsel after their arrest, and during their detention or investigations.' [10d] (p10)

- 12.03 The Amnesty International (AI) report, 'We are ordered to crush you', Expanding repression of dissent in Iran, published in February 2012 observed:

'The Iranian Constitution, Code of Criminal Procedures and the 2004 Law on Respect for Legitimate Freedoms and Safeguarding Citizens' Rights all specify that arrests must be made on the basis of a warrant which must contain the reason for the summons and be read to the accused unless someone is caught in the act of committing a crime.

Iran's Code of Criminal Procedure empowers the police and the Basij and Revolutionary Guards to make arrests. Iran's Supreme National Security Council may also empower other bodies or agencies to do so as well, although the basis and mechanism is not clear in the law and there appears to be no requirement for the authorities to inform the public as to what bodies have been granted arresting and detaining powers. For example, Ministry of Intelligence personnel do not appear in law to have the power of arrest, but under these provisions they may well have been given it.

'The Iranian Constitution states that "charges with the reasons for accusation must, without delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of 24 hours". The Code of Criminal Procedure, which reiterates that 24-hour limit, states that a judge may issue temporary detention orders for a maximum of two months, thereby allowing authorities to hold detainees without charge beyond the 24-hour period. The Code gives the accused the right to appeal against the detention order within 10 days, and although it states that the detainee's case must be resolved within a month, it also allows the judge to renew the temporary detention order. The Code sets no limits on how many times this order may be renewed.' [9x] (p20)

12.04 The same AI report also noted that:

'The Code of Criminal Procedures is also currently under review in Iran. Although some provisions of the current Code appear to provide some degree of protection from arbitrary arrest and torture or other ill-treatment, in practice, the restrictive interpretation of certain notes are for example used to deny detainees access to a lawyer from the time of arrest until such time as the interrogation has been finished. The draft revised code also does not appear to fully clarify which agencies have the power of arrest in Iran.

'The lack of transparency over which agencies have the right to carry out arrests facilitates abuses and impunity. Under the law, detainees must be held in facilities controlled by the Prisons Organization. However, in practice, many of those arrested, particularly those suspected of opposing the government, are arrested without a warrant or on the basis of a general arrest warrant that does not specify them by name or fully explain the reason for arrest, and are taken to detention facilities run by intelligence bodies such as the Ministry of Intelligence or the Revolutionary Guards Intelligence branch.' [9x] (p20-21)

See [Security forces](#), [Arbitrary arrest and detention](#) and [Detention Centres](#) for abuses of the legal process. See also Judiciary subsections on [Fair trial](#) and [Court documentation](#) (for information about bail, summonses and arrest warrants) and [Prison conditions](#)

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13. Prison conditions

- 13.01 The International Centre for Prison Studies', 'Prison Brief for Iran', accessed 11 July 2013, reported that the prison population, including pre-trial detainees and remand prisoners, was '217,000 at 25.12.2012 (national prison administration).' The official capacity of the prison system was stated to be 113,000. [87a]

- 13.02 The Amnesty International (AI) report, 'We are ordered to crush you', Expanding repression of dissent in Iran, published in February 2012 stated:

'In late June 2011, Younes Mousavi, a member of the parliamentary Judicial Committee reportedly stated in parliament that overcrowding in some prisons was so severe that prisoners were sleeping on the stairs. He also reportedly said that the budget of the Prisons Organization was insufficient to clothe and feed prisoners, so that in some prisons prisoners shared a blanket, that some prison buildings were no longer fit for purpose and that the health system of some prisons was so poor that some prisoners could experience "unsuitable medical conditions" while in prison.

'Some family members of a group of around 600 women, including some political prisoners, transferred in 2011 to Gharchak (or Qarchak) prison, near Tehran wrote a letter to the Head of the Islamic Human Rights Commission in May 2011. The letter described the conditions in which they were held and alleged that guards had beaten prisoners who had complained:

'...Prison authorities at Gharchak refuse to provide prisoners with food and water and according to the prisoners there are no regular meal times and prison authorities serve food at their convenience. The 600 female prisoners have access to only four bathrooms and the same bathrooms must be used by everyone for taking showers, washing their clothes and washing other items such as dishes. Furthermore, the water supply is cut off during most of the day.' [9x] (p22)

- 13.03 The US Department of State's, 'Country Reports on Human Rights Practices 2012, Iran', released on 19 April 2013, (USSD Report 2012) stated:

'Prison conditions were reportedly often harsh and life threatening. There were reports that some prisoners committed suicide as a result of the harsh conditions, solitary confinement, and torture to which they were subjected. Prison authorities often refused medical treatment for injuries prisoners suffered at the hands of their torturers and from the poor sanitary conditions of prison life. Prisoner hunger strikes in protest of their treatment were common. Prisoners and their families often wrote letters to authorities, and in some cases to UN bodies, to highlight and protest their treatment. In response to the letters, prison officials sometimes beat prisoners and revoked their visitation and telephone privileges.

'Physical Conditions: In July [2012] several media sources reported a statement by the country's Prisons Organization head Gholamhossein Esmaili that there were about 220,000 prisoners in the country. Esmaili claimed that some prisons housed as many as six times the number of inmates they were designed to hold. Activists and NGOs [non-governmental organisations] noted a dramatic increase in the country's prison population, up 35 percent over the previous three years, due largely to increased prosecution of drug-related crimes. Overcrowding reportedly forced many prisoners to sleep on floors, in hallways, or in prison yards.

'There were reports of juvenile offenders detained with adult offenders. Pretrial detainees occasionally were held with convicted prisoners. Women were held separately from men, and in many cases prison conditions for women were reportedly worse than those for men. In April according to the CHRR [Committee of Human Rights Reporters], female political prisoners at Evin Prison were suffering from illnesses and poor health due to improper medical care and poor conditions. The prisoners told the CHRR that in addition to health concerns, the store in the women's ward had stopped

carrying fruits, meats, and other items, and that female political prisoners had been deprived of such items for the previous two months. The CHRR also reported that family members were prohibited from providing inmates with personal hygiene items.’ [4a] (Section 1c)

- 13.04 The Freedom House report *Freedom in the World 2013 – Iran*, published 10 April 2013, concurred stating that ‘Prison conditions in general are notoriously poor, and there are regular allegations of abuse, rape, torture, and death in custody.’ [112f]
- 13.05 A report by the Iran Human Rights Documentation Center (HRDC), ‘Surviving Rape in Iran’s Prisons’, published June 2011, observed:

‘Allegations of rape and sexual violence of political prisoners by authorities began to emerge after the Islamic Republic of Iran was established in 1979 and have continued, to varying degrees, to the present. However, not surprisingly, there is no reliable estimate of the number of prisoners raped in the Islamic Republic’s prisons; no data or comprehensive report has ever been compiled that portrays the full scope of sexual violence in Iran’s prisons. The reasons are simple: few rape victims are willing to speak about their experiences due to (1) government pressure and acquiescence, and (2) social stigma. Iranian authorities have and continue to acquiesce to rapes of prisoners by guards and interrogators who use rape to crush detainees’ spirits, inflict humiliation, discourage their dissent, force them to confess to crimes, and ultimately to intimidate them and others.’ [51h] (p1)

See the [HRDC report](#) of June 2011 directly for further information, including the testimonies of two female and three male former prisoners. [51h]

- 13.06 The ‘Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran’, dated 6 March 2012, reported:
- ‘A compilation of prisoner interviews, public statements and letters submitted to the Special Rapporteur about circumstances in nine of the country’s prisons described conditions that fall well below the minimum standards proclaimed by the United Nations, such as severe overcrowding, inadequate access to water, insufficient prisoner segregation practices, extremely poor quality and unhygienic facilities, hazardous ventilation conditions, insufficient access to medical services, paltry nutritional provisions and the perpetuation of violence and use of prisoners to facilitate punishment. The Special Rapporteur spoke with four detainees who had been arrested and detained at the Kahrizak Detention Centre in the days following the 2009 presidential election, and whose testimonies corroborated many of the allegations concerning prison conditions made in the present report.’ [10d] (p11)
- 13.07 The nine prisons referred to in the Special Rapporteur’s report were, ‘Evin Prison, Gohardasht Prison, Qezelhesar Prison, Mashhad’s Vakil Abad Prison, Qarchak Prison, Hassan Abad, Khorin Prison, Lakan Prison and Yazd Central Prison.’ [10d] (p11, footnote 22)
- 13.08 The USSD Report 2012 noted:

‘Recordkeeping on prisoners was inadequate, and statistics on the country’s prison population were not publicly available. There were no reports of any steps taken to improve recordkeeping, whether the penal system employed prison ombudspersons to respond to complaints, or if authorities used alternative sentencing for nonviolent offenders.

'Authorities mixed violent and nonviolent offender populations. Prisoners generally had access to visitors weekly, but this privilege was often revoked along with telephone and other correspondence privileges. It was not known whether prisoners were permitted to practice religions other than Islam while incarcerated. Prisoners were able to submit complaints to judicial authorities, but often with censorship and retribution for doing so. Authorities did not initiate credible investigations into allegations of inhumane conditions. Families of executed prisoners did not always receive notification of their deaths.

'Monitoring: The government did not permit monitoring of prison conditions by independent outside observers, including UN bodies or special rapporteurs.' [4a] (Section 1c)

See the [USSD Report 2012](#) directly for more detailed information on the conditions for imprisoned individuals. [4a] For a first hand account of conditions in Evin prison, see the Iran Human Rights Documentation Center's (IHRDC) document [Witness Statement of Mahdis](#), dated 19 April 2010. [51d]

- 13.09 On 29 June 2010, Gozaar, an online forum on human rights and democracy in Iran, reported that:

'In Iran, separation of prisoners on the basis of their identity and personality, education, age, and social standing is a generally accepted principle, in accordance with the laws governing correctional institutions and citizens' civil rights. However, there is no mention in these laws of political prisoners and, therefore, the separation of political prisoners from common criminals is not even a topic for discussion: under the existing system, from the legal standpoint, the very concept of such separation lacks clarity. Thus, political prisoners and prisoners of conscience, whether male or female, are not availed of their rights under the universally accepted principles of human rights. The reason for this is that, officially, Iran's rulers do not principally recognize political offenses and crimes as such and define them according to the whim of the moment and as so proves expedient for them.' [94a]

- 13.10 An [Iran Human Rights Voice article](#) of 27 March 2011 described the conditions for some 'common' and 'political prisoners' in Kanoon Prison in Ahvaz and Evin prison, Tehran. [11a]

- 13.11 The Amnesty International (AI) report 'From Protest to Prison', published on 9 June 2010, reported:

'Many detainees complain of poor prison conditions, with poor hygiene, inedible food and overcrowding, particularly during times of mass arrest. Access to fresh air and exercise can be extremely limited. Many have complained of being held in extremely small cells – described as being like a "cage" or a "coffin" or a box, which gives them just about enough room to lie down...

'Article 102 of the State Prisons Organizations' Procedures Manual requires that all prisoners receive medical tests in the clinic at least once a month. Article 103 states that medical treatment outside the prison is dependent on recommendation by the prison medical staff and requires the authorization of the Prison Governor and the approval of the judge in the case. In practice, however, denial of medical care is frequently reported, even when recommended by prison medical staff, to the extent that it appears to have become an extra method of putting pressure on detainees to "confess" or to punish them further.' [9o] (p40-41)

See the same [Amnesty International report](#), for further information on prisons in Iran and individual cases of people held in them, including those who demonstrated against the government in 2009. [90]

The [International Campaign for Human Rights in Iran \(ICHR\)](#) website includes regularly updated information on individuals imprisoned in Iran and the conditions under which they are detained.

See also [Political affiliation](#), [Political prisoners and Security forces](#), subsections on [Arbitrary arrest and detention](#), [Detention centres](#) and [Torture](#)

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14. Death penalty

For information on the penal code and interpretation and impletation of the law, see Judiciary, subsection [Penal code](#) above.

- 14.01 The report of the Secretary-General to the United Nations (UN) General Assembly on ‘The situation of human rights in the Islamic Republic of Iran’ dated 23 September 2009, included crimes for which the death penalty may be imposed:

‘In the Islamic Republic of Iran, the death penalty is imposed for certain hudud [hodood] 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 filarz) as one of four possible punishments. Under the category of ta’zir crimes, the death penalty can be imposed for “cursing the Prophet” (article 513 of the Penal Code). The death penalty can also be applied to such crimes as the smuggling or trafficking of drugs, murder, espionage and crimes against national security.’ [10g] (p10)

- 14.02 An Iran Primer report, published by the US Institute of Peace, dated 16 December 2010 reported that, in Iran:

‘The use of capital punishment has reached alarming proportions. One of the most notable trends in 2010 was the government’s broadening [of] the definition of Moharabeh (or “enmity against god”), a capital offense. It should be applied only in cases of armed insurrection. Political activists have routinely been charged with this crime, but officials also now speak of charging armed robbers and even unarmed hooligans with “enmity against god.”’ [31a]

- 14.03 The International Federation for Human Rights (FIDH) report, ‘Iran/death penalty: A state terror policy’, published on 16 March 2010, stated:

‘The Iranian judiciary and the legislators of the applicable IPC [Islamic Penal Code] have narrowly interpreted the Shiite sharia to apply the concepts of moharebeh and mofsed fel-arz to certain opponents of the government. Moharebeh is an Arabic term that literally means “fighting”; hence a mohareb is a fighter or warrior. Under the conventional sharia provisions as well as the IPC, strictly speaking, a mohareb is

somebody who uses arms to terrorise the people. The IPC even stipulates that a person who fails to create fear by using arms is **not** a mohareb (Article 183). The sharia provisions have thus been overstretched to apply those concepts to members and supporters of political groups that have waged armed uprising against the Islamic government, even though they personally may not have used arms.’ [56e] (p3)

- 14.04 The Amnesty International (AI) report, ‘Death sentences and executions in 2012’, published on 10 April 2013 noted that:

‘The scope of the death penalty in Iran remained broad and included, among others, murder, “adultery while married”, “apostasy”, “sodomy”, as well as the vaguely worded offences of “enmity against God (moharebeh) and “corruption on earth” (ifsad fil-arz). In June [2012], Iran’s Supreme Court upheld death sentences for two men found guilty for a third time of drinking alcohol...

‘The crime of “enmity against god” (moharebeh) is aimed at armed insurrection or, more generally, the resort to armed, violent activities. Anyone found responsible for taking up arms, whether for criminal purposes or against the state, or even belonging to an organization taking up arms against the state, may be considered guilty of “enmity against God”

‘However, the provision can and has been applied to cases where the accused may not have taken up arms, but rather were allegedly members of, or associated with, organizations that have been proscribed in Iran. This includes those linked to political bodies claiming to represent one of Iran’s ethnic minorities, such as the Ahwazi Arab, Baluchi or Kurdish minorities’. [9y] (p31-32)

- 14.05 The same AI report noted that, ‘In January [2012], a revised Penal Code was passed by the Council of Guardians as presented by parliament, but did not enter into force during the year.’ [9y] (p33-34)

- 14.06 The Human Rights Watch (HRW) report, ‘Codifying repression: An Assessment of Iran’s New Penal Code’, published in August 2012, commented on the new Penal Code, which is not yet in force, stating:

‘The amendments to the penal code retain the death penalty for activities that should either not constitute crimes at all, or for which the death penalty is strictly prohibited under international law, given they are not considered among “the most serious” crimes. Crimes for which the death penalty is mandatory under the new code [sic] generally fall under the category of “crimes against God.” Contrary to international law, under both the old and new codes individuals convicted and sentenced to certain punishment for “crimes against God” (including the death penalty) cannot receive pardons or commutations of their sentence. These crimes include but are not limited to adultery, sodomy, and same-sex relations, and insulting the Prophet Mohammad. Other charges that qualify individuals for the death penalty are related to harsh anti-narcotics laws that criminalize the possession and sale of even modest amounts of drugs.’ [8j] (p24)

See the [HRW report, ‘Codifying Repression: An Assessment of Iran’s New Penal Code’](#), directly for more detailed information on proposed amendments to the current Penal Code.

See also sections on [Crime: Drug Smuggling](#), [Adultery](#) and [Lesbian, gay and bisexual persons](#).

- 14.07 The Amnesty International (AI) report, 'Death sentences and executions in 2012', published on 10 April 2013, stated:

'Iran is second only to China worldwide in the number of executions carried out each year. The number of executions remained high in 2012, especially for drug-related crimes, along with the politicized use of death sentences against members of minorities and opponents of the government, and for other crimes that are not considered "most serious" under international law. Death sentences were typically imposed following proceedings that violate fair trial standards, including the use of forced "confessions" as evidence, and under the Anti-Narcotics Law, defendants were effectively denied the right to an appeal in all instances. Iran continued to impose death sentences on juvenile offenders, in violation of international law.

'The Iranian authorities do not provide official statistics on their use of the death penalty and there is credible evidence that large numbers of executions are carried out in secret. Although 314 executions were officially acknowledged by Iranian authorities or state-controlled or sanctioned media, reliable sources reported at least 230 additional executions. This would bring the total for 2012 to at least 544.' [9y] (p31)

- 14.08 The same AI report further noted that:

'Lawyers are not always informed in advance of their clients' execution, despite the legal requirement of 48 hours' notice, and families are not always given an opportunity for a final visit, or to receive the body and effects of their relative after execution. In many cases, the only sign that an execution is imminent is when death row prisoners are taken from their cells and transferred to places like Tehran's Evin Prison (this would happen 48 hours before the scheduled execution date). The families of the convicts are often told only a day before the execution, when they are called to the prison for a final visit. Family members have often reported that death row inmates had lost weight, were in poor health, experiences depression and memory loss, and had been subjected to physical and psychological torture. Reported examples of ill-treatment include floggings, severe beatings, blindfolding, boiling water being poured over inmates, and threats of rape.' [9y] (p34)

- 14.09 The AI report 'Death sentences and executions in 2012', also noted that, in 2012:

'At least 79 new death sentences were imposed and officially acknowledged by the authorities, but reliable sources reported at least 37 additional ones. The true number is almost certainly much higher.

'At least three women were executed...At least 63 executions were carried out in public, again a rise: in 2011, 50 such executions were recorded; in 2010 it was 14. The authorities appeared to believe that public executions deter crime and protest by spreading fear among those who witness them.' [9y] (p31)

See also [Lesbian, gay and bisexual persons](#), [Christians](#) and [Prosecution of apostates](#)

- 14.10 The Hands off Cain 'World Report 2013', covering 2012 and the first six months of 2013, stated:

'According to the fifth annual report of Iran Human Rights (IHR) on the death penalty in Iran, in 2012 the Islamic Republic carried out at least 580 executions, a number among

the highest in more than 15 years. According to Human Rights Activists in Iran, at least 587 people were executed in 2012.

'Iran Human Rights emphasizes that the actual number of executions is probably much higher than the figures included in its annual report. At least 240 additional executions were not included in the report, due to difficulties in confirming some of the details. In fact, only 85 out of the 325 estimated secret executions in Vakilabad Prison were included in the 2012 report. In 2011, on the basis of these same sources, Iran Human Rights had estimated at least 676 executions.

'Since the 2009 post-election protests in Iran, the number of executions, particularly public executions, has risen dramatically. According to Iran Human Rights, in 2012 there were at least 60 public executions, a number six times higher than numbers from 2009, when at least 12 people were hanged in public places. In 2010, at least 19 people were hanged publicly. In 2011, public executions have more than tripled, with at least 65 people being executed in public. The trend has continued in 2013. Just in January and February 2013 alone, at least 20 people were hanged in public. As of 30 June, at least 37 public executions were held.

'The execution of child offenders continued into 2012 and 2013, in open violation of the Convention on the Rights of the Child to which it is a co-signatory. A juvenile offender was executed in public in March 2012, according to Amnesty International. Another two possible minor offenders were executed 2013 (in January and February).

'The use of the death penalty for purely political motives continued in 2012 and 2013. But it is probable that many of the people put to death for ordinary crimes or for "terrorism," may well be in fact political opponents, in particular members of Iran's ethnic minorities, including Iranian Azerbaijanis, Kurds, Baluchis, and Arabs. Accused of being Mohareb – enemies of Allah – those arrested are often subject to rapid and severe trials that often end with a sentence of death. The punishment for Moharebeh is death or amputation of the right hand and left foot, according to the Iranian penal code. According to Iran Human Rights, at least 23 (3%) of 294 people who were executed in 2012 according to the official Iranian sources were convicted of Moharebeh (war against God).' [60a]

14.11 The Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, dated 28 February 2013, stated:

'The Special Rapporteur continues to be alarmed by the escalating rate of executions, especially in the absence of fair trial standards, and the application of capital punishment for offences that do not meet "most serious crimes" standards, in accordance with international law. This includes alcohol consumption, adultery, and drug-trafficking. It has been reported that some 297 executions were officially announced by the Government, and that approximately 200 "secret executions" have been acknowledged by family members, prison officials, and/or members of the Judiciary, making a likely total of between 489 and 497 executions during 2012.

'It has been reported that at least 58 public executions were carried out this year. The Special Rapporteur joins the High Commissioner for Human Rights in condemning the use of public executions "despite a circular issued in January 2008 by the head of the judiciary that banned public executions". He also joins the Secretary-General's view that "executions in public add to the already cruel, inhuman and degrading nature of the death penalty and can only have a dehumanising effect on the victim and a brutalising

effect on those who witness the execution.” The Special Rapporteur also remains concerned that provisions in the new Penal Code, while not yet adopted, seemingly broaden the scope of crimes punishable by death.’ [10n] (p11)

- 14.12 The Iran Human Rights Documentation Center (IHRDC) published [a chart](#) documenting the executions of people in Iran from January 2013 which will be updated on a regular basis. The chart was last updated on 9 July 2013 when it showed that the unofficial total to date in 2013 was 262, although the number of executions announced by the Iranian government was 154. [51k]

See also [Penal Code](#), [Death penalty for children](#), [Political Affiliation](#) subsections under [Opposition Groups and Political Activists](#) and [Drug Smuggling](#)

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Stoning

- 14.13 Information on Amnesty International’s (AI) webpage, Execution by stoning, updated 23 February 2012 stated:

‘Stoning is mandatory for both men and women convicted of “adultery whilst married” under Iranian law.

‘Those sentenced to death are frequently poor or otherwise marginalised from society. Most of those sentenced to death are women for the simple reason that they are disadvantaged in the criminal justice system, and face wide-ranging discrimination in law, particularly in regard to marriage and divorce. However, in recent years more men are known to have been stoned to death than women.’ [9aa]

- 14.14 Human Rights Watch (HRW) reported on 3 June 2013 that, ‘No official statistics are available, but human rights groups estimate that the Iranian authorities currently hold at least 10 women and men who face possible execution by stoning on adultery charges. At least 70 people have been executed by stoning in Iran since 1980. The last known execution by stoning was in 2009.’ [8o]

- 14.15 The AI report, ‘Death sentences and executions in 2012’ published 10 April 2013, noted:

‘In January [2012], a revised Penal Code was passed by the Council of Guardians as presented by parliament, but did not enter in force during the year. Explicit references to the punishment of stoning were removed in 2012 (but re-instated in early 2013). Sexual relations outside marriage remained a crime. Under the draft Code, judges would still be able to pass stoning sentences, including under Article 167 of Iran’s Constitution, which directs judges to use Islamic law to rule on a case in the absence of codified law. The new Penal Code would also continue to allow judges to decide on the merits of a case based on their subjective “knowledge of the judge” (elm-e qazi), a key element in the conviction of Sakineh Mohammadi Ashtiani.’ [9y] (p33-34)

- 14.16 HRW reported on 3 June 2013 that:

‘The amended draft penal code explicitly identifies stoning as a form of punishment for people convicted of adultery or sex outside of marriage. Under article 225, if a court and the head of the judiciary rule that it is “not possible” in a particular case to carry out the

stoning, the person may be executed by another method if the authorities proved the crime on the basis of eyewitness testimony or the defendant's confession.

'The revised code also provides that courts that convict defendants of adultery based on the "knowledge of the judge," a notoriously vague and subjective doctrine allowing conviction in the absence of any hard evidence, may impose corporal punishment sentences of 100 lashes rather than execution by stoning. The penalty for people convicted of fornication, or sex outside of marriage that involves an unmarried person, is 100 lashes.' [8o]

14.17 The same AI report further noted:

'In July [2012], unconfirmed reports suggested that the Iranian authorities no longer intended to implement the stoning sentence handed down to Sakineh Mohammadi Ashtiani in 2006 for "adultery while married", and that she could be released. But her legal status was unclear, including whether any prison sentence imposed for her alleged role in the murder of her husband still remained. Her stoning sentence had previously been sent to the Office for the Implementation of Sentences, and could therefore, if still active, be carried out at any time. In addition, her last lawyer, Javid Houtan Kiyan, who was arrested in 2010, is believed to have been sentenced to at least four years in prison for representing her and was banned from practising law for five years.' [9y] (p33)

14.18 An earlier AI update of 25 July 2012 observed that, 'Sakineh Mohammadi Ashtiani is a 44-year-old mother of two...From Iran's Azerbaijani minority, Sakineh Mohammadi Ashtiani's mother tongue is Azerbaijani Turkic and she may not have fully understood the legal proceedings she went through, since no translation from Persian was offered to her at any point.' [9z]

See [Human rights activists and lawyers](#) for further information on the treatment of Javid Houtan Kiyan and other lawyers.

14.19 See the Human Rights Watch (HRW) report, '[Codifying Repression](#)', published August 2012 for further information on stoning and the penal code.' [8j] (p33-34)

14.20 See the December 2010 AI report, '[Iran: Executions by stoning](#)', for information on the campaign against stoning in Iran and detailed information on earlier cases of people sentenced to stoning. [9b]

See also [Women: Adultery](#), [Judiciary](#), [Penal code](#) and [Proposed law on apostasy](#)

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15. Political affiliation

The section should be read in conjunction with [Freedom of speech and media](#) and [Human rights institutions, organisations and activists](#). Information about human rights violations committed generally by government agencies can be found in the section on [Security forces](#).

Freedom of political expression

15.01 Jane's 'Sentinel Security Assessment', updated 25 June 2012, stated:

'Article 26 of the Iranian constitution permits: "[the] formation of parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the recognised religious minorities... provided they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic". A 1981 law on political parties specified what a political party is and defined the conditions under which it could operate, and it made the formation of a party dependent on getting a permit from the Ministry of the Interior.' [61a] (Internal Affairs)

15.02 The Freedom House report, Freedom in the World 2013 – Iran (Freedom House Report 2013), published 10 April 2013, noted that:

'The constitution permits the establishment of political parties, professional syndicates, and other civic organizations, provided that they do not violate the principles of "freedom, sovereignty, and national unity" or question the Islamic basis of the republic. Human rights discourse and grassroots activism are integral parts of Iranian society. However, the security services routinely arrest and harass secular activists as part of a wider effort to control nongovernmental organizations (NGOs).' [112f]

15.03 The US Department of State (USSD) Background Note updated 1 February 2012, accessed 3 June 2013, stated that suffrage is universal at 18. [4c] (Government)

15.04 On 23 May 2013, Human Rights Watch reported that:

'Dozens of members of reformist parties and other government opponents are serving sentences stemming from the crackdown after the 2009 election. Many had unfair trials before Revolutionary Courts, whose judges fail to ensure basic due process standards. Courts sentenced some after mass show trials during which they were indicted on patently politically motivated charges such as "actions against the national security," "propaganda against the regime," "membership in illegal groups," and "disturbing public order." [8p]

See following sections for more detailed information on the aftermath of the election.

15.05 Minority Rights Group International's report, 'State of the World's Minorities and Indigenous Peoples 2012', published 28 June 2012 noted:

'Large-scale protests by government critics and opposition members were held in Iran in 2011, but were met with a heavy crackdown by security forces. On 14 February, opposition groups staged a 'Day of Rage' protest in Tehran and other cities, during which thousands gathered in solidarity with protesters in Tunisia and Egypt, despite the large number of security forces. Police fired tear gas on protesters, killing two people.' [46c] (p197)

15.06 The AI Report, "'We are ordered to crush you'", Expanding repression of dissent in Iran', published in February 2012, noted that, 'Prior to the February 2011 demonstrations [see subsequent sections], a ban on political parties such as the Islamic Iran Participation Front (IIPF) and the Mojahedin of the Islamic Revolution Organization (MIRO) and the National Trust Party had been imposed after the 2009 elections. This ban remains in force, and other political activists have since been arrested solely because of their

peaceful political activities.’ [9x] (p40) ‘Authorities have also prevented members of other opposition groups, like the Freedom Movement party, from holding gatherings.’ (Human Rights Watch, 24 May 2013) [8p]

See also [Penal Code](#) and its subsection, [Security Laws](#) for information on laws governing freedom of expression.

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Events during and after the 2009 Presidential elections

15.07 The Freedom House Report 2013 (FH Report 2013) published on 10 April 2013, stated:

‘Despite crackdowns on human and women's rights activists and restrictions on internet freedom in the months prior to the June 2009 presidential election, supporters of all candidates seemed to enjoy a relatively relaxed and politically vibrant atmosphere...

‘Polls indicated a close race, but Ahmadinejad was declared the winner soon after the election, credited with over 63 percent of the vote. All three challengers lodged claims of fraud, and protests broke out on a massive scale across the country as voters rejected the official results. The security forces violently cracked down on all public expressions of dissent and tightened government control of both online and traditional media. Protesters continued to mount periodic demonstrations, using mobile-telephone cameras and the internet to document abuses and communicate with the outside world. Over the course of 2010, however, the government effectively crippled the opposition's ability to mount large-scale demonstrations.’ [112f]

15.08 The AI report, ‘From Protest to Prison: one year after the election’, published on 9 June 2010 stated:

‘The vast majority of the well-over 5,000 arrested since June 2009 have been ordinary citizens – women and men, workers and the unemployed, students and professionals – who went out into the streets to protest against the announced election result, or against human rights violations that occurred. Most were released after days or weeks, but some were held for months. Some still languish in the harsh conditions prevalent in most of Iran's prisons, particularly in the provinces. These are the ‘nameless’ prisoners (gomnam) – the lesserknown people whose cases have not garnered much media attention...

‘Those targeted for arrest have included political and human rights activists, journalists, women's rights defenders and students. As time has progressed, new groups have been brought into the fold of suspicion, including clerics, academics, former political prisoners and their relatives, people with family links to banned groups, members of Iran's ethnic and religious minorities – particularly the Baha'is, but also other minorities such as Christians, Dervishes, Azerbaijanis, Sunni Muslims (who are mostly Baluch and Kurds), and lawyers who have defended political detainees.’ [90] (p9)

The June 2010 [AI report](#) includes detailed examples of individuals targeted by the Iranian authorities and may be consulted directly for further information. [90]

15.09 On 4 March 2011 the International Campaign for Human Rights in Iran (ICHRI) provided the following statistics of those arrested after June 2009:

'Iranian authorities revealed that security forces arrested more than 6,000 individuals following the June 2009 presidential election. The Campaign has specifically documented the names of 385 people detained by authorities for peaceful activities or their exercise of free expression. This number includes 52 journalists, 65 rights defenders, 74 students and 15 campaign staffers. Many were detained either without a specific charge or on unfounded charges that do not meet international human rights standards, and without warrants or on the basis of generic warrants enabling authorities to detain anyone. Many reported being detained by unidentified persons and removed to unknown locations, and held incommunicado for long periods.' [52k]

- 15.10 The March 2011 ICHRI Report, 'Official distortion and disinformation: a guide to Iran's human rights crisis', stated that 'The Iranian judiciary has generally become a tool of the state security establishment...' [52o] (Introduction) Furthermore, 'Throughout 2009 and 2010, authorities tried hundreds of activists, opposition figures, journalists and human rights defenders, many in "show trials," and gave them lengthy sentences on vaguely worded offences including "acts against national security," "insulting Islam," and "enmity against God." [52o] (Introduction)
- 15.11 The Human Rights Watch 2010 report on Iran, covering events in 2009, stated that:
- 'Following the disputed election, both ordinary protestors and prominent opposition figures faced detention without trial, harsh treatment including sexual violence and denial of due process including lack of access to lawyers of their choosing. Human Rights Watch documented at least 26 cases in which detainees were subjected to torture and/or coerced to make false confessions, though local activists believe that there were many more such cases. Some released detainees told Human Rights Watch that they were held in solitary confinement, and deprived of food and proper healthcare. Security forces used beatings, threats against family members, sleep deprivation, and fake executions to intimidate detainees and to force them to confess that they instigated post-election riots and were plotting a "velvet coup." The government held a series of show trials in which prominent political figures such as former Vice President Mohammad Ali Abtahi, Mohamed Atrian Far, Saeed Hajarian, Saeed Shariati, Abdullah Momeni, Hedayat Aghaie, and journalists and analysts such as Maziar Bahari, Amir Hussein Mahdavi, and Hussein Rassam publicly "confessed" to these charges.' [8k]
- 15.12 The [Human Rights Watch \(HRW\) report](#) 'The Islamic Republic at 31', published on 11 February 2010, included detailed information of treatment received by individuals detained since the June 2009 election and the date the HRW report was published. [8j]
- 15.13 The AI Report, "We are ordered to crush you", Expanding repression of dissent in Iran', published in February 2012, stated:
- 'Since the 2009 crackdown, the authorities have steadily cranked up repression in law and practice, and tightened their grip on the media. They have stopped public protests using articles of Iran's Penal Code that make demonstrations, public debate and the formation of groups and associations deemed a threat to 'national security' punishable by long prison sentences or even death. Lawyers have been jailed along with their clients. Foreign satellite television channels have been jammed. Newspapers have been banned. Dissidents and critics who write in newspapers or on websites, or speak to the media, risk being charged with offences such as "spreading propaganda against the system", "insulting officials", "spreading lies with intent to harm state security" or occasionally the "offences" of "corruption on earth" or "enmity against God" which can carry the death penalty.' [9x] (p6)

15.14 The same AI source noted that, ‘This report follows two previous Amnesty International reports – [Iran: Election Contested, Repression Compounded](#), issued in December 2009 [91]; and [From protest to prison: Iran one year after the election](#), issued in June 2010 [90] It shows that the abuses outlined in these reports have not only continued but in some cases have become more widespread or more entrenched in law.’ [9x] (p7)

15.15 The AI report of February 2012 stated:

‘In February 2011, the authorities arrested hundreds of political activists and others to prevent them from attending demonstrations in support of protest movements in Tunisia and Egypt. Demonstrations went ahead in Tehran, Esfahan, Kermanshah, Shiraz and other cities despite permission not being granted. They were violently dispersed by the security forces, which arrested scores and killed at least two people – Sane’ Zhaleh, aged 26, and Mohammad Mokhtari, aged 22.

‘Most of those arrested are believed to have been released, but some were sentenced to prison terms after unfair trials, such as Ramin Parchami, a well-known television actor, who was arrested in Tehran while filming demonstrations on 14 February 2011. He was later sentenced to one year in prison after conviction of charges including “participating in an unlawful gathering” and “disturbing public order”.’ [9x] (p39)

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15.16 The UN Secretary-General’s report of 14 March 2011 reported that:

‘Opposition activists arrested in the wake of post-election unrest continue to receive heavy sentences. According to Iranian press, in January 2011, the Appeal Court in Tehran upheld a sentence of 10 years imprisonment and another 10 year ban from political activities and membership in parties for Mr Emad Bahavar, head of the youth branch of the reformist Freedom Movement party. Mr. Bahavar, who was arrested in December 2009, was charged with membership in the Freedom Movement, collusion and assembly, and propaganda against the regime.’ [10aa] (p13)

15.17 The [joint report](#) from the Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council’s fact-finding mission to Tehran, Iran, Ankara, Turkey and London, ‘On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures’, undertaken from 9 to 20 November 2012 and 8 to 9 January 2013 [Danish fact finding report 2013], published February 2013, included information on the punishment for participation in the 2009 post-presidential election protests, noting:

‘Asked about the number of arrests in 2009, a Western embassy (4) stated that the number of arrests remains unknown.

‘When asked what kind of punishment former low-level protesters may risk, a Western embassy (3) stated that the degrees of punishments has [sic] varied incredibly and that it is not possible to generalize on this matter. It can be anything from interrogation for 12 hours with no further consequences to being tortured to death in prison. Furthermore, if someone has been associated with the post-presidential election protests, it will not necessarily matter whether one actively participated or was just in the wrong place at the wrong time.

‘Regarding how many low-profile protesters have been arrested and what punishment they have received, the embassy (3) stated that such information is not known to the public. However, it is well-known that many were arrested and that some were prosecuted. Many still remain in prison as a result of the 2009 demonstrations, and some of those, approximately 500-1,000 who were arrested, have just disappeared.

‘According to a Western embassy (2), there are still hundreds of political activists behind bars – many of them rearrested after 2009. Those behind bars are journalists, reformist politicians, student activists, human rights activists, and influential politicians, for example former Khatami-supporters. The exact number of persons imprisoned across the country is impossible to say as genuine statistics are difficult to obtain. It was stated that most of the ordinary demonstrators who were arrested during 2009 were released after ten days. However, some of these people may have gradually become political activists later on and in this connection been rearrested. There is little or no information on whether ordinary participants from demonstrations in 2009 are still imprisoned.’ [86a] (p51)

See the [Danish fact finding report 2013](#) for further information on the 2009 protests and the possibility of continued risk to demonstrators. [86a] (p48-51)

15.18 The FH Report 2013 noted:

‘In the wake of the postelection confrontations, basic freedoms deteriorated and political affairs were further securitized. With the reformist opposition pushed to the sidelines, a power struggle between Ahmadinejad and Khamenei spilled into public view in April 2011, when the latter reinstated an intelligence minister who had been fired by the president. A dozen associates of Ahmadinejad and his controversial chief of staff, Esfandiar Rahim-Mashaei, were subsequently accused of constituting a “deviant current” within the country's leadership.

‘The March 2012 parliamentary elections, from which the reformist opposition was excluded, highlighted the deep divisions among conservative forces. Though there were no claims of systematic election fraud, several sitting lawmakers accused the IRGC [Iranian Revolutionary Guards Corps] of vote rigging. The official results were seen as favoring Khamenei's supporters rather than Ahmadinejad's. Later in March, for the first time in the history of the Islamic Republic, the parliament summoned the president to answer questions on his mismanagement of the economy, cabinet appointments, squandering of state resources, and disobedience of the supreme leader.’ [112f]

See also [Parliamentary elections: March and May 2012](#), [Human rights institutions, organisations and activists](#), [Green Movement](#), [Freedom of speech and media](#) and [Fair Trial](#)

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Political dissidents outside Iran and family members

15.19 Demonstrations against the June 2009 presidential election results also occurred beyond Iran. A Times article dated 11 July 2009 reported that there had been protests outside the Iranian Embassy in London. The article observed:

‘From the rooftop of the Iranian Embassy in London an unmanned video camera records the faces of the angry crowd gathered in Knightsbridge, emboldened by their

fury over what they believe was a rigged election. A Metropolitan police officer who has been patrolling the demonstrations since they began three days after the close of polls in mid June, told the Times: “They’re filming quite a lot. Any intelligent person would assume they’re sending the footage back to Iran.” [15d]

15.20 The Times article also reported that many of the demonstrators in London had covered or disguised their faces with sunglasses, hats, wigs and paint to avoid being recognised in Iran. In addition ‘Local activists are developing fresh ways of dodging the regime’s dissent radar by developing secret communication methods with their counterparts back home. Their greatest weapon has been cyberspace, despite the Iranian Government’s attempt to monitor websites and personal e-mails.’ [15d]

15.21 On 4 December 2009 the Wall Street Journal reported that:

‘In recent months, Iran has been conducting a campaign of harassing and intimidating members of its diaspora world-wide – not just prominent dissidents – who criticize the regime, according to former Iranian lawmakers and former members of Iran’s elite security force, the Revolutionary Guard, with knowledge of the program. Part of the effort involves tracking the Facebook, Twitter and YouTube activity of Iranians around the world, and identifying them at opposition protests abroad, these people say.

‘Interviews with roughly 90 ordinary Iranians abroad - college students, housewives, doctors, lawyers, businesspeople - in New York, London, Dubai, Sweden, Los Angeles and other places indicate that people who criticize Iran’s regime online or in public demonstrations are facing threats intended to silence them. Although it wasn’t possible to independently verify their claims, interviewees provided consistently similar descriptions of harassment techniques world-wide...

‘Dozens of individuals in the U.S. and Europe who criticized Iran on Facebook or Twitter said their relatives back in Iran were questioned or temporarily detained because of their postings. About three dozen individuals interviewed said that, when traveling this summer back to Iran, they were questioned about whether they hold a foreign passport, whether they possess Facebook accounts and why they were visiting Iran. The questioning, they said, took place at passport control upon their arrival at Tehran’s Imam Khomeini International Airport.

‘Five interviewees who traveled to Iran in recent months said they were forced by police at Tehran’s airport to log in to their Facebook accounts. Several reported having their passports confiscated because of harsh criticism they had posted online about the way the Iranian government had handled its controversial elections earlier this year [June 2009].’ [91a]

15.22 On 4 January 2010, Christian Science Monitor (CSM) reported that, following the Ashura demonstrations on 27 December 2009, the Iranian law enforcement authorities had published photographs of around 165 anti-regime protesters on the pro-Ahmadinejad Raja News web site, asking readers to assist them in identifying the individuals. The CSM report further stated:

‘While Britain and the US possess advanced facial recognition-enabled CCTV networks that allow for the automatic identification and tracking of suspects, Iran is not known to have acquired such an ability.

‘Shoddy file-keeping and other security practices at the intelligence ministry were corroborated by a Dubai-based activist who was detained during the summer in one of

the post-election demonstrations. His worries that a previous detention would lead to harsher punishment dissipated after he realized that, even assuming his prior stint had been registered, poor information-sharing between different intelligence branches still shielded him from discovery. Last month, he successfully tested this theory when he returned to Iran to participate in demonstrations timed for Ashura and entered and exited the country unhindered.' [68b]

- 15.23 The author of the above CSM article reported that when he had been held in Tehran's Evin prison for three weeks in the summer of 2009, '...he was pressured to name antiregime demonstrators and witnessed intelligence officials using marker pens to circle recurring faces in freshly-printed images shot by intelligence ministry-subsidized photographers at demonstrations.' [68b]
- 15.24 On 7 February 2010, the International Campaign for Human Rights in Iran (ICHRI) reported that 'Authorities at Imam Khomeini International Airport in Tehran have been collecting photographs of Iranians in protest gatherings outside the country.' The ICHRI stated that they had been informed by several people returning from Imam Khomeini Airport in Tehran, that before departure, their faces had been checked against photographs of people participating in rallies in the countries to which they were going. 'According to an eye witness, Islamic Republic authorities send individuals into different gatherings outside Iran to take photographs of participants and to turn them into the Iranian authorities.' [52I]

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- 15.25 Reporters without Borders reported on 1 March 2011 that:

'Several journalists and other Iranians living in exile have received anonymous threats by telephone, text message or email, such as "Stop your actions against the Islamic Republic or you will suffer the ultimate punishment" and "We order you to stop, otherwise you will pay."

'Many reports of threats, summonses and anonymous phone calls from intelligence ministry agents have reached Reporters Without Borders in the past year and Iranians have been given police protection in several European countries. They have asked not to be identified. The organisation points out that their families in Iran have suffered harassment from the authorities.

'After the 1979 revolution the Iranian government executed over 200 political opponents living abroad, most of them in Europe. The killers were never brought to trial because of blackmail by the Iranian government.' [38d]

- 15.26 Amnesty International's report, "We are ordered to crush you" Expanding repression of dissent in Iran', published February 2012, stated:

'Following the June 2009 presidential election, there are an increasing number of reports of harassment of and threats to Iranians resident abroad...

'Ebrahim Mehtari took part in the post-election demonstrations in 2009. He was arrested and tortured, including by being subjected to rape. After his release, he fled Iran and has been resettled as a refugee in France. Late in the evening of 24 March 2011, he was attacked by two men, at least one of whom was an Iranian. He was stabbed repeatedly, in his legs, chest and arm. They had managed to put a noose around his

neck when a siren sounded, prompting the assailants to flee. He managed to get himself to a hotel where staff called for the police. They, in turn, took him to hospital.

‘Only days earlier, Ebrahim Mehtari had taken part in an event at the UN’s Human Rights Council, where human rights activists had campaigned in favour of states voting to condemn the poor human rights situation in Iran. He had provided details of the sexual abuse and other forms of torture he endured. He believes the attack was in reprisal for his appearance at the event.

‘Other individuals have reported that family members in Iran have been arrested in an apparent attempt to stop them from continuing their political or human rights activities abroad. This has more recently extended to Iranian journalists abroad.’ [9x] (p55)

15.27 Rooz Online reported on 10 February 2012:

‘Based on reports received by Rooz, the assassination of a number of prominent Iranian opposition figures is on the agenda of the intelligence and security apparatus of the Islamic republic of Iran. In a related development, two foreign nationals in a foreign country have recently been reported to have been detained and interrogated by local police officials over their activities in gathering intelligence regarding an Iranian opposition personality in that country.

‘Rooz has received information that Shirin Ebadi, Abdol-Karim Soroosh and a defected former senior Iranian official are among those who have received death threats by individuals associated with the regime in Tehran.

‘In addition, a number of Iranian political activists and journalists residing outside the country have also received threatening emails. Some of these emails have originated from Iranian embassies in countries where the activists live. The emails threaten the activists to remain silent or face the consequences of their actions and statements.

‘Commentators have said that as relations between Tehran and the West have deteriorated, and the possibility of a military strike against Iran’s military installations is gaining media circulation, such threats against dissidents living abroad have multiplied and intensified.’ [63a]

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15.28 The Danish fact finding report 2013 stated:

‘An international organization in Ankara informed the delegation that following the mass demonstrations in 2009, there were cases where the authorities had squeezed family members, including parents, sisters and brothers, in order to get to fugitives. It was explained that the intelligence services react differently in different areas of Iran. In some instances where family members are targeted, the authorities are doing this to create an example for others, and this is highly effective. The family members in Tehran are also at risk and they may be arbitrarily detained and mistreated in custody. While the number of such cases decreased after the crack-down following the post election demonstrations in 2009, however it was considered that these types of cases could still come up.

‘It was added that a family member to an activist who has left the country might be summoned by the authorities. Reference was made to a case in Tabriz, where a family

member of a blogger who was politically active was called in and detained for hours. Physical torture may not have been involved, however, he or she was subjected to threats and the detention was consequently effective in creating fear in the individual and pressuring both the family and the family member abroad. According to the organization, this instills a fear and is also done to put pressure on the family in order to inform their family members to stop these activities.

'Asked if family members to people who had participated in the post-election protests would be at risk, a Western embassy (2) stated that it did not know of cases where family members had been affected. However, it was considered that in instances involving especially noteworthy persons, this could be the case. There are some examples of higher profile persons, now in exile, whose family members have been pressured by the authorities. Reference was made to a recent case involving journalists from BBC Persia in which their family members were harassed and intimidated by the authorities.

'An international organization in Ankara was aware of cases in 2011 where family members [of politically active individuals] had also been targeted, but in 2012 the source had received no reports of physical mistreatment of family members.' [86c] (p51-52)

15.29 The same source continued:

'On the issue of whether family members to persons who were active in demonstrations in 2009 have felt repercussions, a Western embassy (4) referred to cases where authorities tried to put pressure on prominent activists through their families. It is difficult to say if this is something that has been widely diffused. Generally, the embassy is only able to follow prominent cases that are depicted in the media. The embassy made reference to the case of the prominent human rights lawyer Nasrin Soutoudeh who is presently in jail. However, it is hard to say anything accurate about the situation of other cases, including those less prominent as it is extremely difficult and rather complicated for the embassy to follow the sort of issues involved accurately.

'Regarding the risk to family members of political activists in exile, the Iran Watcher, US Embassy, London stated that she had only heard of this in the case of the BBC Persian journalists whose family members had been harassed and intimidated in order to put pressure on them.

'According to the Iran Watcher, US Embassy, London in general though, people who have left, have not really complained about families being harassed due to their leaving Iran. It seems to be more of an issue for persons with a much higher profile that can face such problems, journalists, and human rights and political activists in particular' [86c] (p51-53)

See also, [Arbitrary arrest and detention](#), [Freedom of speech and media](#), Penal Code: [Crimes committed outside Iran](#) and [Failed asylum seekers](#)

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Political prisoners and prisoners of conscience

15.30 The Amnesty International (AI) report, "We are ordered to crush you", Expanding repression of dissent in Iran', published February 2012, stated that, 'Waves of new arrests have followed the mass arrests of 2009; political activists were among the first

targeted, along with human rights defenders, journalists, bloggers, members of religious and ethnic minorities, and workers' rights activists. Since then, lawyers and filmmakers have joined the swelling ranks of prisoners, many of whom are prisoners of conscience or political prisoners held without trial or tried unfairly.' [9x] (p25)

The AI report of February 2012 included detailed information on the categories of people being targeted by the Iranian authorities and should be consulted directly for further details. [9x]

15.31 On 14 April 2010, the International Campaign for Human Rights in Iran (ICHRI) reported that, 'On 7 March 2010, Abbas Jafari Dolatabadi, Tehran's General Prosecutor, reported the formation of a special court inside Evin prison...This court houses the case files of many political activists and unknown prisoners whose cases are in an indeterminate state.' [52f]

15.32 The ICHRI called for the court to be closed, stating that it 'confines judges and magistrates to the prison complex and denies lawyers and families any access to judicial proceedings...' [52f] The ICHRI report continued, 'The formation of a court for political prisoners within the confines of Evin prison, where the suspect is held, informed of his charges, tried, and sentenced, is reminiscent of 1980s courts where thousands of political prisoners were tried without fair investigation, and families and lawyers of prisoners were not allowed to influence the cases in any way. Hundreds of people were executed on the basis of sentences issued by such courts.' [52f]

15.33 On 12 July 2012, the ICHRI reported:

'On July 8, 2012, head of Iran's High Council for Human Rights Javad Larijani publicly denied the existence of political prisoners in Iran. "A political prisoner is someone who has been politically active within the framework of the laws, but he has been unjustly imprisoned because the rulers and state authorities did not like what he was doing. According to this definition, there are no political prisoners inside the Islamic Republic of Iran," he said in an interview with ISNA (Iranian Student News Agency).

'Despite Larijani's remark, Iran currently imprisons hundreds of people on politically motivated charges.' [52n]

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15.34 The US Department of State's 'Country Reports on Human Rights Practices 2012', Iran, released 19 April 2013 (USSD Report 2012) observed:

'Statistics regarding the number of citizens imprisoned for their political beliefs were not available. ICHRI, the U.S.-based human rights NGO United for Iran, and the UN special rapporteur each estimated there were approximately 500 political prisoners in the country, including those arbitrarily detained for peaceful activities or the exercise of free expression. Other human rights activists estimated there could be more than 1,000 prisoners of conscience, including those jailed for their religious beliefs.

'On January 10, the CHRR [Committee of Human Rights Reporters], published a list of 159 political detainees in ward 350 of Evin Prison. The international NGO Committee to Protect Journalists (CPJ) reported there were at least 48 media professionals in prison as of March 1, while student activist groups estimated there were more than 50 students in prison as of July 1. On October 10, FIDH [The International Federation for Human

Rights] published a list of 69 human rights defenders in prison during the year, including lawyers, women's rights defenders, trade unionists, and activists working to protect ethnic and religious minorities...

'During the year [2012] the government arrested students, journalists, lawyers, political activists, women's activists, artists, and members of religious minorities and charged many with crimes, such as "propaganda against the regime" and "insulting the regime," treating such cases as national security trials. According to opposition press reports, the government also arrested, convicted, and executed persons on criminal charges, such as drug trafficking, when their actual offenses were reportedly political. The government reportedly held some persons in prison for years on baseless charges of sympathizing with alleged terrorist groups. Authorities often held political prisoners in solitary confinement for extended periods, denying them due process and access to legal representation. Political prisoners were also at greater risk of torture and abuse in detention. The government often placed political prisoners in prisons far from their homes and families. The government did not permit international humanitarian organizations or UN representatives access to political prisoners.

'Authorities occasionally gave political prisoners suspended sentences or released them for short or extended furloughs prior to completion of their sentences, but could order them to return to prison at any time. Suspended sentences often were used to silence individuals. The government also controlled political activists by temporarily suspending baseless court proceedings against them and allowing authorities to rearrest them. Furthermore, the government attempted to intimidate activists by calling them in repeatedly for questioning. The government issued travel bans on former political prisoners and imposed forced internal exile on others.' [4a] (Section 1e)

See the [USSD Report 2012](#) directly for more detailed information on individual political prisoners.

- 15.35 The Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, dated 13 September 2012, reported that:

'Several actors connected to Orumiyeh Detention Centre and Rajai Shahr Prison reported that political prisoners continue to be deprived of adequate access to medical services, which has allegedly led to the death of at least two detainees in Rajai Shahr Prison, including Mansour Radpour. They also reported on the deterioration of the health of political prisoners who reportedly face poor hygienic conditions, deprivation of proper nutrition, and infrequent access to family members. A number of individuals have reported that they submitted complaints about violations of their rights to the authorities, but that no investigation had been undertaken in accordance with Iranian law.' [10p] (paragraph 52)

- 15.36 The Guardian website, accessed 15 August 2013, included an [interactive guide](#) of Iran's prisoners of conscience, dated 21 May 2013, which provides details of, '...some of the activists, students, journalists, women's rights campaigners, lawyers, artists, former politicians and members of Iran's religious and ethnic minorities who have been jailed or convicted in recent years.' [16o]

See also [Arbitrary arrest and detention](#) and [Prison conditions](#) and [Torture](#) for further information on the conditions under which male and female political prisoners are held, and [Freedom of speech and media](#).

Freedom of association and assembly

- 15.37 Article 27 of the [Iranian Constitution](#) states ‘Unarmed assemblies and marches may be freely organized, provided that no violation of the foundations of Islam is involved.’ (Iran Chamber Society website, accessed 27 August 2013) [58e]
- 15.38 The Freedom House Report 2013 noted that:
- ‘The constitution prohibits public demonstrations that “are detrimental to the fundamental principles of Islam,” a vague provision that was frequently invoked to deny permit requests after the 2009 presidential election. Vigilante and paramilitary organizations that are officially or tacitly sanctioned by the government – most notably the Basij and Ansar-i Hezbollah – regularly play a major role in breaking up demonstrations. Peaceful, nonpolitical demonstrations are increasingly met with brutal violence.’ [112f]
- 15.39 See the International Campaign for Human Rights in Iran (ICHRI) report, ‘[Accelerating Slide into Dictatorship](#)’, dated 21 September 2009 for more detailed information on violations of the right to freedom of association and assembly following the June 2009 elections. [52a]
- 15.40 The AI report, ‘From protest to prison: Iran one year after the election’, published on 9 June 2010, noted that:
- ‘In relation to freedom of assembly, the Penal Code states that two or more people who “gather and collude” to commit or facilitate an act against the internal or external security of the nation will be imprisoned for between two and five years, unless their “offence” is so serious that it amounts to moharebeh [enmity against God]. The Code also provides for between three and six months’ imprisonment and up to 74 lashes for “causing disorder and disturbing the peace” – a charge often brought against those who participate in demonstrations not authorized by the authorities. They are sometimes charged with “resisting government officials”, which carries the penalty of imprisonment for three months to three years, depending on whether or not weapons are used to resist.’ [9o] (p47)
- 15.41 The concluding observations of the report of the UN Human Rights Committee, 17 October to 4 November 2011, stated, ‘The Committee is concerned that the right to freedom of assembly and association is severely limited, and notes that the holding of public gatherings and marches as well as the establishment of associations are conditional upon compliance with “principles of Islam”, which are not defined under national legislation.’ [10t] (paragraph 26)
- 15.42 Amnesty International’s report, “We are ordered to crush you”, expanding repression in Iran, published February 2012, stated:
- ‘Freedom of assembly ... continues to be very limited except in cases where the authorities wish demonstrations to occur. For permits to be issued by the Interior Ministry, the demonstration must be deemed by the Article 10 Commission of the Political Parties Law not to “violate the fundamental principles of Islam”. The Bill on Political Parties retains this requirement for advance vetting of demonstrations by the Article 10 Commission. The Interior Ministry also has the power to refuse a permit for

other reasons. It is also not clear whether permits for demonstrations can be sought by private individuals, or only by political parties, NGOs or other registered organizations. In the current situation, there is a de facto refusal by the authorities to authorise demonstrations perceived as expressing dissent. The few demonstrations that have taken place since 2009 have therefore largely been unauthorised. Policing methods against demonstrators who have not obtained a permit are brutal and often resort to excessive use of force, which can sometimes be lethal.' [9x] (p19)

See also section on the [Green Movement](#) for details of protests after February 2010.

15.43 The USSD Report 2012 stated that:

'In practice the government restricted freedom of assembly and closely monitored gatherings to prevent antiregime protests. Such gatherings included public entertainment and lectures, student and women's meetings and protests, meetings and worship services of minority religious groups, labor protests, online gatherings and networking, funeral processions, and Friday prayer gatherings. According to activists, the government arbitrarily applied rules governing permits to assemble, with conservative groups rarely experiencing difficulty and groups viewed as critical of the regime experiencing harassment regardless of whether a permit was issued. The government sometimes restricted the use of communication technologies, including by slowing Internet speeds or shutting down e-mail or text messaging services in advance of scheduled public gatherings or demonstrations.

'The government continued to prohibit and forcibly disperse peaceful gatherings during the year. On February 14 [2012], authorities disbursed nonviolent demonstrations in Tehran and other cities to mark the anniversary of the house arrest of opposition leaders Mousavi and Karroubi. According to alleged eyewitness accounts posted in international news media and on opposition and social media Web sites, security forces flooded city streets before planned protests to prevent gatherings. Reports indicated that police stopped people on the street to inspect their mobile telephones for demonstration-related material. Security forces reportedly forced bookstores near the University of Tehran to close. There were several reports of clashes between civilians and security forces in main city squares, and police used tear gas to disperse protestors in Azadi Square. One domestic news Web site reported "very extensive" arrests, and several eyewitness accounts claimed there were buses full of demonstrators who had been detained. Security forces also ordered the cancellation of a memorial for Mohammad Mokhtari, an opposition supporter killed during protests in February 2011.

'On May 21, for the third consecutive year, nonviolent demonstrators in Tabriz and Urmia protested against the government's policy of building dams and an environmentally damaging bridge resulting in the increasing desiccation of Lake Urmia. According to the Association for the Defense of Azerbaijani Political Prisoners (ADAPP), police used batons, rubber bullets, and tear gas to disperse crowds. Reports indicated that police temporarily detained approximately 100 persons.' [4a] (Section 2b)

See also [Employment rights](#), [Student activists](#) and [Non-Governmental Organisations \(NGOs\)](#) (for information on a proposed new bill affecting freedom of association and NGOs).

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Opposition groups and political activists

15.44 The USSD Background Note updated 1 February 2012, accessed 3 June 2013, noted:

‘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 or ethnic lines, while 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 2004 Seventh Majles elections and President Ahmadi-Nejad’s 2005 victory.’ [4c] (Political conditions)

See also [Presidential elections 14 June 2013](#) for information on the 2013 Presidential election which resulted in President Rouhani becoming President.

15.45 A Congressional Research Service (CRS) paper dated 28 May 2013 stated that ‘...during 1982 until 2009, there was diversity of opinion in ruling circles and the regime faced only episodic unrest from minorities, intellectuals, students, labor groups, and women. Since the June 2009 presidential election, the regime has struggled to contain popular dissatisfaction.’ [78a] (p2)

15.46 The same CRS paper continued:

‘The popular uprising of 2009 constituted the most significant unrest faced by the regime since its inception in 1979. The regime has since cowed the opposition through arrests and intimidation, in part to prevent another uprising surrounding the 2013 presidential election. Iranian leaders are also said to fear that the uprisings in the Arab world since 2011, as well as severe economic difficulties, have stoked opposition to the regime. Not all the opposition operates under the Green Movement banner; some opposition groups have long challenged the regime from exile, while other groups act to further ethnic or other interests.’ [78a] (p12)

15.47 The same source also noted that, ‘Some groups have been committed to the replacement of the regime virtually since its inception, and have used violence to achieve their objectives. Their current linkages to the Green Movement are tenuous, if existing at all, and some indications suggest these movements want to dominate any coalition that might topple the regime.’ [78a] (p13)

15.48 The USSD Background Note of 1 February 2012, accessed 3 June 2013, stated:

‘The Islamic Republic of Iran has faced armed opposition from a number of groups, including the Mujahideen-e Khalq (added to the U.S. Government’s Foreign Terrorist Organizations list in 1997 [but removed in September 2012 (BBC News [21c])], the People’s Fedayeen, the Kurdish Democratic Party of Iran, the Party for a Free Life in Kurdistan (added the to the U.S. Government’s Foreign Terrorist Organizations list in 2009), and the Baluchi group Jundallah (added to the U.S. Government’s Foreign Terrorist Organizations list in 2010).’ [4c] (Political conditions)

See sections below for more detailed information on the groups mentioned above.

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Green Movement

15.49 A US Institute of Peace (USIP) publication dated 8 June 2010 reported that:

‘The Green Movement is an informal movement that emerged spontaneously after the June 12, 2009 presidential poll over alleged vote-rigging. Former Prime Minister Mirhossein Mousavi and former parliamentary speaker and 2009 presidential candidate Mehdi Karroubi are the unofficial leaders, but youth and women were critical in organizing the initial protests, sustaining public opposition for six months, and organizing a multifaceted civil disobedience campaign. Their activities included a boycott of consumer goods advertised on state-run media, anti-government graffiti on the national currency, and Web site campaigns to identify security forces involved in the crackdown. Many young people loosely linked in the Green Movement are not members of any student group or political party.’ [100a]

15.50 An undated paper in the Iran Primer, another USIP publication, stated:

‘The [Green] movement was widely seen as a new non-violent, non-utopian and populist paradigm of revolution that infused twenty-first century Internet technology with people street power...

‘Over the next six months, the Green Movement evolved from a mass group of angry voters to a nation-wide force demanding the democratic rights originally sought in the 1979 revolution, rights that were hijacked by radical clerics. Every few weeks, protesters took to the streets to challenge the regime and its leadership. But by early 2010, the regime had quashed public displays of opposition. The Green Movement retreated into a period of soul-searching and regrouping.’ [31c]

15.51 A Congressional Research Service (CRS) report dated 28 May 2013 added:

‘The year 2009 was “the high water mark” of the Green Movement to date. After the initial postelection daily protests, Green Movement members organized protests around major holidays and called openly for the downfall of the regime, rather than its reform. Some of the protests in late 2009, such as one on the Ashura holy day (December 27, 2009) nearly overwhelmed regime security forces. The movement’s outward activity declined after its demonstration planned for the February 11, 2010, anniversary of the founding of the Islamic Republic (in 1979) was suppressed. Minor protests were held on several occasions in 2010, but they were easily suppressed. The opposition did not experience a resurgence after the start of the Arab uprisings in early 2011, even though many believed the Iran uprising of 2009 inspired those movements. The titular leaders of the Green Movement, defeated 2009 presidential candidates Mir Hossein Musavi and Mehdi Karrubi, were placed under house arrest in early 2011. Despite its relative quiescence over the past two years, observers in Iran say the Green Movement remains active underground. It conducted protests on the February 14, 2012 anniversary of February 14, 2011, protests.’ [78a] (p13)

15.52 Human Rights Watch reported on 24 May 2013 that Mousavi, his wife Zahra Rahnavard and Mehdi Karroubi were still under house arrest. Furthermore:

‘An informed source close to Karroubi’s family told Human Rights Watch that Intelligence Ministry officials have confined him in an apartment building for over 20

months, allowing him to leave the complex only a few times, mostly to receive medical treatment at a nearby hospital. All family visits have to be conducted in the presence of security and intelligence officials.

‘The authorities have allowed Mousavi and Rahnavard to remain in their private residence under house arrest. None of the three have faced charges, nor have they had any means to challenge their internment before the courts or an independent tribunal.’ [8p]

15.53 The USSD Report 2012 stated that:

‘Authorities continued their harassment of the children of de facto Green Movement leaders Mehdi Karroubi and Mir Hossein Mousavi. According to international media, on February 11 [2012], MOIS [Ministry of Intelligence and Security] officials seized property from their residences and questioned Mousavi’s two daughters and Karroubi’s son for several hours after they wrote a letter asking Iranian citizens to support the release of their parents from house arrest. One of Mousavi’s daughters was subsequently fired from her teaching position at Al-Zahra University. Kaleme also reported that in late February Mousavi’s youngest daughter was involved in a serious car crash after being “persistently” chased on a highway by presumed intelligence agents.’ [4a] (Section 1f)

15.54 On 28 February 2012, the BBC reported that, ‘The Green Movement of 2012 struggles to define its goals. Iran’s government has made it almost impossible for anyone sympathetic to the opposition to make his or her voice heard.’ [21a]

15.55 For further discussion on the Green Movement, see the article dated 5 September 2012 by Ramin Jahanbegloo, an Iranian academic, published in the [Eurozine journal](#). [103a]

For further information on Green Movement leaders Mehdi Karroubi and Mir Hossein Mousavi see [Annex C – Prominent people](#)

See also sections on [Academic Freedom](#), [Student activists](#), [Human rights activists](#), [Freedom of political expression](#) and [Freedom of association and assembly](#)

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Student activists

15.56 The US Institute of Peace (USIP) publication of 8 June 2010 stated:

‘Iran’s largest student movement, the Office for Consolidating Unity, or Daftar-e Tahkim-e Vahdat, was formed in 1979 and has branches in most universities... In 2002, Daftar-e Tahkim-e Vahdat split into two factions due to reform issues. A minority faction elected its own leadership; it is now known as the Shiraz faction. The majority faction... is known as the Allameh faction. The Allameh faction favored a boycott of the 2005 presidential election because of disillusionment with politics; the Shiraz faction supported Ahmadinejad...

‘The Allameh faction was at the forefront of Green Movement protests calling people to the streets through social networks, and organizing protests on campuses. Since the election, hundreds of its members, including at least four of nine central council members, have been detained for various lengths of time. Several have reportedly been

victims of torture and sexual abuse. Since the government crackdown, student activity has increasingly depended on local leaders from individual campuses.’ [100a]

- 15.57 The Amnesty International (AI) report, ‘From Protest to Prison: Iran one year after the election’, published on 9 June 2010, reported that, ‘Members of the student body, the Office of the Consolidation of Unity (Daftar-e Tahkim-e Vahdat, OCU), and the Graduates’ Association (Advar-e Tahkim-e Vahdat) have been targeted for arrest. Both organizations have been prominent in promoting human rights, reporting on human rights violations and calling for political reform in recent years.’ [9o] (p10)
- 15.58 The Freedom House Report 2013 stated that, ‘Academic freedom is limited. Scholars are frequently detained, threatened, and forced to retire for expressing political views...Students involved in organizing protests face suspension or expulsion in addition to criminal punishments. Since the 2009 presidential election, the IRGC-led Basij militia has increased its presence on campuses, and vocal critics of the regime face increased persecution and prosecution.’ [112f]
- 15.59 The International Federation for Human Rights (FIDH) report, ‘Iran: Suppression of freedom, prison, torture, execution...A state policy of repression’, published December 2011 reported:
- ‘Plain-clothed security agents, members of the Special Squads of the Police and Special Squads of the Islamic Revolution Guards Corps brutally attacked some university dormitories and ransacked them in Tehran, Isfahan and Shiraz, in the aftermath of the June 2009 Presidential Elections, as a result of which five students were killed in Tehran, two in Isfahan and two in Shiraz. In Tehran Dormitory, 100 students were arrested. However, rather than investigating the attacks and killings, military courts tried about 40 of them who had lodged complaints with the judiciary and sentenced them to punishments ranging from financial penalties, lashing and prison sentences from 3 to 10 months, in May 2011. Several students have lost their lives in the protest demonstrations or in custody. Nationwide, hundreds of students have been expelled from the universities and banned from continuing their studies.
- ‘Independent student groups, such as the Daftar Tahkim Vahdat (Unity Consolidation Office) and student activists have been facing severe persecution and crackdown, especially since the June 2009 Presidential Election.
- ‘The extent of the student movement’s opposition to the regime and the regime’s heavy-handed crackdown of the movement have made it a difficult task to record all the details.’ [56g] (p46-47)
- 15.60 The same FIDH report also included the names of 18 students serving prison sentences at the time the report was published in December 2011, noting that they constituted ‘only a handful of students currently serving prison sentences.’ [56g] (p46-47)
- 15.61 The USSD Report 2012, published 19 April 2013, stated:
- ‘Authorities relied on university disciplinary committees to suspend, transfer, or expel students based on their social and political activism, involvement in student publications considered antiregime, or participation in student associations affiliated with reformist or opposition parties. Student groups reported that a “star” system inaugurated by the government in 2005 to rank politically active students was still in use. Students deemed antiregime through this system reportedly were prevented from registering for future

terms. Repeated suspensions through this mechanism resulted in effectively denying the targeted students' ability to complete or continue their studies. Numerous student activists were expelled during the year for participating in political activities, including nonviolent protests.' [4a] (Section 2a)

See [Academic Freedom](#) for further information on the star-rating system.

- 15.62 The AI report, “‘We are ordered to crush you’, expanding repression of dissent in Iran”, published February 2012, stated:
- ‘Student activists who have expressed views opposing the government or its policies have faced harassment, arrest and bans on continuing their education, both temporary and permanent. Some continue to serve long sentences handed down after unfair trials before and since June 2009 or have been sentenced to flogging, a punishment that amounts to cruel, inhuman and degrading treatment. In September 2011, Peyman Aref, a student activist, was flogged 74 times after being convicted of “insulting the President”.’ [9x] (p44)
- 15.63 The [AI report](#) of February 2012 also included further details of the treatment of individual students since 2009. [9x] (p44-45) See also the AI report, ‘[Election contested, repression compounded](#)’, published on 10 December 2009, for information on the treatment of students in the months leading up to the 12 June 2009 presidential election and during the post-election unrest [9t] and the AI report, ‘[From Protest to Prison: Iran one year after the election](#)’, published on 9 June 2010 for further information on the treatment of individual students. [9o]
- 15.64 On 31 May 2012, the International Campaign for Human Rights in Iran (ICHR) and 16 other student and human rights organisations issued a statement drawing attention to ‘...the official attack on university students and educators, which has been increasing exponentially since the June 2009 presidential election.’ [52d] The statement noted that,
- ‘Over six hundred students, as well as some university lecturers, have been arrested since 2009, many of whom have subsequently been imprisoned, and hundreds deprived of education, as a result of their political activities...
- ‘According to the largest independent student organization in Iran, Daftar-e Tahkim Vahdat, between March 2009 and February 2012, there were at least 396 cases of students banned from further study by the Ministry of Science, Research, and Technology as a result of their peaceful political or other dissent. Additionally, at least 634 students were arrested by security and intelligence organs and 254 students convicted for similar reasons, with the correlated impact on their ability to continue their education. The Ministry of Science, Technology, and Research declared Daftar-e Tahkim-e Vahdat an “illegal” union in 2009, on grounds that it “engaged in activities that endangered national security.”
- ‘The organizations said that they had gathered information that the Iranian authorities have threatened, suspended, arrested, prosecuted, and sentenced student activists for peaceful criticism of government policies on a regular basis. Officials also have routinely shut down hundreds of student gatherings, publications, and independent organizations. More than 30 students are currently serving long prison sentences in Iran solely for exercising their rights to freedom of expression, association, and assembly by expressing their opinions, participating in demonstrations, or membership of an independent student organization critical of government policies. Combined, these

students have been sentenced to more than 130 years in prison, in some cases up to 15 years.’ [52d]

15.65 The Report of the UN Special Rapporteur dated 28 February 2013 observed:

‘In a letter to the Special Rapporteur, the Human Rights Commission of Daftar Tahkim Vahdat an Iranian Student Organization stressed the increase in punitive action in reaction to peaceful efforts by students to improve academic life and defend student and human rights, vis-à-vis student organisations, publications, and activism.

‘Citing statistics based on information gathered from news sources, the Commission maintains that since March 2005, there have been at least 935 cases of students deprived from continuing education for either one or more semesters, and at least 41 cases of professors expelled from university... Moreover, three student publications or associations have been forcibly closed. ‘Individuals interviewed for this report maintained that they were denied access to universities despite achieving top scores on university entrance exams for higher degrees as a result of their political activities.’ [10d] (p20)

15.66 The ICHRI report, ‘Fulfilling Promises: A Human Rights Roadmap for Iran’s New President’, published 21 August 2013, stated:

‘Since June 2009, many of the political prisoners in Iran have been student activists. At present, at least 29 students remain in prison for their activism. Among the dozens of student activists currently inside Iranian prisons, students such as Majid Dorri, Zia Nabavi, Bahareh Hedayat, and Majid Tavakoli, who are serving prison sentences ranging from four to ten years, have not been allowed one day of furlough, despite its requirement under Iranian law.’ [52m] (p28)

See the [ICHRI report](#) directly for further information on student activists and restrictions to academic freedom. [52m]

See also sections on [Academic Freedom](#), [Human rights activist and lawyers](#), [Freedom of political expression](#) and [Freedom of association and assembly](#). The website of the [International Campaign for Human Rights in Iran \(ICHR\)](#) provides regular updates on arrested and detained students.

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Mojahedin-e Khalq Organisation (MEK/MKO) (aka People’s Mojahedin Organisation of Iran (PMOI) or Holy Warriors of the People)

15.67 A Congregational Research Paper (CRS) paper of 17 June 2013 stated:

‘Some groups have been committed to the replacement of the regime virtually since its inception, and have used violence to achieve their objectives....The best-known of these groups is the People’s Mojahedin Organization of Iran (PMOI) [also known as the Mojahedin-e-Khalq Organization (MEK or MKO) and the National Council of Resistance (NCR)]. Secular and left-leaning, it was formed in the 1960s to try to overthrow the Shah of Iran and has been characterized by U.S. reports as attempting to blend several ideologies, including Marxism, feminism, and Islamism, although the organization denies that it ever advocated Marxism. It allied with pro-Khomeini forces during the Islamic revolution and, according to State Department reports, supported the November

1979 takeover of the U.S. Embassy in Tehran. The group was driven into exile after it unsuccessfully rose up against the Khomeini regime in September 1981.’ [78c] (p14)

- 15.68 The Council on Foreign Relations’ background report, updated on 18 July 2012 stated:

‘In 1987, the Chirac government expelled Rajavi and much of the MEK as part of a French-Iranian deal (NYT) that freed French hostages held by pro-Iranian groups in Lebanon. The MEK was welcomed into Iraq, where it helped Saddam Hussein wage the eight-year Iran-Iraq War and battle Kurdish uprisings in the north...

‘Following the 2003 invasion of Iraq, U.S. forces disarmed the group of heavy weaponry and sequestered it in Camp Ashraf, a 14-square-mile former Iraqi military base in the country’s northeast.’ [64b]

- 15.69 The CRS report of 17 June 2013 also noted the following about the organisation:

‘It is led by spouses Maryam and Masud Rajavi; Maryam, based in France, is the “President-elect” of the PMOI-led opposition. She regularly meets with European politicians and organizes protests there against the Iranian regime. Masud is the longtime Secretary-General of the PMOI; his whereabouts are unknown...

‘The State Department designated the PMOI as a foreign terrorist organization (FTO) in October 1997, and the NCR was named as an alias of the PMOI in the October 1999 redesignation. [78c] (p14)

- 15.70 On 29 September 2012, BBC News reported that, ‘The US has removed the dissident Iranian group Mujahideen-e Khalq (MEK) from its terror blacklist...The state department said its decision had been taken in view of the MEK’s public renunciation of violence, the absence of any confirmed acts of terrorism by the organisation for more than a decade and its co-operation in the closure of their paramilitary base in Iraq.’ [21c] The Iranian government condemned the US decision to remove the MKO from its list of foreign terrorist organizations. (Radio Free Europe/Radio Liberty, 30 September 2012) [42c]

- 15.71 The CRS report of 17 June 2013 further noted that, ‘On January 27, 2009, the European Union (EU) removed the group from its terrorist group list; the group had been so designated by the EU in 2002. In May 2008, a British appeals court determined that the group should no longer be considered a terrorist organization.’ [78c] (p14)

- 15.72 An appeal in May 2010 by Amnesty International (AI) on behalf of imprisoned political activist Sayed Ziaoddin (Zia) Nabavi stated that ‘The Iranian authorities have claimed that the PMOI and other groups were responsible for organizing the post-election demonstrations [in June 2009].’ [9c] See the [AI appeal](#) directly for further information on Sayed Zia Nabavi’s treatment. [9c]

- 15.73 On 24 January 2011, the International Campaign for Human Rights in Iran (ICHRI) reported that:

‘Political prisoners Jafar Kazemi and Ali Haji Aghaee were hung in the early hours of 24 January 2011. Both were convicted of Moharebeh [“enmity against God”] for their participation in post-election protests and alleged membership in the Mojahedin-e Khalgh Organization (MEK).

‘Although the crime of Moharebeh explicitly refers to taking up arms against the state under Iranian laws, no evidence was produced to support such activity. The evidence used against the men included sending photographs of protests to contacts abroad, and visiting Camp Ashraf of MEK in Iraq.’ [52e]

15.74 On 25 January 2012, the ICHRI reported that:

‘55-year-old prisoner Javad Lari’s death sentence has been overturned and sent back to the lower court...His charges are illegally exiting the country and going to Camp Ashraf, actions against national security and propaganda against the regime by participating in assemblies after the 2009 presidential elections. But the charge of moharebeh for which he is sentenced to death is related to his membership and activities in Mojahedin-e Khalq (MEK). [52y]

15.75 BBC News reported on 9 February 2013 that, ‘About 3,000 members of the PMOI, also known as Mujahideen-e Khalq, were moved to Camp Hurriya last year on the insistence of the Iraqi government, which wanted to close the group’s long-time base, Camp Ashraf. It is meant to be a temporary home while the UN resettles them.’ [21j] The same source also reported that a number of people in Camp Hurriya had been killed and wounded following a rocket attack on the camp on 9 February. ‘The PMOI said six men and one woman had been killed and more than 50 other people wounded, some of them seriously.’ [21j]

15.76 The Danish Fact Finding Report 2013, published February 2013, stated:

‘ICRC [International Committee of the Red Cross] is facilitating the voluntary repatriation to Iran of former ex-MKO members from Iraq. Once home, they have the option of periodic follow-up visits from a local returnees’ organization. Since 2003, 600 MKO-members have repatriated out of which ICRC has assisted 200.’ [86a] (p46-47)

15.77 The same source reported the views of the representatives from two human rights organizations in Turkey who ‘...also mentioned the return of MKO members from Iraq to Iran; upon return such persons were to state to the Iranian authorities that they had given up their activities. It was considered likely that such persons had been interrogated upon return and that some had probably been jailed and then released.’ [86a] (p46)

15.78 The [Report of the Special Rapporteur](#) on the situation of human rights in the Islamic Republic of Iran, dated 6 March 2012, included details of people detained on charges of association with the MEK. [10d] (Tables I and III) For further information on the background and ideology of the MEK, see the [Council on Foreign Relations’ backgrounder](#), updated on 18 July 2012. [64b]

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People’s Resistance Movement of Iran (PRMI), aka Jundallah [Jondallah]

15.79 The Congressional Research Service (CRS) report of 17 June 2013 stated:

‘Some armed groups are operating in Iran’s border areas, and are generally composed of ethnic or religious minorities. These groups are not known to be cooperating with the mostly Persian members of the Green Movement.

'One such group is Jundullah, composed of Sunni Muslims primarily from the Baluchistan region bordering Pakistan. The region is inhabited by members of the Baluch minority and is far less developed than other parts of Iran. On the grounds that Jundullah has attacked civilians in the course of violent attacks in Iran, the State Department formally named it an FTO [foreign terrorist organisation] on November 4, 2010...

'As noted in the State Department terrorism reports for 2010 and 2011, Jundullah has conducted several successful attacks on Iranian security and civilian officials. One of its most widely noted terrorist attacks was a May 2009 bombing of a mosque in Zahedan, which it claimed constituted revenge for the poor treatment of Sunnis in Iran. On October 18, 2009, it claimed responsibility for killing five Revolutionary Guard commanders during a meeting they were holding with local groups in Sistan va Baluchistan Province. The regime claimed a major victory against the group in late February 2010 by announcing the capture of Jundullah's top leader, Abdolmalek Rigi. The regime executed him in June 2010, and the group retaliated in July 2010 with another major bombing in Zahedan, which killed 28 persons, including some Revolutionary Guards... The group is believed responsible for a December 15, 2010, bombing at a mosque in Chahbahar, also in the Baluchistan region, that killed 38 persons.' [78c] (p16)

- 15.80 An editorial dated 22 December 2010 in the online Baloch newspaper, 'The Baloch Hal', provided the following information:

'Jundullah is an Iranian organization which is striving for the rights of the minority Sunni population living inside the Shia-dominated Islamic republic. While Sunnis belonging to various ethnic groups share almost the same sense of alienation and discrimination from the majority Shia population, a group of Balochi-speaking young men decided to stand up against Iran's repressive attitude towards its sectarian minorities. Headed by Abdul Malik Regi (1983-2010), Jundullah, which publicly disassociated with the Baloch nationalist cousins operating in Pakistan, said it stood for the rights of the Sunnis. In an effort to get its demands accepted, Jundullah, resorted to extremely violent methods such as bomb attacks and suicide blasts and double suicide attacks.

'Jundullah, which Tehran insists is financed by the United States and United Kingdom and sheltered by Pakistan, has not been able to expand its operations outside the Iranian province of Sistan-e-Balochistan. According to [the] Washington Times, the eight-year old group claims to have killed at least 4000 Iranian soldiers in different operations.' [97a]

- 15.81 Minority Rights Group International's (MRGI) report, 'Seeking justice and an end to neglect: Iran's minorities today', published in February 2011 observed that:

'This violence provided the pretext for the further militarization of the province by government forces and an increase in the number of executions and extrajudicial killings by the state. Between January and August 2007, for example, Amnesty International reports that Iran executed 166 people, 50 of whom were Baluchis, and all but one of whom were executed in the wake of a Jondollah attack in February 2007. One member of parliament reported in March 2007 that 700 people were awaiting execution in the province of Sistan-Baluchistan, a number so large and controversial that Baluchi sources report that the provincial authorities were having to send Baluchis to places outside the province to be executed. Most of those who await the death penalty have likely been convicted of crimes related to the drug trade. But it does not

pass unnoticed to most observers that capital punishment in Sistan-Baluchistan, as with everywhere else in the country, has been used to “quell political unrest, intimidate the population and send a signal that dissent will not be tolerated”.’ [46a]

- 15.82 On 27 August 2009, the Iranian Minorities’ Human Rights Organisation (IMHRO) reported that 13 Baluchi men had been executed after being charged with terrorism and accused of being members of Jundallah (Jondollah). IMHRO researcher Reza Washahi was quoted as saying:

‘Like always we do not know the details of the cases, Baluchi sources are saying these men were ordinary people or that some of them were political and cultural activists. As usual, the Iranian government did not allow any international observers to attend the hearings. The men did not have a lawyer present and they did not have right to appeal against the court decision. The Iranian government has executed many people in relation to terrorist activities in the past, and then too late, it has been discovered that the suspects were innocent.’ [109b]

- 15.83 On 8 February 2011 the Tehran Times reported:

‘Iran is taking serious measures to eradicate the terrorist group Jundullah, Ali Abdollahi of the Interior Ministry said on Monday.

“We have plans to smash the Rigi group and will pursue (our goal) seriously,” Abdollahi told IRNA in an interview published on Monday [7 February].

“The remaining members of the Rigi group are linked to foreign intelligence agencies including the U.S. (CIA [Central Intelligence Agency]),” added Abdollahi, the deputy interior minister for security affairs.’ [50a]

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- 15.84 The February 2011 MRGI report noted that: ‘At the end of 2010, 11 Baluch prisoners were executed for alleged membership of Jondollah, following a suicide bombing on 15 December 2010 at a mosque in Chabahar, in Sistan-Baluchistan. All had been imprisoned prior to the attack.’ [46a] (p5) The Amnesty International report, ‘Death sentences and executions in 2010’, published on 28 March 2011, added ‘The men had all been convicted of “enmity against God” and “corruption on earth”, for a variety of acts including ambushing and killing police forces and Revolutionary Guardsmen, bomb attacks on Shi’a mosques, abductions and armed robbery, although a local judicial official denied that any had participated in the 15 December attack.’ [9v] (p28)
- 15.85 Minority Rights Group International’s report, State of the World’s Minorities and Indigenous Peoples 2012, covering events in 2011, published 28 June 2012, stated:
- ‘Iranian security forces were reported to have arrested or killed several members of the pro-Baluch armed group People’s Resistance Movement of Iran (PRMI), also known as Jundallah, which was created in 2003 and is considered by both the United States and Iran to be a terrorist organization. In May 2011, nine members of Jundallah were arrested and in July two Jundallah commanders were killed in Baluchistan by security forces. In late August 2011, four members were arrested on suspicion of planning an armed attack in Baluchistan.’ [46c] (p200)

15.86 An article dated 15 November 2012, published on the Jamestown Foundation website by Chris Zambelis, an analyst and researcher specializing in Middle East affairs, stated:

‘The capture or death of most of Jundallah’s leaders by 2010... was supposed to have neutralized the threat of Baloch militancy. An October [2012] suicide bombing executed by Baloch radicals claiming to belong to a previously unknown group that calls itself Harakat Ansar Iran (HAI - Movement of the Partisans of Iran) in Sistan-Balochistan, suggests, however, that a resurgence of Baloch nationalist militancy in Iran may be on the horizon (Fars News Agency [Tehran], October 19).

‘On October 19 [2012] a suicide bomber detonated an explosives-laden vest in the port city of Chabahar, in Sistan-Balochistan province. Two members of Iran’s Basij (Mobilization) paramilitary force were reported to have been killed and scores of mostly civilian bystanders were wounded in the ensuing blast (Press TV [Tehran], October 21; Voice of the Islamic Republic of Iran [Tehran], October 19)...

‘The confirmed attack in Chabahar represents the first suicide bombing by Baloch militants since December 2010, when Jundallah executed a suicide bombing at the same Imam Hussein mosque, killing 38 and wounding hundreds during a mourning ceremony commemorating the death of Hussein, the Prophet Muhammad’s grandson and a revered figure among the Shi’a (Press TV, December 20, 2010; al-Jazeera [Doha], December 15, 2010).

‘There is no conclusive evidence to discern whether HAI is formally linked to Jundallah in operational and personnel matters. The capture or deaths of most of its known leadership and other key operatives, including the arrest and subsequent execution of its founder and leader Abdelmalik Rigi, were widely believed to have devastated Jundallah’s ability to reconstitute its campaign of violence and terrorism. Jundallah did manage to execute a series of major attacks in Iranian Balochistan following Rigi’s arrest and eventual execution ... A perusal of its political and ideological discourse available online reveals that, at the very least, HAI draws its inspiration from Jundallah.’ [23d]

See also [Ethnic groups, Baluchis \(Balochis\)](#) (for further information on the Iranian authorities’ treatment of the Baluch community) and [Death Penalty](#)

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Kurdish political parties:

15.87 The Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran dated 6 March 2012 noted that, ‘As at 31 October 2011, 15 Kurdish activists were reportedly on death row on charges including “acting against national security”, “corruption on earth” and espionage.’ [10d] (p18) See Table II of the [Special Rapporteur’s report](#) for information on the charges made against the activists and their sentences. [10d] (p29-30)

15.88 The [joint report](#) from the Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council’s fact-finding mission to Tehran, Iran, Ankara, Turkey and London, ‘On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures’, undertaken from 9 to 20 November 2012 and 8 to 9 January 2013, published February 2013, included

information on the political activities of Kurds, their family members and the prevalence of written Kurdish political material. [86a] (Section 3, p40-45)

Kurdish Democratic Party of Iran (KDPI, also DPIK)

- 15.89 The Human Rights Watch (HRW) report, 'Iran: Freedom of Expression and Association in the Kurdish Ardebil Regions', dated 9 January 2009, stated:

'Left-leaning Kurdish activists formed the Komala Party in Mahabad in the 1940s. In July 1945, Komala changed its name to the Kurdistan Democratic Party of Iran (KDPI). Since 1984 the party has been based in Iraq. In 1991, the KDPI called off its armed activities in Iran, although its "self-defense units" have clashed with Iranian troops during Iranian military incursions into Iraqi Kurdistan. According to KDPI leaders, the party does not carry out armed operations inside Iran, a position that Mostafa Hejri, secretary-general of the KDPI reaffirmed as recently as July 2008.' [8h]

See following sub-section for information on the group now currently know as [Komala](#)

- 15.90 The Chatham House Middle East Programme Briefing Paper, 'The Kurdish Policy Imperative', dated December 2007, stated that:

'Iranian Kurdish parties have also consistently fractured and there have been major splits in both the KDPI and Komala since early 2007. In December 2006 a significant number of members in the KDPI broke away, renaming themselves KDP (removing 'Iran' from the name of the Party and returning to the original name as established in 1945). The change of name not only distinguishes the new party from the old but also relates to its more broadly nationalist approach.' [73a] (p7)

See the [Chatham House Briefing Paper](#) for further historical information on Kurdish political parties in Iran.

- 15.91 The Freedom House Report 2013 noted that 'Kurdish opposition groups suspected of separatist aspirations, such as the Democratic Party of Iranian Kurdistan (KDPI), are brutally suppressed. At least 28 Kurdish prisoners convicted of national security charges remained on death row at the end of 2012.' [112f]

See also [Ethnic groups, Kurds](#)

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Komala [Komalah, Komaleh]

- 15.92 Jane's Sentinel Security Assessment, updated 30 January 2013, stated, 'There are two distinct wings of Komaleh: the Komalah Communist Party of Iran (Komalah-CPI); and the Komala Party of Iranian Kurdistan (Komala-PIK).' [61b] (Non-state Armed Groups) 'The First Secretary of Komalah-CPI is Ebrahim Alizadeh. The Secretary-General of Komala-PIK is Abdullah Mohtadi.' (Jane's, 30 January 2013) [61b] (Non-state Armed Groups)

- 15.93 The same source also noted:

'Komaleh was founded as a Marxist-Leninist nationalist organisation in Iranian Kurdistan in 1969. The group regarded itself as the vanguard of the proletariat and the guardian of Kurdish rights, and provided political opposition to the autocratic reign of the Shah.

Following the 1979 Islamic revolution it took up arms against the new Islamic Republic of Iran, but was forced to relocate to Iraqi Kurdistan in 1983 following a concerted counter-terrorism operation. In 1984 it participated in the creation of the Communist Party of Iran (CPI), a move which alienated many Komalah cadres, and in the late 1980s and early 1990s Komalah evolved into two distinct organisations. The Komalah Communist Party of Iran (Komalah-CPI), led by Komalah founder Ebrahim Alizadeh, retained the group's original Marxist-Leninist outlook, and operates as an autonomous Kurdish arm of the CPI; while the breakaway Komala Party of Iranian Kurdistan (Komala-PIK), led by Abdullah Mohtadi, adopted a more moderate socialist ideology, and emerged as the larger faction. Despite their ideological and doctrinal differences, their objectives remain broadly aligned, namely replacing the theocratic central government with a secular, federal, and democratic republic that provides autonomy for Iran's ethnic minorities. However, the two wings do not co-operate, and the last major offensive carried out by Komalah came in 2005 when Komala-PIK participated in a series of abortive uprisings throughout Iranian Kurdistan. Since then, both wings of Komalah have focused upon carrying out political and civil activism in Iranian Kurdistan.' [61b] (Non-state Armed Groups)

- 15.94 The Chatham House Middle East Programme Briefing Paper, 'The Kurdish Policy Imperative', dated December 2007, noted that, 'In October 2007 a number of Komala's leading figures broke away to form "Komala – the faction of reform and development"'. In both cases there were physical clashes among the followers of the various factions.' [73a] (p7)

[The Chatham House Briefing Paper](#) gives further historical information on Kurdish political parties in Iran and may be accessed directly for further details.

- 15.95 The [Komala website](#) dated 2009, accessed 4 September 2012, provided an introduction to the organisation and outlined the party's aims:

'While preserving its progressive values, Komala Party has put democracy as the main theme of its political agenda. In short, Komala Party fights for Kurdish rights, for a regime change in Iran and for a democratic secular pluralist federal Iran. Komala Party believes in social justice as well as universal democratic values, human rights, freedom of conscience, expression, assembly and organization, women's equal rights and cultural, ethnic and religious tolerance.' [119a]

- 15.96 The 'Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran', dated 6 March 2012, noted one Kurd who was currently detained and sentenced to death, accused of links to Komala. [10d] (Section III, Table II, p29) The same report also noted a total of 15 Kurdish detainees sentenced to death for links to unspecified Kurdish opposition parties. [10d] (Section III, Table II, p29)

- 15.97 [An interview](#) with Komala's leader, Abdullah Mohtadi dated 29 June 2013, after the June 2013 Presidential election and published on Kurd Net, provided further information on the party. [96a]

See also [Ethnic groups, Kurds](#) for details of treatment of Kurds perceived to have links to Komala and other opposition Kurd groups.

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Partiya Jiyana Azada Kurdistan (PJAK) – Kurdistan Free Life Party or Party of Free Life of Iranian Kurdistan

15.98 A Jamestown Foundation news article dated 19 August 2011 stated:

‘PJAK was founded by the larger and older Partiya Karkeren Kurdistan (PKK - Kurdistan Workers’ Party) in 2004 as an Iranian-Kurdish equivalent to the PKK insurgency against the Turkish government after the United States toppled the Ba’athist regime in Iraq in 2003. Iran retaliated to PJAK attacks in 2006 with cross-border shelling to press the KRG [Kurdistan Regional Government] to act against the group.’ [23b]

15.99 A Congressional Research Service report of 17 June 2013 stated:

‘An armed Kurdish group operating out of Iraq is the Free Life Party, known by its acronym PJAK. Its leader is believed to be Abdul Rahman Hajji Ahmadi, born in 1941, who is a citizen of Germany and lives in that country. Many PJAK members are said to be women, who support the organization’s dedication to women’s rights. PJAK was designated by the Treasury Department in early February 2009 as a terrorism supporting entity under Executive Order 13224, although the designation statement indicated the decision was based mainly on PJAK’s association with the Turkish Kurdish opposition group Kongra Gel, also known as the PKK. The five Kurds executed by Iran’s regime in May 2010 were alleged members of PJAK.

‘In June 2010, Iran conducted some shelling of reputed PJAK bases inside Iraq, reportedly killing some Kurdish civilians. It repeated that activity in July 2011. On September 26, 2011, Turkey’s Prime Minister Erdogan said that Iran and Turkey are planning joint operations against the Iraqbased hideouts of these Kurdish opposition groups. Some reports in March 2012 said that PJAK may have reached a ceasefire agreement with the Iranian regime.’ [78c] (p16-17)

15.100 On 10 May 2010, Agence France Presse reported that five people had been executed in Tehran’s Evin prison. Four of them, including one Kurdish woman, were reported to be members of the PJAK. They were convicted of being ‘mohareb’ or ‘enemies of God’ and of “...carrying out terrorist acts, including bombings of government centers and public properties in several Iranian cities” the prosecutor’s office said, according to IRNA.’ [14a]

15.101 The International Campaign for Human Rights in Iran (ICHRI) condemned the executions in an article dated 9 May 2010. The ICHRI stated that one of those executed, teacher and social worker Farzad Kamangar, was ‘... convicted and sentenced to death in February 2008, after a seven-minute long trial in which “zero evidence” was presented.’ The ICHRI also reported that the executed Kurdish woman had denied the charges: ‘In several letters recently written from Evin prison she denied charges of terrorism against her and said she had been tortured to make false confessions in front of television cameras, which she had refused.’ [52g]

15.102 The Jamestown Foundation’s article of 19 August 2011 reported:

‘Iran has recently shelled border villages and launched cross-border raids into northern Iraq to step up pressure on the Kurdistan Regional Government (KRG) to stop the anti-Iranian operations of the Partiya Jiyana Azad a Kurdistan (PJAK - Party of Free Life of Iranian Kurdistan)... According to Sayed Azim Hussein, Iran’s consul in Erbil [in Iraq]: “As long as there is activity of the PJAK-militants against Iran on the common border

between Iran and Iraq, Iran will not halt its bombardments of these areas.”
(Albawwaba.net, August 17). [23b]

- 15.103 The Heidelberg Institute for International Conflict Research (HIICR), '[Conflict Barometer 2011](#)', provided information on conflict between the PJAK and Iranian government troops during the period 1 December 2010 to 31 December 2011. [107a] (p97) The HIICR '[Conflict Barometer 2012](#)', stated that, 'In Iran, the conflict with the Party of Free Life of Kurdistan (PJAK) deescalated but remained violent.' [107b] (p99)
- 15.104 Reuters reported on 25 April 2012 that, 'Kurdish rebels killed four members of Iran's elite Revolutionary Guards in an attack in the west of the country, the Iranian news agency Mehr said on Wednesday... Another four guards were wounded in Tuesday's [24 April 2012] assault by the PJAK (Party of Free Life of Kurdistan) group in the western district of Paveh, according to Mehr.' [5a]
- 15.105 The 'Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran', dated 6 March 2012, noted three Kurds who were currently detained and sentenced to death, accused of links to the PJAK. [10d] (Section III, Table II, p29)
- 15.106 An article dated 26 August 2013, published on Kurd Net, reported that:

'Iranian Kurdish rebels based in Iraqi Kurdistan (southern Kurdistan) claimed on Monday [26 August] to have killed seven Iranian soldiers in clashes last week near the Islamic republic's border with Iraqi Kurdistan.

'The Party of Free Life of Kurdistan (PJAK) said two of its fighters had died in the August 22 clashes near the Sardasht border area in eastern Kurdistan (northwestern Iran), apparently the first such deadly violence between the two sides since April 2012.' [96b]

For analysis of the conflict between the Iranian government and the PJAK, see the Jamestown Foundation report, '[Probing the Reasons behind Iran's 'Pre-emptive' Military Offensive against Kurdish Rebels](#)', dated 22 September 2011 [23c].

See also [Ethnic groups, Kurds](#) for details of treatment of Kurds perceived to have links to Kurdish opposition groups.

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16. Freedom of speech and media

Section should be read in conjunction with [Political affiliation](#) and [Human rights institutions, organisations and activists](#)

Overview

- 16.01 The Amnesty International (AI) report, "We are ordered to crush you", Expanding repression of dissent in Iran', dated February 2012, stated:

'New measures taken to limit the right of everyone in Iran to exercise their right of expression are rooted in long-standing policy and practice. Iran's Penal Code, Press Code and other regulations have provided the basis for the decades-long censorship of newspaper articles; the banning of newspapers; and the vetting of factual and fictional

literature, television, plays and film and forms of pictorial art. The Press Code was amended in April 2009 to cover the material published on the internet but other legal measures set out below impose even more intrusive restrictions.

'Individuals who write in newspapers or websites or who give interviews to the media may be charged under the Press Code and Penal Code with "offences" such as "spreading propaganda against the system", "insulting officials", "spreading lies with intent to harm state security" or occasionally "corruption on earth" or "enmity against God".' [9x] (p13)

- 16.02 The Freedom House (FH) report, 'Freedom of the Press 2013 – Iran', released 29 August 2013 (FH Press Report 2013), covering 2012, stated:

'Constitutional provisions and laws restrict what can be covered in the press and fail to provide protections for the media. The government regularly invokes vaguely worded laws to criminalize dissenting opinions. Article 24 of the constitution guarantees freedom of the press, but with a broad exception for content that is deemed "detrimental to the fundamental principles of Islam or the rights of the public." The Press Law, first drafted in 1986 and amended in 2000, states that "publications and news media shall enjoy freedom of expression provided what they publish does not violate Islamic principles of the civil code." Article 3 of the law states, "The press have the right to publish the opinions, constructive criticisms, suggestions and explanations of individuals and government officials for public information while duly observing the Islamic teachings and the best interest of the community." 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 a year in prison, but the code leaves "propaganda" undefined. Under Article 513, certain offenses deemed to be an "insult to religion" are punishable by death, or prison terms of one to five years for lesser offenses, with "insult" similarly undefined. In 2010, the government broadened the definition of the crime of moharebeh, or "enmity against God," in order to convict activists and journalists. Iranian law also provides for sentences of up to two years in prison, up to 74 lashes, or fines 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; however, many prison sentences have been arbitrarily harsh, ranging from 6 to 10 years or more. A government decree issued in April 2012 made it mandatory for news outlets to reveal their sources for any information they publish. Furthermore, news agencies are prohibited from quoting content from blocked websites or suspended newspapers.' [112b]

- 16.03 The FH report, 'Countries at the Crossroads 2012: Iran', published 20 September 2012, reported:

'The regime maintains its policy of censoring the press and the internet and silencing any dissenting views by arresting journalists, bloggers, and online activists, as well as by banning publications. Article 24 of the constitution gives the state a free hand in restricting freedom of expression, declaring, "Publications and the press have freedom of expression except when there is infringement of the basic tenets of Islam or public rights." The "basic tenets of Islam" and "public rights" are not defined in the constitution, meaning the authorities can use their own interpretation and crack down on free expression at will. These restrictions worsened following the 2009 postelection unrest.' [112a]

- 16.04 The Reporters sans Frontières (RSF) report, 'News providers decimated in 2012', updated on 19 March 2013 reported that 26 journalists and 17 netizens were in prison at that time. The report also observed that:

'The media freedom situation deteriorated considerably in 2009 as a result of the crackdown on the protests that followed President Mahmoud Ahmadinejad's disputed reelection. Ever since then, the regime has kept on jailing news providers for crossing its red lines. The state of health of some of the detainees is very worrying. In an additional punishment, the families of detainees are subject to frequent threats, harassment and reprisals if they dare to talk to the media. Some of those who are released are also victims of threats and prevented from working, their employers pressured to fire them.' [38a]

- 16.05 The US Department of State's, 'Country Reports on Human Rights Practices 2012, Iran', released on 19 April 2013, (USSD Report 2012) stated:

'The constitution provides for freedom of expression and of the press, except when the words are deemed "detrimental to the fundamental principles of Islam or the rights of the public." The law states that "anyone who undertakes any form of propaganda against the state" can be imprisoned for as long as one year; the law does not define "propaganda." The law also provides for prosecution of writers for instigating crimes against the state or national security or "insulting" Islam; the latter offense is punishable by death. The government severely restricted freedom of speech and press, and it used the law to intimidate or prosecute persons who directly criticized the government or raised human rights issues. According to the CPJ [Committee to Protect Journalists], the government continued a campaign of press intimidation throughout the year [2012].' [4a] (Section 2a)

- 16.06 Regarding freedom of speech, the USSD Report 2012 noted:

'Individuals could not criticize the government publicly or privately without reprisal, and the government actively sought to impede criticism. The government monitored meetings, movements, and communications of opposition members, reformists, activists, and human rights defenders. It often charged persons with crimes against national security and insulting the regime based on letters, e-mails, and other public and private communications. During the year [2012], there were several cases of the government increasing prison sentences for prisoners who wrote open letters criticizing their treatment or other government practices.' [4a] (Section 2a)

- 16.07 The RSF 2013 Press Freedom Index placed Iran in 174th place of the 179 countries rated, noting, 'Not content with imprisoning journalists and netizens, Iran also harasses the relatives of journalists, including the relatives of those who are abroad.' [38c]

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Print media

- 16.08 The FH report, 'Countries at the Crossroads 2012: Iran', published 20 September 2012, reported:

'Censorship in the past two years has reached new heights, with an increasing number of political, social, and cultural issues considered off limits. Journalists in Iran say the country's High National Security Council often issues guidelines to newspapers banning

coverage of certain subjects. Human rights violations and news related to Iran's opposition movement are among the taboo topics, according to several journalists inside the country who spoke on condition of anonymity.' [112a]

- 16.09 The FH Press Report 2013 noted that, 'The newspapers with the widest circulation and influence adhere to a conservative editorial position or are directly operated by the government.' [112b] 'The few remaining reformist newspapers and publications have come under increasing pressure, and at least two have been shut down. While in previous years only reformist and independent publications were targeted, the ongoing power struggle among conservatives has widened the scope of state pressure to include some newspapers affiliated with the government.' (FH, 'Countries at the Crossroads 2012: Iran', 20 September 2012) [112a]
- 16.10 The FH Press Report 2013 reported:
- 'Amid strict censorship rules, more than 40 newspapers and other publications have been forced to close for various lengths of time since 2009, and officials continued to shut down publications throughout 2012. Shahrvand-e Emrooz, a weekly reformist newsmagazine that was shut down in 2011 for violating press laws after printing articles critical of President Mahmoud Ahmadinejad's policies, remained closed during 2012. In February, leading reformist daily Rouzegar was temporarily closed for the second time in six months for allegedly publishing antiregime propaganda. Etemad, another reformist newspaper, was banned for two months in November 2011 after publishing an interview with Ahmadinejad's press adviser, Ali Akbar Javanfekr. In the interview, Javanfekr criticized hard-liners within the regime who opposed the president. The authorities said the paper had been shut down for "publishing falsehoods and insulting public officials." Etemad was allowed to resume publishing in 2012, but access to its website has been blocked within Iran. Javanfekr was taken into custody in September 2011 to serve a six-month prison sentence stemming from separate charges of "publishing materials contrary to Islamic norms"; he had written an article in August 2011 that challenged Iran's dress code for women. The reformist newspaper Shargh was shut down in September 2012 after publishing a cartoon that allegedly mocked veterans of the Iran-Iraq war. Shargh's editor, Mehdi Rahmanian, was arrested and released on bail. In December, a court acquitted both Shargh and Rahmanian. In order to remain in business, many news outlets and journalists practice self-censorship and attempt to abide by official restrictions.' [112b]
- 16.11 The FH Freedom in the World 2013 report, Iran, published 10 April 2013 observed that, 'Numerous periodicals were closed for morality or security offenses in 2012, including the independent newspaper Maghreb, which was found in violation of press laws following its publication of a cartoon of Ahmadinejad.' [112f]

See also [Journalists](#) below

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TV / radio

- 16.12 The FH Press Report 2013 stated:

'Given the limited distribution of print media outside large cities, radio and television serve as the principal sources of news for many citizens, with more than 80 percent of

residents receiving their news from television. Article 175 of the constitution forbids private broadcasting. The government maintains a monopoly on all domestic broadcast media and presents only the official political and religious viewpoints. The newspapers with the widest circulation and influence adhere to a conservative editorial position or are directly operated by the government. A state-run English-language satellite station, Press TV, was launched in 2007. The powerful Islamic Revolutionary Guard Corps (IRGC) largely controls the Fars News Agency. An increasing number of people own satellite dishes and access international news sources, though this is technically forbidden. Since the 2009 presidential election, the government has tightened its control over illicit satellite dishes, making a greater effort to confiscate them and fine their owners. The IRGC reportedly has a budget of \$10 million dedicated to jamming foreign satellite signals for viewers in Tehran and other cities. Iran has repeatedly jammed the Persian television service of the British Broadcasting Corporation (BBC) since it was founded in 2009. The channel is considered such a threat that a website identical in design to that of BBC Persian has been created to spread allegations against BBC employees. The fake site has a .ir domain name, which cannot be used without government permission. Reporting on BBC Persian has challenged government portrayals of both the domestic political scene and Iran's foreign relations. Iranian officials often cite the work of the channel as evidence of a foreign plot against the regime. Throughout 2012, Iran-based relatives of BBC Persian employees were subjected to intimidation, harassment, and detention by authorities.' [112b]

- 16.13 The Freedom House Report 2013 noted that, 'Satellite dishes are popular, despite being illegal, and there have been increasing reports of dish confiscation and steep fines.' [112f] 'In October [2012], Europe's largest satellite providers ceased transmission of 19 Iranian state-operated satellite television and radio channels in response to sanctions imposed by the European Union.' (Committee to Protect Journalists, 14 February 2013) [29a]

Journalists

- 16.14 The Committee to Protect Journalists (CPJ) report, 'Attacks on the press in 2012' published 14 February 2013 stated that, 'Dozens of Iranian journalists have fled into exile in recent years due to harassment and the threat of imprisonment, CPJ research shows.' [29a] The same report also noted that 68 journalists were now living in exile and 45 were in prison, as at 1 December 2012. Moreover, 'In an attempt to silence critical voices, the authorities have maintained a revolving-door policy for imprisoning journalists, freeing some detainees on furloughs even as they make new arrests.' [29a]
- 16.15 The CPJ report continued:

'Since the disputed re-election of President Mahmoud Ahmadinejad in 2009, the regime has continued its campaign against the press by imprisoning many dozens of journalists, harassing and intimidating others, and routinely banning reformist publications. Jailed reporters were subject to abusive conditions that included extended solitary confinement, physical abuse, and denial of family visits and medical treatment. Political blogger Sattar Beheshti died in state custody in November, the third journalist to die in Iranian detention since 2003. Fellow inmates at Evin Prison said Beheshti, 35, had been tortured. The authorities continued to censor the Internet, blocking millions of websites, including news and social networking sites, and announcing the creation of a national Internet that would enforce even stricter controls. In the run-up to the 2013 election, the regime stepped up its assault on the international press. After a Tehran jury voted in late September to convict Reuters on anti-state charges for a faulty video

headline, the government suspended the agency's accreditation and banned its journalists from reporting. BBC journalists were also arrested, questioned, and intimidated throughout the year. In March [2012], the broadcaster reported a "sophisticated cyberattack" on its email and Internet services that coincided with efforts to jam its satellite feeds into Iran.' [29a]

See the [CPJ Report 2012](#) for further information on the cases of individual journalists imprisoned and sentenced and also those who have fled the country. [29a]

16.16 The FH report, Freedom of the Press 2013, noted that, 'The government sustained its crackdown on the media in 2012, as scores of journalists were threatened, beaten, arrested, subjected to unfair trials, and imprisoned, particularly in the run-up to parliamentary elections in March. The authorities extended the use of intimidation and harassment to journalists' family members.' [112b]

16.17 The same Freedom House report observed that:

'The judiciary frequently denies accused journalists due process by referring their cases to the Islamic Revolutionary Court (IRC), an emergency venue intended for those suspected of seeking to overthrow the regime. Cases against journalists before the IRC have featured closed-door hearings and denial of access to an attorney or a fair jury. In 2010, Ayatollah Mohammad Emami Kashani, a member of the powerful Assembly of Experts, forbade lawyers from defending political suspects, making it difficult for members of the legal profession to assist arrested journalists. Several prominent human rights lawyers who have defended journalists and others in political cases have themselves been prosecuted in recent years.' [112b]

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16.18 RSF reported on 1 March 2011 that: 'Several Iranian journalists and writers living in exile have received death threats from Iranian intelligence agencies since 24 February...Several journalists and other Iranians living in exile have received anonymous threats by telephone, text message or email, such as "Stop your actions against the Islamic Republic or you will suffer the ultimate punishment" and "We order you to stop, otherwise you will pay."' [38d]

16.19 The Freedom House Report 2013 stated:

'The authorities frequently issue ad hoc orders banning media coverage of specific topics and events, including the economic impact of international sanctions, the fate of opposition leaders, and criticism of the country's nuclear policy. Cooperation with Persian-language satellite news channels based abroad is banned. Fariborz Raisdana, a prominent economic analyst, began serving a one-year prison term in May 2012, having originally been arrested in December 2010 after criticizing government economic policies on the Persian service of the British Broadcasting Corporation (BBC). In an unprecedented move, the government has also placed pressure on the family members of journalists living abroad, including BBC Persian employees, who have been harassed, questioned, and detained by the security and intelligence apparatus.

'The Press Court has extensive power to prosecute journalists for such vaguely worded offenses as "mutiny against Islam," "insulting legal or real persons who are lawfully respected," and "propaganda against the regime." The use of "suspicious sources" or sources that criticize the government is also forbidden.' [112f]

16.20 The Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, dated 28 February 2013, stated:

'The Special Rapporteur remains concerned over the continued arrest, detention, and prosecution of dozens of journalists and netizens under provisions in Iran's 1986 Press Law, which contains 17 categories of "impermissible" content. The Special Rapporteur joined the independent expert on freedom of opinion and expression, human rights defenders, and the Chair-Rapporteur of the Working Group on arbitrary detention on 4 February 2013 in calling on Iran to immediately halt the recent spate of arrests of journalists and to release those already detained following the arrest of at least 17 journalists, the majority of whom work for independent news outlets. The group of human rights experts underscored their fear that the 17 arrests carried-out were part of a broader campaign to crack-down on independent journalists and media outlets, under the accusation that they have collaborated with 'anti-revolutionary' foreign media outlets and human rights organisations.

'Prior to the aforementioned arrests, 45 journalists were detained in Iran. All five journalists interviewed about their arrests and prosecution for this report maintained that they did not face public trials-by-jury, in accordance with the country's Press Law. Two journalists reported that they were arbitrarily detained without charges and without ever facing a trial; one journalist was allegedly detained for several months and finally released with a verbal warning, and the other was reportedly detained for three years, without charges or a trial, and were finally released on bail. Two female journalists also reported serious sexual harassment while in detention.

'Furthermore, netizen Mr Mehdi Khazali began serving a 14-year sentence for criticising the Government on his freelance blog in October 2012; Mr Alireza Roshan, a reporter for the reformist Shargh publication began serving a one-year prison sentence in November 2012; Ms Zhila Bani-Yaghoub, editor of the Iranian Women's Club website, began serving a one-year term on charges of "propagating against the system" and "insulting the president", and her husband, journalist Mr Bahman Ahmadi Amouee, is serving a five-year sentence on "anti-state charges".

'The Special Rapporteur also remains concerned by reports detailing the harassment of family members of journalists who live and work abroad. In a public statement, 104 journalists called for an end to the harassment and intimidation of their family members for the purpose of placing pressure on journalists to discontinue their work with such news agencies as BBC Persian, VOA, and Radio Farda. One journalist interviewed for this report, for example, maintained that the passports of two of her family members were confiscated, and that the family was threatened with the seizure of its property if the journalist persisted with her work.' [10n] (p6)

Annex II of the Special Rapporteur's February 2013 report included details of journalists imprisoned in Iran, the charges against them and sentences received. [10n] (Annex II)

16.21 The CPJ reported on 8 May 2013 that:

'In 2013, as the Iranian government began a new wave of detentions aimed at silencing journalists ahead of the elections, Intelligence Minister Heydar Moslehi announced that 600 Iranian journalists were part of an anti-state network. He said the arrests were an attempt to "prevent the emergence of sedition prior to the elections."... Authorities also place intense pressure on the families of jailed writers and editors...

‘CPJ research shows that journalists imprisoned in Iran are routinely subject to abusive treatment, including floggings, extended periods of solitary confinement, and denial of family visits and medical care.’ [29b]

See the [CPJ report](#) directly for more detailed information on the treatment of imprisoned journalists. [29b]

The [RSF](#) and the [Committee to Protect Journalists \(CPJ\)](#) websites publish frequent updates on journalists arrested and sentenced since the June 2009 presidential elections. The website of the [International Campaign for Human Rights in Iran \(ICHR\)](#) also publishes news and updates on journalists and bloggers in Iran.

See also [Bloggers](#) below and [Prison Conditions](#).

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Internet

- 16.22 The Amnesty International (AI) report, “We are ordered to crush you”, Expanding repression of dissent in Iran’, dated February 2012, reported that, ‘Since 2001, the Iranian authorities have gradually increased measures to control Iranians’ access to the outside world via electronic means and media. They have restricted bandwidth and are developing state-run servers, specific internet protocols (IPs), internet service providers (ISPs) and search engines.’ [9x] (p13)
- 16.23 The report of the Secretary General to the UN General Assembly on ‘The situation of human rights in the Islamic Republic of Iran’ dated 15 September 2010 noted: ‘On 17 November 2009, a new 12-member web crime unit was launched to monitor “Internet crimes”, including political offences, and also to police the Internet for “insults and lies”, a term often used by the authorities to describe criticism of the Government.’ [10u] (p14)
- 16.24 The Human Rights Watch (HRW) ‘World Report 2013 – Iran’, published 31 January 2013 stated: ‘The government systematically blocked websites, slowed internet speeds, and jammed foreign satellite broadcasts. In March 2011, authorities announced that they would soon launch a halal—legitimate—internet to protect Iran from socially and morally corrupt content. In September, they announced that the first phase had been implemented in most provinces.’ [8a] (p540)
- 16.25 Internet World Stats, updated on 11 December 2012, reported that there were an estimated 42,000,000 Internet users as of June 30, 2012, representing 53.3% of the population. Data was not available on the number of Facebook users in Iran. [81a]

See the [Internet World Stats website](#), for links to information on telecommunications in Iran. [81]

- 16.26 The FH report, ‘Freedom on the Net 2012 – Iran’ (Freedom on the Net Report 2012), published 25 September 2012, stated:

‘Iranian internet users suffer from routine surveillance, harassment, and the threat of imprisonment for their online activities, particularly those critical of the authorities. The constitution provides for limited freedom of opinion and expression, but numerous, haphazardly enforced laws restrict these rights in practice. The 2000 Press Law, for

example, forbids the publication of ideas that are contrary to Islamic principles or detrimental to public rights, none of which are clearly defined. The government and judiciary regularly invoke this and other vaguely worded legislation to criminalize critical opinions. The 2009 Computer Crime Law (CCL) identifies punishments for spying, hacking, piracy, phishing, libel, and publishing materials deemed to damage “public morality” or to be a “dissemination of lies.” Punishments mandated in the CCL are severe. They include the death penalty for offenses against public morality and chastity, as well as long prison sentences, draconian fines, and penalties for service providers who fail to enforce government content restrictions.’ [112d]

16.27 The Freedom House (FH) Press Report 2013 reported:

‘In addition to the print media, blogs and news websites – particularly those in the Persian language – were increasingly targeted for censorship during 2012. The regime imposes systematic controls on the internet and other digital technologies. According to the OpenNet Initiative, the Iranian government has become one of the most sophisticated and pervasive filterers of online content in the world, and it has the technological capability to produce its own monitoring and filtering software. Connection speeds were slowed or internet service cut off entirely during critical moments throughout the year, such as the February anniversary of the 1979 revolution or the run-up to the March [2012] parliamentary elections. The government has forbidden any reporting on the economic sanctions imposed on Iran by the international community in response to its nuclear program, and it has blocked websites that monitor currency exchange rates. Furthermore, the government routinely blocks social-media websites including YouTube, Twitter, and Facebook, and carefully monitors the activities of Iranians who manage to reach such platforms.’ [112b]

16.28 An Article 19 report published in 2012 reported that, ‘The Computer Crimes Law of the Islamic Republic of Iran flagrantly violates international human rights law and is an affront to freedom of expression principles...It demonstrates the resolve of the Iranian Government to pursue human rights defenders, bloggers and journalists through electronic media: the last available sanctuary for freedom of expression and political dissent in the country.’ [65a] (Executive summary)

The [Article 19 report](#) includes detailed information on the Computer Crimes Law (also referred to by some sources as the Cyber Crimes Law [89a]) and other laws governing freedom of speech. [65a]

The [Open Net Initiative report](#), ‘After the Green Movement: Internet controls in Iran, 2009-2012’ published February 2013, also includes information on these laws and the Iranian government’s use of them. [89a] (p19-24)

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16.29 The Freedom on the Net Report 2012, published 25 September 2012, also stated:

‘The Iranian regime has long had an ambivalent relationship with the internet, viewing it alternately as a catalyst for economic development or as an invading force that threatens the Islamic state’s strict social, religious, and political values. Over the past three years, the balance has markedly shifted towards the latter, as the leadership has decisively chosen political control over the benefits of a more open society. After the internet played an important role in the opposition movement that followed the disputed presidential election of June 12, 2009, the Iranian authorities waged an active campaign

against internet freedom, employing extensive and sophisticated methods of control that went well beyond simple content filtering. The government also reportedly allocated US\$500 million in its 2010-11 annual budget for the purpose of combating of what it termed a “Soft War” being waged against the regime by its perceived enemies via media and online activities. The regime's increasing tendency to view the internet as a threat and the importance of countering the “Soft War” were reflected in various official statements in 2011.

‘These circumstances contributed to an overall deterioration in the internet freedom environment in 2011 and early 2012, although the mass arrests and denial-of-service attacks that characterized the previous two years were less prominent. Instead, the regime turned to more nuanced and sophisticated tactics for subverting free expression online. These included: upgrading the filtering technology and using it to block particular types of traffic, hacking two international firms' digital certificates to undermine user privacy, and implementing the first stages towards establishing a National Internet. Together, these measures indicate the regime's intention to increasingly cut off Iranian internet users from websites and others online resources based outside the country. Alongside this enhanced technical sophistication, however, the regime also continued to use low-tech repression to punish and intimidate bloggers, journalists, and ordinary users. Over the past two years, Iranian judicial authorities meted out some of the harshest sentences in the world for online activities, including imposing the death penalty on three bloggers and information technology (IT) professionals.’ [112d]

16.30 The same source also reported:

‘Throughout 2011 and early 2012, the Iranian authorities continued to restrict access to tens of thousands of websites, particularly those of international news sources, the opposition Green Movement, ethnic and religious minorities, and human rights groups. Some previously accessible websites and blogs also began being blocked, including news sources like Yahoo News and Reuters. Ahead of parliamentary elections in March 2012, the Office of the General Prosecutor threatened to block any website that published calls to boycott, protest, or question the credibility of the polls, a threat that was reportedly acted upon...

‘As of May 2012, all major international social media tools like the social-networking site Facebook, the video-sharing portal YouTube, the microblogging service Twitter, and the photo-sharing application Flickr were blocked. The periodic disruption of access to services based overseas – such as Google's fairly well-encrypted email and blogging platforms, Gmail and Blogger, or its new social network Google+ – appear designed to frustrate users and eventually force them to seek more easily monitored alternatives based in Iran. Although many Iranians have been able to access the blocked platforms using various circumvention techniques, the authorities have actively worked to disrupt such efforts, forcing users to constantly search for new solutions.’ [112d]

16.31 The AI report of February 2012, noted:

‘Iran's various and often parallel security bodies can now scrutinize activists as they use personal computers in the privacy of their homes. In recent years, a shadowy “Cyber Army”, reportedly linked to the Revolutionary Guards, has carried out attacks on websites at home and abroad, such as against the sites of Twitter and Voice of America. In January 2012, the Police Chief Brigadier General Esma'il Ahmadi-Moghaddam, announced that the Cyber Police, established a year before and intended

‘to confront Internet crimes and counter social networks that spread ‘espionage and riots’, was now operational throughout the country.’ [9x] (p13)

- 16.32 The Reporters without Borders (RSF) report, ‘Internet Enemies 2012 – Iran’, covering events in 2011 and published 12 March 2012, reported that:

‘The regime continues to demonize new media, claiming that they serve foreign interests and are “means of subversion.” On July 29, 2011, Intelligence Minister Heydar Moslehi stressed “society’s vulnerability to social networks introduced in the country by the enemy.” Two days before, Interior Minister Mostafa Najar had stated that “satellites and Facebook are the electronic means of a “soft war” by the West intended to cause the Iranian family’s collapse.” [38b]

- 16.33 The same RSF report also stated:

‘The announced launching of Iran’s “National Internet” has been widely covered in the media. Meanwhile the authorities have fortified filtering and their technical capacity to closely monitor the Web. Individuals and groups alike have been arrested in order to identify and neutralize dissident networks and intimate bloggers and journalists. For the first time, four netizens have been given the death penalty, and three of them may be executed at any time. Iran’s already harsh repression has become even more brutal...

‘Reporters Without Borders counted 29 netizen arrests between March 1, 2011 and March 1, 2012. Eleven netizens received sentences ranging from three to six years. Fifteen were released on parole. They are awaiting their trial and verdict with little hope for leniency.’ [38b]

- 16.34 The RSF [Internet Enemies Report 2012](#) [38b], Freedom House’s report [Freedom on the Net 2012 – Iran](#) [112a] and the [Open Net Initiative report, After the Green Movement: Internet controls in Iran, 2009-2012](#) [89a] published February 2013, give further detailed information on Internet Service Providers (ISPs), filtering and surveillance.

- 16.35 The ‘Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report, Iran’, published April 2013 noted that, ‘In 2012, Iran introduced further restrictions on Internet use, including regulations controlling public Internet cafes. A national Internet network was introduced to control the flow of information, and websites continued to be filtered. Cyber-security forces arrested and intimidated Internet users, bloggers and journalists.’ [26f] (p176)

- 16.36 The OpenNet Initiative report of February 2013 observed that:

‘In January 2012, Iran’s Internet Police (FETA) announced new regulations that were to be implemented immediately for Internet cafés. Under the new regulations, Internet cafés must equip their facilities with cameras and register their customers’ information. Café owners are required to record users’ names, numbers, national identification numbers, post codes, and telephone numbers, as well as the date, time, IP address, and website addresses they visit. The new guidelines also specifically ban the installation and use of circumvention tools and VPNs on Internet café computers. The extent to which these regulations have been reinforced is not yet known.’ [89a] (p17)

- 16.37 The AI report of February 2012 reported:

‘Ashkan Delanvar, a student banned from further education for his political views, was tried in the first case recorded by Amnesty International where an individual was

sentenced to prison under the Law on Cyber Crimes for providing anti-filter software and training in how to use it. He was sentenced to 10 months imprisonment after conviction of these charges, although his sentence was later increased on appeal. When summoned to start serving the sentence Ashkan Delanvar fled Iran, fearing for his safety.’ [9x] (p14)

16.38 BBC News reported on 13 June 2013 that:

‘Google says it has detected and stopped thousands of phishing attacks targeting email accounts of Iranian users ahead of the 14 June [2013] presidential election...The timing and targets suggested the attacks were “politically motivated”...

‘Google's vice-president of security engineering, Eric Grosse, said the phishing attacks originated from within Iran. Phishing attempts to obtain passwords and other private computing information by directing users to fake websites...

‘Mr Grosse warned Iranian users to take extra measures to protect their accounts from “state-sponsored attacks”.’ [21x]

16.39 Following the June 2013 Presidential election, Radio Free Europe/Radio Liberty reported that the new Foreign Minister, Mohammad Javad Zarif, ‘...acknowledged on August 14 that he and his family maintain a fan page on Facebook, the social-media site that the Iranian government blocks.’ Furthermore:

‘Zarif's public acknowledgement that he was running his own page surprised many, according to Iranian social-media activist Vahid Online, who notes that even Iranian Supreme Leader Ayatollah Ali Khamenei's Facebook page "has never publicly acknowledged that the page is maintained by its office."

‘Online notes that “Zarif is the first senior Iranian official to type with his own fingers and write that he is using Facebook, a site that has been branded as a tool of enemies and mentioned in trials of opposition members.”

‘Facebook is the most popular social-media site in Iran and just one of the thousands of websites the government filters, or blocks access to.

‘Many Iranians access it via a variety of antifiltering tools. Iranian authorities have warned that being a member of a social-media site is not a crime, but bypassing state filtering can be considered criminal. Some officials, and state-controlled television, have labeled social-media platforms “Zionist tools” of Iran's enemies and foreign intelligence services.

‘Despite that, many officials, including Khamenei, have a presence on sites like Facebook and Twitter, albeit without claims of personal participation. During the summer's presidential campaign, all the main candidates tweeted, maintained Facebook pages, and posted pictures on Instagram. The social-media accounts were said to be maintained by the candidates' supporters.’ [42j]

See also [Journalists](#) and [Bloggers](#) below

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Bloggers

16.40 The Freedom on the Net Report 2012 reported:

‘Since June 2009, the authorities have cracked down on online activism through various forms of judicial and extralegal intimidation. An increasing number of bloggers have been threatened, arrested, tortured, kept in solitary confinement, and denied medical care, while others have been formally tried and convicted. At least 50 bloggers and online activists were arrested in 2009 and 2010. Although the number of new arrests decreased in 2011, many individuals detained during the previous two years were sentenced, often harshly. Three bloggers and IT professionals – Saeed Malekpour, Vahid Asghari and Ahmad Reza Hasempour – were sentenced to death between October 2011 and January 2012 on various questionable charges. Malekpour, for example, was prosecuted because a software program he had designed was used to upload pornography, although it was done without his knowledge. The Committee to Protect Journalists speculated that the three were targeted because of their technical knowledge and ability to assist in the building and hosting of independent websites. Other bloggers have been sentenced to prison terms of up to 20 years. Blogger Hossein Ronaghi-Maleki continues to serve a 15-year sentence imposed in December 2009 for "spreading propaganda against the regime" and insulting the Supreme Leader. In June 2011, Hossein Derakhshan, considered the father of the Iranian blogosphere, lost his appeal against a 19-year sentence imposed on charges of cooperating with hostile countries, spreading propaganda against the regime, and insulting Islamic thought and religious figures.’ [112d]

16.41 On 2 December 2012, Reuters reported that Saeed Malekpour’s death sentence had been suspended: ‘Malekpour’s lawyer Mahmoud Alizadeh Tabatabaei told Mehr news agency that his client had repented for his actions after his death sentence, issued by the Revolutionary Court, was confirmed by Iran’s Supreme Court.’ [5b] The ICHRI reported on 29 August 2013 that ‘Saeed Malekpour... was sentenced to life in prison after he repented at the Supreme Court.’ [52p]

16.42 The Freedom on the Net Report 2012 stated:

‘Despite the relative decrease in new arrests, several bloggers and online activists were detained in 2011 and subsequently sentenced to prison. In February 2011, the Ministry of Intelligence arrested eight bloggers who had been critically discussing Islamic doctrine over the internet. In January 2012, they were all sentenced to prison terms ranging from five to nine years. In another round of arrests in early 2012, security forces detained at least six journalists and bloggers in what appeared to be a preemptive measure to thwart protests surrounding the March parliamentary elections...

‘The scale and arbitrariness of such arrests, as well as the harsh punishments meted out, have created a climate of fear among Iranian internet users. As a result, a large number of bloggers, journalists, and activists have gone underground or fled the country to seek political asylum in neighboring countries, mainly Turkey. Meanwhile, ordinary users tread carefully when communicating online, unclear of what kinds of activities might inadvertently put them at risk.’ [112d]

16.43 The Freedom on the Net Report 2012 noted:

‘Self-censorship is extensive, particularly on political matters. The widespread arrests and harsh sentences meted out to reporters and activists after the 2009 elections, as

well as perceptions of pervasive surveillance, have increased fear among online journalists and bloggers. Many of them either abandoned their online activities or use pseudonyms. The result has been a palpable drop in the amount of original content being produced by users based inside the country.’ [112d]

16.44 The FH Press Report 2013 reported that:

‘Although subject to a range of threats and restrictions, the internet remains an important source of diverse news coverage and analysis. In an acknowledgment of its inability to completely silence online dissent, the regime has stepped up its efforts to hack sites – including those based abroad – that it cannot disable by other means, and to foster the large-scale creation of progovernment blogs, commentary, and news content. Approximately 26 percent of the population had regular access to the internet in 2012.

‘Throughout 2012, the government made progress toward launching a national intranet service known as Halal Internet. According to the deputy minister for economic affairs, Ali Agha Mohammadi, the Halal Internet would be extensively censored and monitored by the Iranian authorities. Watchdog groups have expressed concern that the project is intended to cut off Iranians from the global internet.’ [112b]

16.45 The Joint report from the Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council’s fact-finding mission to Tehran, Iran, Ankara, Turkey and London, United Kingdom, ‘On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures’, undertaken from 9 to 20 November 2012 and from 8 to 9 January 2013 (Danish fact finding report 2013), published February 2013, reported:

‘A Western Embassy (1) added that there is an active blogging scene in Iran used by those critical of the regime. Tools such as VPNs are used to circumvent the authorities’ filtering and blocking of sites. Reference was made to Farsi as one of the top languages used on the internet and stated that many Iranians are still active.

‘The embassy (1) further explained that the Iranian authorities were one of the most experienced when it comes to surveillance and monitoring of the internet and mobile networks. The blocks of SMS traffic could even be quite inventive such as a previous block of all SMS messages comprising “dollar rate”.’ [86a] (p58)

See the [Danish fact finding report 2013](#) directly for further information on bloggers’ use of the internet. [86a] (Section 4.5)

16.46 The ‘Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran’, dated 28 February 2013 reported that:

‘On 15 November 2012, the Special Rapporteur joined the Special Rapporteurs on extrajudicial, summary or arbitrary executions, torture and other cruel, inhuman or degrading treatment or punishment and on the promotion and protection of the right to freedom of opinion and expression in calling on the Government to investigate the death of Iranian blogger, Mr Sattar Beheshti. Mr. Beheshti was reportedly arrested by the Iranian Cyber Police Unit on 30 October 2012 on charges of “actions against national security on social networks and Facebook.” His family was reportedly summoned to collect his body seven days later. During an interview for this report, an informed source communicated that Mr. Beheshti was tortured for the purpose of retrieving his Facebook

user name and password, that he was repeatedly threatened with death during his interrogation, and that he was beaten in the face and torso with a baton. The source also stated that Mr. Beheshti reported chest pain to other prisoners and that authorities were made aware of his complaints, but no action was taken.' [10n] (p8-9)

See also [Journalists](#) above and the websites of [RSF](#) and the [Committee to Protect Journalists](#) for updated information

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Academic freedom

For treatment of student dissenters see Political affiliation, [Student activists](#)

16.47 Human Rights Watch reported on 5 October 2012 that, 'Since President Mahmoud Ahmadinejad took office in 2005 - authorities have forced professors to retire, eliminated social science courses and imprisoned student activists – say campaigners.' [8e]

16.48 The USSD Report 2012, published 19 April 2013, stated:

'The government significantly restricted academic freedom and the independence of higher education institutions. Authorities systematically targeted university campuses to suppress social and political activism by banning independent student organizations, imprisoning student activists, purging faculty, depriving targeted students from enrolling or continuing their education based on political or religious affiliation or activism, and restricting social sciences and humanities curricula. Women were restricted from entering several courses of study and faced limited program opportunities, quotas on program admission, and gender segregated classes...

'Authorities relied on university disciplinary committees to suspend, transfer, or expel students based on their social and political activism, involvement in student publications considered antiregime, or participation in student associations affiliated with reformist or opposition parties. Student groups reported that a "star" system inaugurated by the government in 2005 to rank politically active students was still in use. Students deemed antiregime through this system reportedly were prevented from registering for future terms. Repeated suspensions through this mechanism resulted in effectively denying the targeted students' ability to complete or continue their studies. Numerous student activists were expelled during the year for participating in political activities, including nonviolent protests. On September 13, the UN special rapporteur stated that there were 52 cases since the beginning of the year involving deprivation of education due to expulsion for political activities.

'Authorities continued to dismiss university professors in accordance with a policy of removing and denying tenure to secular professors and those who deviated from the government-sanctioned perspective on topics like the situation of women, ethnic and religious minorities, drug abuse, or domestic violence. The consequent intimidation and self-censorship impaired their ability to conduct independent academic research.' [4a] (Section 2a)

16.49 The Freedom House Report 2013 stated:

'Academic freedom is limited. Scholars are frequently detained, threatened, and forced to retire for expressing political views. Since 2009, between 50 and 150 university

faculty members have been forced to retire or dismissed based on their personal and political opinions. A 2010 government directive barred Iranian scholars and citizens from contact with over 60 European and U.S.-based foundations, think tanks, and educational institutions. Academics are prevented from freely participating in exchanges abroad. In August 2012, the government intimidated dozens of Iran-based scholars into canceling plans to attend a conference of the International Society for Iranian Studies (ISIS) in Istanbul. Students involved in organizing protests face suspension or expulsion in addition to criminal punishments. Since the 2009 presidential election, the IRGC-led Basij militia has increased its presence on campuses, and vocal critics of the regime face increased persecution and prosecution. According to Iran's largest student organization, between 2009 and 2012, 396 students were banned from pursuing their studies because of their political activities. During the same period, 634 were arrested, with 30 of them currently serving long prison terms, for exercising their rights to assembly, association, and free expression.

'In 2011, as part of a government effort to bring curriculums into line with "religious and indigenous ideology and principles," the country's top humanities university, Allameh Tabatabai, eliminated 13 branches of social sciences, including political science, history, sociology, philosophy, pedagogy, and journalism. In 2012, new educational barriers for women were introduced, with 36 universities reportedly excluding women from registering in 77 fields of study.' [112f]

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- 16.50 A report by the International Campaign for Human Rights in Iran (ICHRI), published on 4 December 2010, reported that:

'Soon after Mahmoud Ahmadinejad became President of the Islamic Republic of Iran in 2005, the term 'starred students' entered Iranian discourse on higher education. Starring became synonymous with a mechanism for discrimination against, and exclusion of, students from higher education based solely on their political beliefs, the exercise of their freedom of expression, and in the case of Baha'i students, their religious beliefs.' [52c]

The [ICHRI report](#) of 4 December 2010 includes further detailed information on the 'starred' system, testimonies of students and a list of students known to have been deprived of higher education with the treatment they received (if available) from 2005 to 2010. [52c]

- 16.51 A '[Report on violation of right to education of students in Iran: April 2005 to March 2013](#)', published by Daneshjoonews in June 2013 provided further, updated information on students deprived of higher education. [47a]
- 16.52 On 31 May 2012, a joint statement was issued by 17 human rights and educational groups concerned about academic freedom in Iran. They expressed '...deep concern about the alarming state of academic freedom in the Islamic Republic of Iran, in particular violations of the rights to freedom of expression, association, and assembly on campuses; and institutionalized procedures that allow authorities arbitrarily to expel and suspend students, and fire graduate instructors on the basis of their political views or activities.' [8a] The statement continued, 'Over six hundred students, as well as some university lecturers, have been arrested since 2009, many of whom have subsequently

been imprisoned, and hundreds deprived of education, as a result of their political activities.’ [8d]

See also the [Right to Education section](#) of the International Campaign for Human Rights in Iran’s website which includes continuously updated information on the treatment of students and academics.

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17. Human rights institutions, organisations and activists

Section should be read in conjunction with [Political affiliation](#) and [Freedom of speech and media](#).

Human Rights and Non-Governmental Organisations (NGOs)

- 17.01 Human Rights Watch (HRW) noted on 21 September 2009 that ‘No independent international human rights organization has been allowed to work inside Iran. Iranian human rights organizations have been either shut down or face constant threats and intimidation. UN [United Nations] human rights experts have repeatedly requested to travel to the country, but the government has denied their requests.’ [8g] ‘Amnesty International has not been permitted to visit Iran to undertake human rights research since 1979. The authorities rarely responded to communications from the organization.’ (Amnesty International, Annual Report 2013, Iran 23 May 2013) [9h]
- 17.02 A HRW report of December 2010 noted that the ‘CHRR [Committee of Human Rights Reporters], one of the few remaining human rights organizations in the country, was effectively shut down by the government earlier this year [2010]. All of its members are either currently in prison or in exile.’ [8m] (p89) A March 2011 report by the International Campaign for Human Rights in Iran (ICHRI) reported that ‘In an attempt to pursue charges of moharebeh (enmity with God), which could carry a death sentence, Tehran’s prosecutor has made the highly unsubstantiated claim that CHRR is associated with the militant opposition group, Mojahedin Khalq Organization.’ [52o] (p19-20)
- 17.03 The [ICHRI report](#) published in March 2011 includes details of sentences handed down to members of the CHRR and also provides further details of the treatment of human rights organisations in Iran. [52o]
- 17.04 On 15 April 2011 Amnesty International (AI) reported that, ‘A draft law which would limit the existence and activities of independent NGOs and civil society organizations has been sent back to a committee for a further three months’ study. If it is passed, many more civil society activists in Iran could face prosecution for peacefully exercising their rights to freedom of association and assembly.’ [9j]
- 17.05 The report of the UN Secretary-General dated 22 August 2012 stated:
- ‘The Secretary-General welcomes the decision by the Parliament of the Islamic Republic of Iran to further review and amend a proposed new law on the establishment and supervision of non-governmental organizations that had raised serious concerns among many Iranian non-governmental organizations. The initial draft law unduly restricts the independence of civil society organizations and impedes the right to freedom of association and peaceful assembly of a wide range of actors, including

human rights defenders, women's rights activists, teachers and trade associations.' [10ac] (p13)

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Human rights activists and lawyers

- 17.06 The Human Rights Watch report, 'The Islamic Republic at 31', published in February 2010, stated that following the June 2009 elections '...the government harassed and intimidated activists, journalists, and human rights defenders, detaining many, subjecting some to trials that did not meet international fair trial standards, and convicting others solely for exercising their right to peaceful dissent...At Evin prison the most serious abuses Human Rights Watch documented were directed against well-known political figures and human rights defenders.' [8]
- 17.07 An Iran Primer report, 'Patterns of Iran Human Rights Abuses 2010', published by the US Institute of Peace (USIP) on 16 December 2010 observed that, 'Up to 70 percent of the leaders in the human rights community are either jailed or in exile.' [31a]
- 17.08 On 26 February 2012, the International Campaign for Human Rights in Iran (ICHRI) reported:
- 'Since June 2009, at least 42 lawyers have faced government persecution in the form of imprisonment, criminal prosecution, and harassment simply for defending their clients and promoting human rights. The Judiciary has essentially criminalized human rights-based lawyering and tried to purge the legal community of anyone willing to represent prisoners of conscience.
- 'Moreover, the Iranian Central Bar Association, whose very purpose is to promote and defend the rights of lawyers in Tehran, has been mute on the subject. This underscores the fact that 58 years since the first bar association became legally "independent," Iranian bar associations are still restricted by the government in many ways.' [52u]
- 17.09 The same ICHRI source also noted that, 'For their legal and human rights advocacy, many lawyers have faced persecution at the hands of Iranian authorities. Abdolfattah Soltani, Nasrin Sotoudeh, Mohammad Seifzadeh, and Javid Houtan Kiyani are among the human rights lawyers who are currently imprisoned in Iran for doing their jobs.' [52u] The [ICHRI report](#) also included a list of 32 lawyers prosecuted in Iran between 12 June 2009 and 10 July, 2011. [52u]
- 17.10 In an update of 25 July 2012, AI reported on the treatment of Javid Houtan Kiyani, the last lawyer to represent Sakineh Ashtiani, the woman sentenced to be stoned to death for adultery and whose case attracted international attention:
- 'He was arrested in October 2010 along with Sakineh Mohammadi Ashtiani's son and two German journalists, who have all been released. Javid Houtan Kiyani is believed to have been sentenced to at least four years in prison and given a five-year ban on practising law on charges including "spreading propaganda against the system" and "gathering and colluding with intent to harm state security", and may be facing trial on the charge of espionage, which can carry the death penalty.
- 'A letter believed to have been written by Javid Houtan Kiyani while in prison in which he alleged that he had been tortured, surfaced in March 2011. Naghi Mahmoudi, Javid

Houtan Kiyan's lawyer who has now fled the country, has reported that he has obtained a three-page letter written recently by his client, who remains in Tabriz Central Prison.

'In the new letter, Javid Houtan Kiyan reiterated that he has experienced physical and psychological torture "like a soccer football kicked about" and that every day since his arrest, he has wished to die. He stated that he was transferred from a section of the prison holding those convicted financial crimes, to the "methadone" ward where drug addicts are held. He stated that he continues to be subjected to torture and that while he has written to various judicial officials to complain, his letters have made no difference and that he has therefore lost all hope. He adds that he has been deprived of seeing his young daughter as well.' [9z]

- 17.11 The first 'Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran' to the UN Human Rights Council, dated 6 March 2012, noted:

'Human rights defenders who advocate for members of the lesbian, gay, bisexual and transgender community are often subject to Government intimidation and prosecution. Dr. Houtan Kian, a lawyer who has defended individuals accused of sodomy and adultery, was officially indicted on 11 charges, including defamation of the Iranian judiciary, espionage, disclosing secret and classified information (relating to information on the murder of political prisoners by the Government through undetectable medical methods), fraud and falsifying identities. He has reportedly been severely tortured, including sustaining close to 60 cigarette burns on his body, especially around his genitals and on his legs.' [10d] (p20)

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- 17.12 The report of the UN Secretary-General dated 22 August 2012, observed:

'Pressure on human rights defenders and activists continued. International human rights mechanisms continued to express serious concerns regarding the arrest and subsequent prosecution of human rights defenders for exercising their fundamental rights to freedom of expression and assembly. The Special Rapporteur on the situation of human rights defenders expressed grave concern about the physical and psychological integrity of people exercising their rights to freedom of peaceful assembly and of association including the systematic arrest of prominent human rights defenders, particularly lawyers, journalists, student activists and those advocating against the discrimination of women, and about the illegitimate restrictions imposed on the right of human rights defenders to freedom of opinion and expression (see [A/HRC/19/55/Add.2](#) [Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, 23 February 2012] and [A/HRC/20/27/Add.3](#) [Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, 19 June 2012]). The Special Rapporteur also expressed concern about the allegations of widespread use of torture and ill treatment against human rights defenders while in detention, detention in unknown locations and incommunicado detention. On 4 May [2012], a number of Special Rapporteurs publicly condemned the arrests and harsh sentencing of human rights defenders.' [10ac] (p12)

See the [Secretary-General's report](#) of 22 August 2012 for details of the treatment of individual human rights activists. [10ac]

17.13 The report of the Special Rapporteur, 'The situation of human rights in the Islamic Republic of Iran', dated 28 February 2013 stated:

'Interviews continue to impart that human rights defenders are subjected to harassment, arrest, interrogation, and torture, and that they are frequently charged with vaguely-defined national security crimes. A preponderance of human rights defenders interviewed for this report maintained that they were arrested in the absence of a warrant, and subjected to physical and psychological duress during interrogations for the purpose of soliciting signed and televised confessions. A majority of interviewees reported that they were kept in solitary confinement for periods ranging from one day to almost one year, were denied access to legal counsel of their choice, subjected to unfair trials, and in some cases, subjected to severe physical torture, rape (both of males and females, by both male and female officials), electro-shock, hanging by hands or arms, and/or forced body contortion.' [10n] (p7)

17.14 The same source continued:

'The Special Rapporteur continues to be alarmed by reports of Government action targeting lawyers. It is estimated that some 40 lawyers have been prosecuted since 2009, and that at least 10 are currently detained, including Mr. Abdolfatah Soltani, and Mr Mohammad Ali Dadkhah. Mr Soltani was arrested in September 2011 and is currently serving a 13 year prison sentence. On 29 September 2012, Mr Mohammad Ali Dadkhah, a lawyer and co-founder of the CHRD was summoned to Evin Prison's Ward 350 to serve a nine-year sentence after being convicted of "membership in an association seeking the overthrow of the Government" and "spreading propaganda against the system through interviews with foreign media". Mr. Dadkhah was one the attorneys for Pastor Youcef Nadarkhani, who was exonerated and released from prison weeks earlier after being placed on trial for apostasy.'

'On 17 October 2012, Ms Nasrin Sotoudeh, a human rights defender and lawyer, who has been imprisoned since September 2010, began a hunger strike to protest restrictive conditions placed on members of her family, including a travel ban placed on her 12-year-old daughter in June 2012. Ms Sotoudeh has defended, among others, Shirin Ebadi. She ended her hunger strike on 4 December 2012 when the travel ban was lifted. Ms Sotoudeh was temporarily released on a three day leave on 17 January 2013 to see her family, allegedly with a promise of extending her leave into a longer or permanent release. She was subsequently returned to Evin Prison on 21 January 2013.' [10n] (p7-8)

See Annex 1 of the [Report of the Special Rapporteur 2013](#) for detailed information on cases of human rights activists since 2009. [10n] (p26-29)

See also section on [Apostasy](#) for further information on the treatment of Mohammad Ali Dadkhah.

See also [Government suppression of women's rights organisations](#), [Student activists](#),

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18. Corruption

- 18.01 In its 2012 Corruption Perceptions Index (CPI), released on 15 November 2012, Transparency International ranked Iran 133rd in the world corruption rankings out of 176 countries surveyed, giving it a score of 28. ('A country or territory's score indicates the perceived level of public sector corruption on a scale of 0 - 100, where 0 means that a country is perceived as highly corrupt and 100 means it is perceived as very clean.') [62a]
- 18.02 The Freedom House report, 'Freedom in the World 2013 – Iran', released on 10 April 2013, covering events in 2012, noted that:
- 'Corruption is pervasive. The hard-line clerical establishment and the IRGC, to which it has many ties, have grown immensely wealthy through their control of tax-exempt foundations that dominate many sectors of the economy. The administration of President Mahmoud Ahmadinejad has gravely damaged fiscal transparency and accountability through the abolition of independent financial watchdogs and the murky transfer of profitable state companies to the IRGC and other semigovernmental conglomerates.' [112f]
- 18.03 The US Department of State's 'Country Report on Human Rights Practices 2012', Iran, released 19 April 2013 (USSD Report 2012) noted that, 'The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and corruption was a serious and ubiquitous problem. Officials in all three branches of government frequently engaged in corrupt practices with impunity. Many officials expected bribes for providing even routine service. Individuals routinely bribed officials to obtain permits for illegal construction.' [4a] (Section 4) Furthermore, 'The security forces were not considered fully effective in combating crime, and corruption and impunity were problems.' [4a] (Section 1d)
- 18.04 Associated Press reported on 18 February 2013 that:
- 'Iran's state prosecutor says the country's Supreme Court has upheld death sentences against four people linked to a \$2.6 billion bank fraud described as the biggest financial swindle in Iran's history.
- 'Gholam Hossein Mohseni Ejehei says the four were convicted of being "corrupt on earth" for "disrupting" the country's economy. He says the court has ordered the verdict to be carried out but no date has been set.
- 'Ejehei is quoted by the official IRNA news agency as saying that two banking officials have been sentenced to life in prison while 19 others, almost all of them senior government officials, were given prison terms ranging from 2 to 20 years.
- 'Their trial last year raised questions about corruption at senior levels in Iran's tightly controlled economy.' [12a]
- See also [Security forces and Forged and fraudulently obtained official documents](#)

19. Freedom of religion

Overview

For information on the situation for women from religious minorities, this section should be read in conjunction with the section on [Women](#) for information about their position generally in Iranian society.

- 19.01 The Christians in Parliament All Party Parliamentary Group (APPG) 'Report on the Persecution of Christians in Iran' published in October 2012, stated:

'Pre-revolution, Iran was seen as sympathetic towards religious minorities, and the Iranian constitution contains guarantees of fundamental human rights, including freedom of opinion, and protection from torture and arbitrary arrest. Article 23 of the Iranian constitution states that: "The investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief." However, these rights are subject to a more general principle that Shari'a law takes precedence in any conflict of law, and so these constitutional provisions have not stopped widespread interrogation and punishment of Iranians purely on the grounds of their religious beliefs.' [137a] (Section 2.5)

- 19.02 The same APPG report further noted that, 'The Iranian constitution enshrines protection of freedom of religion for Christians, Jews and Zoroastrians, and there is a system of registration for non-Muslim places of worship. In reality, however, even the officially recognised churches face severe limitations on their freedom to worship.' [137a] (Section 2.3)

- 19.03 The Freedom House report, 'Freedom in the World 2013 – Iran' (Freedom House Report 2013), published on 10 April 2013, reported:

'Religious freedom is limited in Iran, whose population is largely Shiite Muslim but includes Sunni Muslim, Baha'i, Christian, Jewish, and Zoroastrian minorities...

'The constitution recognizes Zoroastrians, Jews, and Christians as religious minorities, and they are generally allowed to worship without interference, so long as they do not proselytize. Conversion by Muslims to a non-Muslim religion is punishable by death. In 2012, authorities shut down several churches in Tehran, Ahvaz, and Esfahan that provided services in the Persian language, which made them potentially accessible to converts.

'The non-Muslim minorities are barred from election to representative bodies (though five parliament seats are allocated to the Armenian Christian, Chaldean Christian, Zoroastrian, and Jewish minorities); cannot hold senior government or military positions; and face restrictions in employment, education, and property ownership.' [112f]

- 19.04 The Amnesty International (AI) report, 'We are ordered to crush you', expanding repression of dissent in Iran', published February 2012, stated:

'Despite constitutional guarantees of equality, religious and ethnic minorities – which often intersect – face widespread discrimination in law and practice...

'Persecution of religious minorities, including converts to Christianity, Baha'is, dissident Shi'a clerics and members of the Ahl-e Haq and Dervish communities has increased

since the 2009 presidential elections. Non-Muslims, especially the Baha'i community, have been increasingly demonized by Iranian officials and in the Iranian state-controlled media. In 2011, repeated calls by the Supreme Leader and other authorities to combat "false beliefs" – apparently an allusion to evangelical Christianity, Baha'ism and Sufism – appear to have led to an increase in religious persecution.' [9x] (p47)

- 19.05 The 2013 Annual Report of the United States Commission on International Religious Freedom (USCIRF Report 2013), covering the period 1 April 2012 to 31 March 2013 and released on 30 April 2013, concluded that:

'The government of Iran continues to engage in systematic, ongoing, and egregious violations of religious freedom, including prolonged detention, torture, and executions based primarily or entirely upon the religion of the accused. Iran is a constitutional, theocratic republic that discriminates against its citizens on the basis of religion or belief. During the past year, the already poor religious freedom conditions continued to deteriorate, especially for religious minorities, in particular for Baha'is as well as Christians and Sufi Muslims. Physical attacks, harassment, detention, arrests, and imprisonment intensified. Even some of the recognized non-Muslim religious minorities protected under Iran's constitution - Jews, Armenian and Assyrian Christians, and Zoroastrians - face harassment, intimidation, discrimination, arrests, and imprisonment. Majority Shi'i and minority Sunni Muslims, including clerics who dissent, were intimidated, harassed, and detained. Dissidents and human rights defenders were increasingly subject to abuse and several were sentenced to death and even executed for the capital crime of "waging war against God." Heightened anti-Semitism and repeated Holocaust denials by senior government officials and clerics continue to foster a climate of fear among Iran's Jewish community. Since the 1979 revolution, members of minority religious communities have fled Iran in significant numbers for fear of persecution.' [88a] (Executive summary)

- 19.06 The USCIRF Report 2013, further noted:

'Since the disputed 2009 elections, religious freedom conditions in Iran have regressed to a point not seen since the early days of the Islamic revolution. Killings, arrests, and physical abuse of detainees have increased, including for religious minorities and Muslims who dissent or express views perceived as threatening the legitimacy of the government. During the reporting period, the government continued to use its religious laws to silence reformers and critics, including women's rights activists, journalists, and lawyers for exercising their internationally-protected rights to freedom of expression and freedom of thought, conscience, and religion or belief.' [88a] (Executive summary)

- 19.07 The Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, dated 28 February 2013 stated that he

'...remains deeply concerned about the human rights situation facing religious minorities in Iran. Reports from and interviews with members of the Bahai, Christian, and Sunni Muslim communities continue to portray a situation in which adherents of recognised and unrecognised religions face discrimination in law and/or in practice. This includes various levels of intimidation, arrest and detention. A number of interviewees maintained that they were repeatedly interrogated about their religious beliefs, and a majority of interviewees reported being charged with national security crimes and/or propaganda against the State for religious activities. Several interviewees reported that they were psychologically and physically tortured.' [10n] (p17)

- 19.08 The 'Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report, Iran', published April 2013, noted that, 'The past year [2012] arguably saw some intensification of the systematic persecution of Iran's minority religious communities.' [26f] (p178)

See following subsections for more detailed information on the treatment of religious minority groups

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Religious demography

- 19.09 The Criminal Intelligence Agency (CIA) World Factbook, updated 22 August 2013, accessed 11 September 2013, provided the following breakdown of religious groups in Iran: 'Muslim (official) 98% (Shia 89%, Sunni 9%), other (includes Zoroastrian, Jewish, Christian, and Baha'i) 2%.' [111a]

- 19.10 The USSD IRF Report 2012, released 20 May 2013, reported a slightly different breakdown, noting:

'According to the Statistical Center of Iran's 2011 National Population and Housing Census, the population is 75.2 million. Muslims constitute 99 percent of the population; 90 percent are Shia and 9 percent are Sunni (mostly Turkmen, Arabs, Baluchs, and Kurds living in the southwest, southeast, and northwest, respectively). There are no official statistics available on the size of the Sufi Muslim population; however, some reports estimate between two and five million people practice Sufism.

'Groups together constituting the remaining 1 percent of the population include Bahais, Christians, Jews, Sabeen-Mandaeans, and Zoroastrians. The two largest non-Muslim minorities are Bahais and Christians. The Bahais number approximately 300,000, and are heavily concentrated in Tehran and Semnan. According to UN figures, 300,000 Christians live in the country, though some NGOs [Non governmental organisations] estimate there may be as many as 370,000. The Statistical Center of Iran reports there are 117,700. The majority of Christians are ethnic Armenians concentrated in Tehran and Isfahan. Unofficial estimates of the Assyrian Christian population range between 10,000 and 20,000. There are also Protestant denominations, including evangelical 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. There are from 5,000 to 10,000 Sabeen-Mandaeans. The Statistical Center of Iran estimates there are 25,271 Zoroastrians, who are primarily ethnic Persians; however, Zoroastrian groups report they have 60,000 members.' [4e] (Section I)

Legal framework

- 19.11 The US Department of State's 'International Religious Freedom Report for 2012', Iran (USSD IRF Report 2012), released 20 May 2013, stated:

'The constitution and other laws and policies severely restrict freedom of religion. The constitution declares the "official religion is Islam and the doctrine followed is that of Ja'afari (Twelver) Shiism." The constitution states all laws and regulations must be based on undefined "Islamic criteria" and official interpretation of Sharia (Islamic law).

'The constitution provides Sunni Muslims a degree of religious freedom, and states that, "within the limits of the law," Zoroastrians, Jews, and Christians are the only recognized religious minorities with protected freedom to worship freely and to form religious societies, as long as they do not proselytize. Although the Sabean-Mandaeans do not consider themselves Christians, the government regards them as Christians, and thus they are included among the three recognized religious minorities. The government does not recognize any other non-Islamic religion, and adherents of these other religious groups, such as the Bahais, do not have the freedom to practice their beliefs.' [4e] (Section II)

- 19.12 The report of the Secretary-General to the UN General Assembly on 'The situation of human rights in the Islamic Republic of Iran' dated 23 September 2009, noted that, 'Article 14 also provides protection for non-Muslims, provided they refrain from conspiracy or activity against Islam and the Islamic Republic of Iran. The Baha'i community is not recognized as a religious minority, but the authorities assert that Baha'is enjoy the rights accorded to all other Iranians.' [10g]

See section on [Baha'is](#) below

- 19.13 The CSW September 2009 Iran religious profile noted that, in addition to the positive provisions of Articles 13 and 14 of the Constitution:

'...Article 12 of the Iranian Constitution declares Islam to be the state's official religion. Although declaration of a state religion is not inherently contradictory to the provisions on religious freedom under international law, the elusive provisions in Article 168 of the constitution – that the judiciary functions "in accordance with the criteria of Islam" – open the door for possible contradictions with human rights covenants to which Iran is a signatory, including the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

'This becomes clearer in Article 167 of the constitution which allows for judges to deliver verdicts 'on the basis of authoritative Islamic sources and authentic fatawa' in the absence of any relevant legislation in the codified law. For example, there are currently no codified laws that criminalise conversion from Islam to another religion. However...converts from Islam are regularly threatened with apostasy charges and the death penalty on the basis of a constitutional appeal to traditional Islamic jurisprudence...

'There are many subtle implications contained in Articles 12, 167 and 168 of the Iranian Constitution besides punishment of apostasy. This can be seen in the courts' assessment of the validity or credibility of the testimonies of non-Muslim witnesses compared with Muslim ones, in the differing remunerations of required 'blood money' paid by convicted perpetrators to the families of Muslim and non-Muslim victims, and in not allowing the marriage of Muslim women to non-Muslim men.' [116a] (p4)

For further information, see the English version of the [Iranian Constitution](#) on the Iran Chamber Society website. [58e] See also [Proposed law on apostasy](#).

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19.14 The USCIRF Report 2013 stated that:

'The constitution of Iran formally recognizes Christians, Jews, and Zoroastrians as protected religious minorities who may worship freely and have autonomy over personal status matters (e.g., marriage, divorce, and inheritance). Nevertheless, the primacy of Islam and Islamic laws and institutions adversely affects their rights and status and they live, in effect, as second class citizens. Members of these groups are subject to legal and other forms of discrimination, particularly in education, government jobs and services, and the armed services. In addition, their places of worship frequently are defaced with graffiti. Iran's Ministry of Education administers their schools and they must use state-approved religious curriculum.

'Non-Muslims may not engage with Muslims in public religious expression or persuasion; some also face restrictions on publishing religious material in Persian. The law provides for the collection of equal blood money for the death of Muslim and non-Muslim men, however, Baha'is, Sabeian Mandaean men, and all women remain excluded. According to Iranian law, Baha'i blood is mobah, which means members of the Baha'i faith can be killed with impunity.' [88a] (Iran chapter, p5)

19.15 The USSD IRF Report 2012 stated that:

'Non-Muslim religious minorities may not be elected to a representative body or hold senior government or military positions, with the exception of five of the 290 Majlis seats reserved by the government for religious minorities. There are two seats for Armenian Christians, one for Assyrian Christians, one for Jews, and one for Zoroastrians. Sunnis do not have reserved seats in the Majlis but are permitted to serve in the body. Sunni Majlis deputies tend to be elected from among the larger Sunni communities. The government allows religious minorities to vote; however, religious minorities, including Sunni Muslims, are ineligible to be president.

'Members of religious minority groups, except Sunni Muslims, may not serve in the judiciary, security services, or as public school principals. Officials screen applicants for public sector employment for their adherence to and knowledge of Islam, although members of religious minorities, with the exception of Bahais, may serve in lower ranks of government. Government workers who do not observe Islamic principles and rules are subject to penalties. Bahais are barred from all leadership positions in the government and military...

'Article 297 of the amended 1991 Islamic Punishments Act authorizes collection of equal diyeh (blood money) as restitution to families for the death of both Muslims and non-Muslims. According to law, Bahai blood is considered "mobah," meaning it can be spilled with impunity and Bahai families are not entitled to restitution.' [4e] (Section II)

19.16 Furthermore:

'The Ministry of Culture and Islamic Guidance (Ershad) and the Ministry of Intelligence and Security closely monitor religious activity. The government does not require members of some recognized religious minorities to register, but the authorities closely monitor their communal, religious, and cultural events and organizations, including schools. The government requires evangelical Christian congregations to compile and submit membership lists. The government requires Bahais to register with the police.' [4e] (Section II)

- 19.17 The USCIRF Report 2013 noted that, ‘During the reporting period [1 April 2012 to 31 March 2013], the government continued to use its religious laws to silence reformers and critics, including women’s rights activists, journalists, and lawyers for exercising their internationally-protected rights to freedom of expression and freedom of thought, conscience, and religion or belief.’ [88a] (Executive summary)

See also following section on Apostasy and [Military Service](#) for details of restrictions applying to religious minorities

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Apostasy (conversion from Islam)

- 19.18 The 2013 International Campaign for Human Rights in Iran (ICHRI) report, ‘The Cost of Faith’, stated:

‘Apostasy, the act of abandoning or renouncing one’s religion, is not codified as a crime under Iran’s penal code. However, Iranian law enforcement, prosecutors, and courts often treat the act as a crime. In order to circumvent the lack of codified prohibition of apostasy, prosecutors and judges invoke legal provisions in the Iranian constitution that allow courts to utilize Islamic jurisprudence. While Islamic law is open to different interpretations on this matter, Iranian courts typically rely on stringent interpretations held by conservative clerics such as the Islamic Republic of Iran’s founding leader Ayatollah Khomeini, who view the act of leaving Islam for any other religion as a crime punishable by death.’ [52ac] (p7-8)

- 19.19 The USSD IRF Report 2012, published 20 May 2013, noted that, ‘The constitution does not provide for the rights of Muslim citizens to choose, change, or renounce their religious beliefs. The government automatically considers a child born to a Muslim father to be a Muslim and deems conversion from Islam to be apostasy, which is punishable by death.’ [4e] (Section II)

- 19.20 The Landinfo report, ‘Iran: Christians and converts’ dated 7 July 2011 (Landinfo Report 2011) observed that:

‘In the Muslim context, conversion is associated with the issue of apostasy – renouncement of Islam. When seen in a historical and theoretical framework, traditional Islamic law divides the world into “dar-ar-islam”, the realm of Islam, and “dar-al-harb”, the realm which is at war against Muslims. Accordingly, a conversion is therefore first and foremost a renouncement of Islamic unity, and in Muslim history this has been compared to treason, political rebellion or opposition. This mindset also explains why Christian missionary activity towards Muslims is either prohibited or subject to strong restrictions in most Muslim countries.’ [33a] (p12)

See also [Legal Framework](#) above and following sections on [Proposed law on apostasy](#) and [Prosecution of apostates](#) for information on the government’s reported hardening stance towards apostasy.

Proposed law on apostasy

- 19.21 The 2013 ICHRI report, ‘The Cost of Faith’, noted that, ‘Under the pending new Iranian penal code awaiting final approval, apostasy remains uncodified. However, the code includes a provision referring to Article 167 of the Iranian constitution that explicitly

instructs judges to utilize Islamic legal sources where crimes or punishments are not covered by the code. This leaves the door open for the continued practice of relying on jurisprudence that holds apostasy to be a capital crime.’ [52ac] (p8)

- 19.22 The Human Rights Watch (HRW) report, ‘Codifying Repression’, published in August 2012, noted that a ‘...serious flaw in the new penal code is that it allows judges to rely on non-codified law to convict and sentence individuals to crimes and punishments.’ [8j] (p2) The report continued:

‘For example, unlike the old code the new amendments explicitly allow judges to rely on religious sources, including shari’a and fatwas (religious edicts) issued by high-ranking Shia clerics, to convict an individual of apostasy or to sentence a defendant convicted of adultery to stoning. This is true even though there is no crime of apostasy under the penal code and stoning as a form of punishment for adultery has been removed from the new provisions. Though the numbers of individuals executed by stoning or for apostasy are relatively low in recent years, the new provisions fail to prohibit such practices.’ [8j] (p2-3)

See also following section on Prosecution of apostates and [Penal Code](#)

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Prosecution of apostates

- 19.23 On the prosecution of apostates the Landinfo Report 2011 noted ‘In practice, people are convicted of apostasy only very rarely.’ [33a] (p16-17) The same source continued, however:

‘Charging converts of apostasy appears to have become more common...Formal charges of apostasy against converts have occurred relatively seldom in Iran, but threats of such charges have been brought up during the trial as a means of pressuring converts to declare that they repent and wish to return to Islam. In many cases the court has decided to release the convert without any charges, or brought other charges, such as participation in illegal house churches or for having had contact with foreign media.’ [33a] (p21)

- 19.24 The 2013 ICHRI report, ‘The Cost of Faith’, reported that:

‘The Campaign has been able to document three cases of Christians charged with apostasy: those of Mehdi Dibaj, Youcef Nadarkhani, and Hossein Soodmand, and one case, that of Hossein Soodmand, in which a Christian was executed by the state for apostasy. Soodmand, a convert and pastor, was arrested in 1990. After two months in prison, during which time he reportedly refused to renounce his faith, Soodmand was executed by hanging. It is not known whether he had a trial. Nadarkhani, also a convert and pastor, was arrested in 2009 and subsequently sentenced to death. His retrial, granted upon appeal, garnered international attention; after pressure from the UN, the European Union, international human rights organizations, and the Vatican, he was acquitted on apostasy charges and sentenced instead to three years imprisonment for charges linked to evangelism. He was released in 2012 on time served.’ [52ac] (p8)

- 19.25 The USCRIF Annual Report 2013 summarised the case of Youcef Nadarkhani, stating:
- ‘Christian pastor Yousef Nadarkhani, jailed since October 2009, was sentenced to death for apostasy in November 2010 by a court in Gilan province. Prosecutors acknowledged he had never been a Muslim as an adult but said the apostasy law still applies because he has Islamic ancestry. Rejecting his appeal in June 2011, the court suspended the death sentence contingent upon his recanting his faith, which he refused to do. Facing international pressure, officials released Nadarkhani in September 2012, only to rearrest him on Christmas day and then release him days later in early January 2013.’ [88a] (Iran chapter, p8)
- 19.26 For more detailed information see the Christian Solidarity Worldwide (CSW) [timeline](#) of Pastor Youcef Nadarkhani’s case, up to 8 March 2013. [116c]
- See section on [Human Rights Activists and Lawyers](#) for information on Mohammad Ali Dadkhah, one of Youcef Nadarkhani’s lawyers who is currently imprisoned in Iran.
- 19.27 The CSW September 2009 Iran profile stated that: ‘Although verdicts stipulating the death penalty for apostasy are rarely, if ever, carried out, 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] (p5)
- 19.28 The 2013 ICHRI report also noted the possibility of extra-judicial killings of those charged with apostasy after their release by the authorities: ‘The more common threat to life Protestant converts face comes from what are widely considered to be extrajudicial killings... Indeed, there have been numerous reports of suspicious deaths of Christian leaders involving unidentified assailants and subsequent investigative irregularities marked by a lack of due diligence.’ [52ac] (p8-9)
- See the [ICHRI report](#) directly for details of cases of possible extra-judicial killings. [52ac] (p8-9)
- 19.29 The Report of the Special Rapporteur dated 23 September 2011 reported on the situation of another pastor, stating, ‘Behrouz Sadegh-Khanjani, pastor for the Church of Iran in the city of Shiraz, was detained in June 2010 and was reportedly held incommunicado in solitary confinement for approximately two months. Authorities originally charged him with apostasy, but later dropped that charge and charged him with “blasphemy” instead.’ [10e] (p17) On 14 September 2011, the ICHRI reported on the further charge of ‘insulting Islamic sanctities, an act similar to blasphemy’ [52s], stating that, ‘ According to his lawyer, Branch 120 of the Criminal Court of Shiraz acquitted Sadegh-Khanjani of that charge but the prosecution appealed and the appeal remains pending.’ [52s]
- 19.30 Nevertheless, the same ICHRI article also reported that:
- ‘An appeals court in the southern city of Shiraz upheld a one year prison sentence last week for Pastor Behrouz Sadegh-Khanjani of the Protestant Christian group, the Church of Iran, and five other church members, Parviz Khalaj, Amin Afshar Manesh, Mehdi Forutan, Mohammad Baliad, and Nazli Makarian, according to the lawyer for the defendants, Mahmoud Taravatrooy. Taravatrooy told the International Campaign for Human Rights in Iran that his clients, sentenced on the charge of ‘propaganda against the regime,’ do not have the option to appeal the verdict and will soon report to the Revolutionary Court to begin serving their sentence.

'Taravatorooy explained that [the] court based the conviction on the fact that the defendants promoted their religion.' [52s]

See also following section on [Christians](#) and [Baha'is](#)

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Christians

This section should be read in conjunction with the sections on [Apostasy](#), [Prosecution of apostates](#) and [Muslim Converts to Christianity](#).

19.31 The International Campaign for Human Rights in Iran (ICHRI) 2013 report, 'The Cost of Faith', stated:

'There are no definitive statistics on the number of Christians, and Christian converts in particular, in Iran due to the lack of reliable polling. In 2010, the research group World Christian Database (WCD) recorded 270,057 Christians in Iran, or about 0.36 percent of the entire Iranian population of 74.7 million. In Iran, there are two main categories of Christians: ethnic and non-ethnic. The majority are ethnic Christians, which refers to Armenians and the Assyrians (or Chaldeans) who possess their own linguistic and cultural traditions. Most ethnic Christians are members of their community's Orthodox church. Non-ethnic Christians are for the most part members of Protestant churches and most, though not all, are converts who came from Muslim backgrounds. The WCD in 2010 reported approximately 66,700 Protestant Christians in Iran, which represents about 25 percent of the Iranian Christian community. The Iranian government does not recognize converts as Christians and many converts do not report their faith publicly due to fear of prosecution. Thus the number of converts in Iran is likely undercounted. Several Iranian Christian organizations indicated to the Campaign that the number of Christian converts could be as high as 500,000, but such estimates could not be independently confirmed.' [52ac] (p6)

19.32 The same ICHRI report continued:

'Under Article 18 of the International Covenant on Civil and Political Rights (ICCPR), Iran is obligated to safeguard freedom of religion. While Iran's constitution recognizes Christianity and, to varying degrees, grants them many of the rights found in the ICCPR, in practice the government does not uphold these international and constitutional protections for its Protestant community. Measures systematically undertaken by the Iranian government, which include restricting church attendance, forbidding the formation of new churches, closing churches, restricting the distribution of bibles and Christian literature, harassing and monitoring church groups, arresting, detaining and prosecuting church leaders, criminalizing evangelism, and coercing Christians to return to Islam, are prohibited by the ICCPR. From apostasy charges that threaten the lives of converts to the imprisonment of church members involved in proselytizing - authorities have engaged in a pattern of human rights abuses that effectively criminalizes faith and manifestations of it. The Campaign's research reveals that interrogators, prosecutors, and courts consistently refer to standard Christian practices as evidence of criminal activity or a criminal act itself. Membership in a house church, evangelical activities, and participation in a Christian conference are all seen by authorities as criminal acts, and security officers routinely confiscate standard Christian items such as bibles, religious literature, and crosses during arrests. Consequentially, many Iranian Christians, namely

converts, including most of the individuals interviewed for this report, have fled the country seeking protection from past or future persecution.’ [52ac] (p7)

- 19.33 The International Federation for Human Rights (FIDH) and the Iranian League for the Defence of Human Rights (LDDHI) report, ‘The Hidden Side of Iran: Discrimination against ethnic and religious minorities’, published in October 2010, elaborated:

‘Generally speaking, there are two groups of Christians in Iran, who may be classified as ethnic and “non-ethnic”. Ethnic Christians include the Armenians, Assyrians and Chaldeans. Many of them are followers of the Orthodox Church, but some are also Catholics or Protestants. “Non-ethnic” Christians are mostly followers of the Protestant and Evangelical churches and many are converts from Islam.

‘The recognition of Christianity as one of the three non-Islamic religions accepted by the Constitution has given a safe margin to the ethnic Christians only. “Non-ethnic” Christians, however, have faced great pressure because, unlike the “ethnic” Christians, they are involved in proselytising.’ [56c] (p20-21)

See also sections on [Muslims converts to Christianity](#) and [Apostasy](#) for more detailed information.

- 19.34 The Christian Solidarity Worldwide (CSW) Iran religious freedom profile dated September 2009 also noted that:

‘Armenian, Assyrian and Chaldean Christians live in relative peace and enjoy official recognition as ethnic and religious minorities. However they suffer similar limitations and discrimination to other recognised minorities, in terms of access to education, government and army positions...

‘Evangelical and Pentecostal churches are distrusted and their members are persecuted in Iran. In addition to state-based persecution, church leaders or proselytizing Christians have been attacked, kidnapped and killed by mobs or state agents. One of the main reasons for such intense persecution has been the high number of apostates from Islam in Evangelical and Pentecostal churches. Unlike ethnic Christians of the Armenian and Assyrian communities, Protestant churches actively proselytise. The fact that most of these groups meet on private property also fuels suspicion and reaction from local authorities...

‘The publication of any religious material in Persian is forbidden. This directly affects Christians with a Persian background, rather than ethnic minorities who use their own languages, such as Armenian, in religious practices.’ [116a] (p12-13)

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- 19.35 The Christians in Parliament All Party Parliamentary Group’s (APPG) ‘Report on the Persecution of Christians in Iran, stated:

‘With few exceptions, churches are no longer allowed to hold services in Farsi (the first language of most Iranian Christians) and are not allowed to hold services on Fridays (the Iranian weekend is on a Thursday and Friday). This generally means that if a Christian wants to attend worship in a recognised church on a Sunday they are forced to forgo a day of work, and a day’s pay. Those Christians who do attend services are closely monitored by the Government, which routinely photographs Christians going into

and out of services. Church leaders have been required to submit a list of their members with detailed personal information, including identity card numbers, so that church-goers can be easily traced.’ [137a]

- 19.36 The Christian Solidarity Worldwide report, ‘Iran – Summary of Concerns and Recommendations’ dated June 2012, which reported on the situation for Christians and churches at the end of 2011 and into 2012, also reported on the restriction of Farsi services:

‘Church services in Farsi by officially sanctioned churches have now been severely restricted by the authorities. In May, reports emerged of further pressure on the AOG (Assemblies of God); on Sunday 6 May [2011], the leaders of the AOG Central Church in Tehran announced that the government had for some time been demanding intrusive information on members of the congregations, including their identity card numbers. Initially members of the congregation were informed that if they wanted to hand over these details, they could do so voluntarily; however following further pressure, the Church explained that this was no longer a voluntary requirement. Possession of identity documents of church members would make it easier for the Intelligence Ministry to trace every church member, and would increase the vulnerability of converts from Islam. It is also worth noting that this AOG church is the only one left in Tehran that still holds Farsi-language services.

‘In late May and early June [2012], members of the Emmanuel Presbyterian Church in Tehran were detained, and the church was ordered to cease all weekly activities with the exception of its Sunday services. Also in June, an AOG-affiliated church in the Janat-Abad area of west Tehran was ordered to close by the Intelligence Branch of the Iranian Revolutionary Guard. According to local sources, the church’s pastor was told to cancel all church activities and seal its property. The use of the Revolutionary Guard (Sepah) to enforce the closure is a worrying development. The Revolutionary Guard is known for using aggressive methods and is usually deployed in situations that are deemed to threaten the national security or stability of the country. They are also one of three intelligence organisations in Iran with similar powers to that of the Intelligence Ministry (etela’aat).’ [116b]

- 19.37 The ICHRI reported on 8 June 2012:

‘Iran’s Revolutionary Guard Intelligence Organization has recently and abruptly taken over the oversight of Christian churches in Iran, which were previously overseen by agents of the Ministry of Intelligence and the Ministry of Culture and Islamic Guidance, according to information received by the Campaign.

‘At the end of May 2012, Iranian authorities forced the Assembly of God church in the western Tehran neighborhood of Jannat Abad to close its doors and discontinue services, a local source with knowledge of the Iranian Protestant community told the Campaign...

‘In the past six months, authorities have reportedly shut down several other established Persian-language churches in Iran, arresting many of their members. Another Assembly church in the southern city of Ahvaz was shut down on 23 December 2011, just before Christmas. Authorities allegedly detained the church’s reverend, Farhad Sabok Rooh, along with his wife and two other church members, eventually releasing them on bail. ‘On 22 February 2012, authorities arrested at least ten members of St. Peter’s Anglican church in Esfahan, including its pastor Hekmat Salimi, according to Iranian Christian

news agencies. One detainee, a 78-year-old woman, was quickly released; the rest were held for nearly two months before being freed on bail...

'While some existing churches are facing closure in Iran, no new churches have been able to obtain licenses from the Minister of Culture and Islamic Guidance since the 1979 revolution. The Jannat Abad Assembly of God church conducted its services in the Persian language.

'The Campaign's research for an upcoming report on the persecution of Protestant Christians in Iran indicates that the Iranian government has targeted churches which operate in Persian and evangelize, largely to prevent Muslims from learning about or converting to Christianity. Several Iranian church leaders told the Campaign that around 2005, coinciding roughly with the election of President Mahmoud Ahmadinejad, the government ramped up its repression of Protestant groups, and since 2009 the arrests of church members and limitations on churches have increased markedly.

'Iranian Christian rights activists told the Campaign they fear the Jannat Abad closure marks a particular threat to all established Persian-language churches in the country.'
[52r]

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- 19.38 The 'Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran', dated 28 February 2013, stated:

'The [Iranian] Government stressed that "[r]ecognition of Christianity, by the Constitution ... does not constitute judicial immunity" for its followers. The Special Rapporteur asserts that Christians should not face sanctions for manifesting and practising their faith, and therefore remains concerned that Christians are reportedly being arrested and prosecuted on vaguely-worded national security crimes for exercising their beliefs.

'Sources have reported that at least 13 Protestant Christians are currently in detention centres across Iran, and that more than 300 Christians have been arrested since June 2010. Those currently in prison include Pastor Behnam Irani and church leader Farshid Fathi, who are both serving six-year sentences on charges such as "acting against national security", "being in contact with enemy foreign countries," and "religious propaganda." Sources maintain that the evidence used against Mr. Fathi was related to his church activities, including distributing Persian-language Bibles and coordinating trips for church members to attend religious seminars and conferences outside the country. Several Protestant churches with majority Assyrian or Armenian-speaking congregations have also been forced to cease Persian-language services, and it was recently reported that the Janat Abad Assemblies of God Church in Tehran, which held all-Persian services, was shut down on 19 May 2012.' [10n] (p18)

- 19.39 The USSD IRF Report 2012 stated that:

'The government actively denied Christians freedom of religion. Christians, particularly evangelicals, experienced increased harassment and surveillance during the year [2012].

'The government enforced prohibition on proselytizing by closely monitoring the activities of evangelical Christians, discouraging Muslims from entering church premises, closing churches, and arresting Christian converts. Authorities pressed

evangelical church leaders to sign pledges that they would not evangelize Muslims or allow Muslims to attend church services. Meetings for evangelical services are restricted to Sundays. Reports suggested authorities regarded the act of allowing Muslims to visit a Christian church as proselytizing. Members of evangelical congregations were required to carry membership cards, photocopies of which had to be provided to the authorities. Authorities posted outside congregation centers subjected worshippers to identity checks...

'Christians of all denominations reported the presence of security cameras outside their churches, allegedly to confirm that no non-Christians participated in services.

'Cyber police units raided the houses and confiscated the properties of some Christians. For example, they raided blogger and Christian convert Alireza Ebrahimi's home in November. Ebrahimi was not at the house and his whereabouts were unknown at year's end. The police in November also arrested two other Christian converts, Saeed Mirzaei and Sadeq Mirzaei, on charges of "propagating against Islam" and "action against national security."

'Official reports and the media continued to characterize Christian house churches as "illegal networks" and "Zionist propaganda institutions." Arrested members of house churches were often accused of being supported by enemy countries. In May five members of a house church were detained in Shiraz for, among other charges, "propagation against the Islamic regime" and "defaming Islamic holy figures through Christian evangelizing." They were in prison awaiting trial at year's end.' [4e] (Section II)

19.40 The same source also noted that:

'The authorities reportedly arrested several hundred Christians, including members of evangelical groups. The status of many of these cases was not known at year's end. Authorities released some Christians almost immediately, but held others in secret locations without access to attorneys. Authorities also arrested several members of "protected" Christian groups such as Armenian Apostolics and Assyrians. Prison authorities reportedly withheld proper medical care from such prisoners, according to human rights groups. In one such case, Pastor Behnam Irani suffered in prison from a blood infection without medical attention.

'In September [2012] authorities reportedly raided four house churches in Fars province and arrested forty Christians on suspicion of "having contact with the enemies of the Islamic regime abroad" and "holding Christian services at their homes." The status of these cases was unclear at year's end. According to NGO reports, some were freed following payment of significant bail fees; the Intelligence Ministry allegedly continued to hold at least 10 individuals.

'In October the authorities sentenced Pastor Farhad Sabokrouh, Shahnaz Jazan, Davood (David) Ali-Jani, and Naser Zamen-Dezfuli, four Christians arrested in December 2011, to one year in prison on charges of "missionary activities and anti-regime propaganda through spreading of Christianity." Their sentences were suspended pending appeal.' [4e] (Section II)

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19.41 The Christian Solidarity Worldwide (CSW) report, 'Iran – Summary of Concerns and Recommendations' of June 2012 reported that:

'Iran witnessed a steep rise in the persecution of religious minorities during 2011, which increased further in the early months of 2012. The most worrying aspects of this campaign of repression include: waves of arrests and detentions; regular raids on church gatherings; harsh interrogations; physical and psychological torture (including demands for recantations of faith and for information on the identities of fellow Christians); extended detentions without charge; violations of due process; convictions for ill-defined crimes or on falsified political charges; economic targeting through exorbitant bail demands, and the threat of imminent execution of a house-church leader for apostasy. The targeted persecution has been undergirded by a proliferation of anti-Christian rhetoric from senior official figures.

'This persecution, which broke out following the systematic infiltration of church networks, initially targeted Christians belonging to the unsanctioned house church networks. However, it is increasingly impacting those from sanctioned churches. Both evangelical Christians and Christians from the traditional Armenian or Assyrian churches, which conduct services or activities in Farsi, appear to be viewed as a threat to the Islamic integrity of the nation, and increasingly exist in an atmosphere of uncertainty. The last Farsi speaking churches have been ordered to end these services. Furthermore, the opening months of 2012 witnessed arrests of leaders from official churches and a sharp upsurge in detentions of converts from Islam, often following raids on private homes.' [116b]

19.42 The same CSW report further noted:

'The majority of the Christians arrested during 2011 have now been released, either on bail awaiting trial or following severe warnings against any further participation in Christian activity. The families of many have been forced to hand over the title deeds to their homes to meet bail payments. Such bail demands contravene Iranian law and seem primarily designed to cripple the Christian community economically, and to delay the release of the detainees. Once released, they are closely monitored, and risk re-arrest and imprisonment if they engage or are suspected of engaging in any Christian activity. Many face a gruelling legal process, and until their case is finally heard. This process can take several years, leaving their lives in limbo. Those awaiting trial that flee the country are tried in absentia.' [116b]

19.43 The 'Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report, Iran', published April 2013, stated:

'Throughout 2012, we received reports of arrests and detentions of Christians, often without fair trial or legal representation. Monitoring of church congregations continued, prompting many Christians to worship in private homes, known as "house churches". Converts were particularly targeted. Those found by the authorities to have converted to Christianity were told to revert to Islam or face arrest and apostasy charges. The release in September of Christian Pastor Yousef Nadarkhani, sentenced to death for apostasy in 2010, was a rare positive outcome following sustained pressure from the international community to commute his sentence... Pastor Nadarkhani was re-arrested on Christmas Day and briefly held in prison, although he had been released again at the time of writing. Other Christians remained in harsh conditions in prison, including Pastors Behnam Irani and Farshid Fathi.' [26f] (p178)

See [Prosecution of apostates](#) for further information on the case of Youcef Nadarkhani.

19.44 The USCIRF Report 2013 stated:

‘During the reporting period [1 April 2012 to 31 March 2013], Iranian authorities continued to raid church services, harass and threaten church members, and arrest, convict, and imprison worshippers and church leaders. Christians, particularly Evangelical and other Protestants, are subject to harassment, arrests, close surveillance, and imprisonment; many reportedly have fled the country. Assyrian and Armenian Christian religious leaders also have been targeted. Since becoming president, President Mahmoud Ahmadinejad has called for an end to the development of Christianity in Iran. The government requires Evangelical Christian groups to submit membership lists.

‘Christian converts face severe restrictions on religious practice and association, arbitrary arrests and detentions for practicing their faith, and violations of the right to life through state execution for apostasy and extrajudicial killings. Since June 2010, at least 300 Christians have been arbitrarily arrested and detained throughout the country, including in Arak, Bandar Abbas, Bandar Mahshahr, Ardabil, Tabriz, Khoramabad, Mashhad, Hamadan, Rasht, Shiraz, Isfahan, and Elam. Iranian authorities typically release prisoners, but leave the charges against them or their convictions in place to threaten them with reimprisonment at any future time. At the end of the reporting period, at least a dozen Christians remain in prison.’ [88a] (Iran chapter, p7)

19.45 The same report continued:

‘In January 2013, Saeed Abedini, an Iranian-born American pastor, was sentenced in a trial without due process to eight years in prison for “threatening the national security of Iran” for his activity since 2000 in the Christian house church movement. Pastor Abedini had been in Iran since June 2012 to continue work to establish an orphanage and was arrested and imprisoned in September. Reportedly, he has spent several weeks in solitary confinement and was physically and psychologically abused by authorities in Evin prison.’ [88a] (Iran chapter, p8)

The [USCIRF Report 2013](#) included further details of individual Christians arrested and detained since June 2010. [88a] (Iran chapter, p8)

19.46 On 27 May 2013, Church in Chains, an independent Irish based charity, reported that:

‘Security forces arrested Pastor Robert Asserian ... in Tehran on 21 May and announced the closure of his church, as a crackdown on Christians intensifies ahead of elections in June...

‘Pastor Asserian's church ... was one of just a few left offering services in Farsi, and the government had restricted its activities to prevent it from ministering to Iranian Muslims, particularly by limiting Farsi services to Sundays: services on Friday, most people's day off, had been cancelled. On Sunday 19 May the congregation had discussed whether the church would close – leaders have complained of constant harassment from the Intelligence Ministry due to sermons using Farsi instead of the languages of Iran's ethnic Christian minorities, such as Armenian. The authorities have reportedly threatened church leaders with imprisonment, kidnapping and death.

'In June 2012, the authorities shut down a Farsi-language Assemblies of God (AoG) church in Tehran after it began gaining converts from Islam.' [37a]

- 19.47 Church in Chains subsequently reported on 4 July 2013 that Pastor Asserian was released on bail from prison on 2 July 2013, '... after spending 43 days in prison. The release is conditional on his keeping silent about the case.' [37b]

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Muslim converts to Christianity

- 19.48 The USSD IRF Report 2012, released 20 May 2013, stated that, 'The constitution does not provide for the rights of Muslim citizens to choose, change, or renounce their religious beliefs. The government automatically considers a child born to a Muslim father to be a Muslim and deems conversion from Islam to be apostasy, which is punishable by death.' [4e] (Section II) Furthermore:

'Muslim converts to Christianity faced harassment, arrest, and sentencing. Many arrests took place during police raids on religious gatherings, when the government also confiscated religious property. Ten Christian converts were arrested in February [2012] in Shiraz at a residence used as a church. In October security forces raided the homes of four Christian converts (Shahab Samimi, Fariba Karimkhani, Farshad Rahimdel, and Yasser Mirza Zanjani), confiscated some of their property, and arrested them, allegedly due to their religious activities.' [4e] (Section II)

- 19.49 The FIDH/LDDHI report of October 2010 stated:

'Former Muslims who have converted from Islam are frequently persecuted, ill-treated and prosecuted for their beliefs. According to Islamic tenets, Prophet Mohammad was the last prophet of God and Islam the last and ultimate religion on earth. Any conversion from Islam to other religions is forbidden and considered as an act of apostasy. Even if a person was not a Muslim before conversion to Islam, but decided to give up Islam and convert back to his/her previous religion or another religion, s/he would be considered apostate.

'The evangelical priests and missionaries are also persecuted for proselytising, i.e. attempting to convert Muslims to Christianity.' [56c] (p20-21)

- 19.50 The same report continued: '...newly converted Christians are regularly detained and held for long periods in detention. They are occasionally charged with apostasy, but in recent years most have either been released after a period in detention or received imprisonment sentences.' [56c] (p21)

- 19.51 The Minority Rights Group International report, 'State of the World's Minorities and Indigenous Peoples 2012, covering 2011, published 28 June 2012, stated:

'Christian converts regularly face state harassment and arrest. Many belong to evangelical protestant groups, and are regularly charged with "insulting Islamic sanctities" and apostasy. One of the main targets is the Church of Iran, an evangelical congregation with members throughout the country. In January 2011, the governor of Tehran, Morteza Tamaddon, publicly referred to detained Christians as deviant and corrupt.' [46c] (p198)

- 19.52 The 'Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran', dated 28 February 2013, stated:

'The Special Rapporteur is ... concerned that the right of Iranians to choose their faith is increasingly at risk. Christian interviewees consistently report being targeted by authorities for promoting their faith, participating in informal house-churches with majority convert congregations, allowing converts to join their church services and congregations, and/or converting from Islam. A majority of interviewees that identified themselves as converts reported that they were threatened with criminal charges for apostasy while in custody, and a number of others reported that they were asked to sign documents pledging to cease their church activities in order to gain release.' [10n] (p19)

- 19.53 The CSW report of June 2012 stated:

'There has been a noticeable increase in the harassment, arrests, trials and imprisonments of converts to Christianity since the beginning of 2012 in various cities across Iran, with a particular crackdown on individuals and groups in Tehran, Kermanshah, Esfahan and Shiraz. Although some of these detainees have been released after being asked to sign documents preventing them from attending Christian meetings, many others remain detained, including women and the elderly. There was a particular upsurge of arrests during February 2012, which continued into March. Once again, exorbitant bail payments have been demanded in order to secure temporary release for detained Christians.

'The renewed wave of repression has affected both the house church movement and approved denominations, the latter, a continuation of events that occurred at the end of 2011 when the government raided a church belonging to the sanctioned Assemblies of God (AOG) movement in Ahwaz, imprisoning all attendees, including Sunday School children. Whilst direct attacks on sanctioned churches were rare in 2011, so far 2012 has seen the arrest of the leaders of the Anglican Churches of St Paul's and St Peter's in Iran's third largest city, Esfahan. In May [2012] it was reported that the head of St Pauls Church, Pastor Hekmat Salimi, had been temporarily released on bail of around \$40,000.' [116b]

See the [CSW report](#) directly for further information. [116b]

- 19.54 On 8 September 2012, the Guardian reported the release from prison of Christian pastor Youcef Nadarkhani but also noted that, 'In April [2012], another pastor, Farshid Fathi, 33, became the latest victim of state persecution of Christian converts after being sentenced to six years in prison by a revolutionary court, Iran Christian News Agency reported.' [16b] The USCIRF Report 2013 noted that, 'Part of the evidence offered at trial was that Fathi possessed and unlawfully distributed Farsi language Bibles and Christian literature. He has spent a number of months in solitary confinement and remains in prison.' [88a] (Iran chapter, p8)

See also section on [Prosecution of apostates](#) for further information on the case of Pastor Youcef Nadarkhani.

- 19.55 The Joint report from the Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council's fact-finding mission to Tehran, Iran, Ankara, Turkey and London, United Kingdom, 'On Conversion to Christianity, Issues concerning Kurds and

Post-2009 Election Protestors as well as Legal Issues and Exit Procedures', 9 November to 20 November 2012 and 8 January to 9 January 2013, published February 2013 [Danish fact finding report 2013], reported on the risk of persecution to Christian converts. The majority of the sources consulted wished to remain anonymous. The report included the following observations:

'An international organization in Ankara stated that the authorities perceive the evangelistic networks as a sort of intelligence network and would rather go after the evangelizers and proselytizers. The authorities would not go after individual converts, but if it turns into more organized activities, it is a different issue. It was added that the authorities for instance, have not cut the TV satellite channels that disseminate Christian TV. According to the source, the authorities are not chasing house church members but would rather go after the 'big fish', i.e. those that organize and who proselytize, as they are seen as a threat to society. The evangelizers who disseminate Christian information are more at risk than others, and an extreme effort is put into chasing the evangelizers, i.e. the pastors, according to the source.

'Asked about what could lead to the persecution of a Christian convert, a Western embassy (3) stressed that engaging in evangelical activity or active manifestation of one's Christian identity in the public sphere will risk negative attention from the authorities and create problems. Wearing a cross would not be a problem in itself. It was added that a person's risk however, may also depend on what the individual has done in the past, for example, if previous activity has been registered by the authorities.' [86a] (p24)

19.56 In addition to the above, the [Danish fact finding report 2013](#) included further observations from those interviewed on the issue of conversion to Christianity. The report should be consulted directly for further information. [86a] (Section 1)

19.57 The USCIRF Report 2013 stated that:

'In October 2012, five Iranian converts to Christianity - Mohammad Roghangir, Surush Saraee, Eskandar Rezaee, Shahin Lahooti and Massoud Rezaee - were arrested in a raid on a prayer gathering at a house church in Shiraz. They were charged with evangelism and are scheduled for trial in March 2013. The five men are members of the Church of Iran, one of the country's largest house church movements. In February 2012, Iranian authorities raided a house church gathering in Shiraz, confiscated religious materials, and arrested 10 Christian converts. At the end of the reporting period, four remain in detention without charges - Mojtaba Hosseini, Homayoon Shokoohi, Vahid Hakkani, and Mohammad-Reza Paroei.' [88a] (Iran chapter, p8)

19.58 On 16 June 2013, Mohabat reported that:

'According to Mohabat News, the Revolutionary Court in Shiraz delivered the sentences of Mojtaba Seyyed-Alaedin Hossein, Mohammad-Reza Partoei (Koorosh), Vahid Hakkani, and Homayoun Shokouhi to their lawyer.

'All four Christian men were found guilty of attending a house-church, spreading Christianity, having contact with foreign ministries, propaganda against the regime and disrupting national security. Each was sentenced to three year and eight months in prison.

'In addition, Mr. Homayoun Shokouhi and Mojtaba Seyyed-Alaedin Hossein were sentenced to eight more months in prison. Also, Mrs. Fariba Nazemina and her 17 year old son, Nima Shokouhi, each received a two year suspended prison sentence.

'The sentence these Christians have received is an initial ruling which means they have the option to appeal the ruling within 20 days...

'Closure of the Central Assemblies of God Church in Tehran and the arrest of the church's pastor, Robert Asseriyani, before that, on May 21, 2013, are just examples of these pressures during this crucial time in Iran.' [74a]

19.59 The ICHRI reported on 8 July 2013 that:

'One month after the arrest of three Christian converts in Isfahan, their conditions remain unknown and there is no news about their fate...

'Plainclothes forces raided the home of Hamidreza Ghanbari during a worship session by Christian converts, and arrested Mohammad Reza Farid, Saeed Safi, and Hamid Reza Ghadiri...

'Pressure on Christian converts and Evangelical Christians has increased over the recent months again, and in addition to arrests, Persian-language churches have also been closed down under pressure from the Intelligence Ministry. On May 26 [2013], security forces and plainclothes agents arrested Pastor Robert Asseriyani, a leader from Tehran's Assemblies of God Church, during a worship ceremony. The Assemblies of God Church, Tehran's oldest Persian-language church, was also shut down under pressure by intelligence forces.' [52i]

19.60 On 15 August 2013, the ICHRI reported the further arrest of several people during a raid on a house church in western Tehran:

"On Friday, August 9 [2013], security forces raided this house church in Tehran, beat, abused, and threatened individuals who were engaged in weekly worship, searched the premises and cell phones and other personal items of the attendees, and transferred five Christian converts, including Parham Farazmand, Sedigheh Kiani, Sara Sardsirian, and Mona Fazli, to an unknown location," the source told the Campaign...

'Last week, news websites reported arrests of Sedigheh Amirkhani, Mahnaz Rafiee, and Mohammad Reza Peymani, three Christian converts in Isfahan. The human rights activist told the Campaign that repeated inquiries by the detainees' families to Iranian police and judicial authorities have been fruitless. Only one of the detainees, Sedigheh Amirkhani, has been able to make a telephone call to her family to inform them of her health and her detention and interrogation inside a security organization. "Last week, JARAS website published a note by Farshid Fathi, an imprisoned Christian pastor, who spoke of his torture during his detention inside security detention centers, reporting insults, degradation, slander, and threats during his detention in solitary confinement," said the source. Farshid Fathi, a Christian citizen, is currently serving a six-year prison sentence inside Evin Prison.' [52j]

See the 2013 ICHRI report, ['The Cost of Faith'](#), for further information on converts to Christianity in Iran. [52ac]

See also [Apostasy \(conversion from Islam\)](#) and [Prosecution of apostates](#)

Sunni Muslims

19.61 The International Federation for Human Rights (FIDH) and Iranian League for the Defence of Human Rights (LDDHI) report, 'Iran: Rising poverty, declining labour rights', published June 2013, stated:

'Iran's ethnic communities, including the Kurds, the Baluch, the Turkmen, and some Arabs, constitute the large majority of Sunni Muslims. They live in at least 16 of 31 provinces countrywide and are estimated to constitute between 10-20% of Iran's total population.

'In spite of their sizeable demographics and Islamic conviction, Sunni Muslims have also borne the brunt of discrimination, at least in appointments to government positions. Although [Article 12](#) of the Constitution only discriminates against non-Muslims, an 'unwritten law' regarding Sunnis means that Iran has not seen a single Sunni minister, deputy minister or even governor-general since 1979.' [56h] (p28)

See the [June 2013 FIDH/LDDHI report](#) for information on the treatment of individual Sunni Muslims. [56h] See also an earlier report by the FIDH/LDDHI, '[The Hidden Side of Iran: Discrimination against ethnic and religious minorities](#)' published October 2010, for further background information and a 'non-exhaustive list of detention, imprisonment and execution of Sunni religious leaders' from 2006 to 2010. [56c] (p22)

19.62 On 18 April 2011, The Guardian reported that:

'At least 12 people who are believed to belong to Iran's Sunni minority have been killed in clashes between security forces and anti-government protesters in the south-western city of Ahwaz since Friday [15 April].

'On Monday, Shirin Ebadi, Iran's Nobel peace prize laureate, wrote a letter to the UN high commissioner for human rights, in which she said "more than 12" Sunni protesters had been killed in Iran's oil-rich province of Khuzestan, home to many Arabic-speaking Sunni Iranians.

'According to Ebadi, hundreds of people in Ahwaz had gathered for a peaceful demonstration against the Islamic regime's discrimination towards its Sunni minority.

"During these clashes, more than 12 people were killed, around 20 injured and tens of protesters have been arrested," Ebadi wrote in her letter.

'She criticised Iran's treatment of the Sunnis and said: "In the 32 years' history of the Islamic Revolution, Arabic-speaking Iranians have suffered from inequality and an extensive discrimination.'" [16k]

19.63 The Freedom House Report 2013 noted that 'Sunnis enjoy equal rights under the law but face discrimination in practice; there is no Sunni mosque in Tehran, and few Sunnis hold senior government posts.' [112f]

19.64 The USSD IRF Report 2012 stated:

'There were reports of arrests and harassment of Sunni clerics and congregants. Many Sunnis claimed they were discriminated against; however, 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 Sunnis in the city, as a prominent example. Sunni leaders reported bans on Sunni religious literature and teachings in public schools, even in predominantly Sunni areas. Sunnis also noted the underrepresentation of Sunnis in government-appointed positions in the provinces where they form a majority, such as Kurdistan and Khuzestan, as well as their inability to obtain senior government positions. Residents of provinces with large Sunni populations, including Kurdistan, Khuzestan, and Sistan-va-Baluchestan, reported discrimination, lack of basic government services, and adequate funding for infrastructure projects.' [4e] (Section II)

19.65 The USCIRF Report 2013, published 30 April 2013, stated:

'Muslim minorities continue to face repression. Several of the country's ethnic minorities - Arabs, Baluchis, Kurds, and Turkmen - practice Sunni Islam. These groups are subject to discriminatory policies based on both their ethnic identity and their faith. Sunni Muslim leaders regularly are intimidated and harassed by intelligence and security services and report widespread official discrimination in government employment, particularly in leadership positions in the executive and judicial branches. Sunni Muslims comprise approximately 9% of Iran's population of nearly 80 million.

'Sunni leaders report widespread abuses and restrictions on their religious practice, including detentions and abuse of Sunni clerics, as well as bans on Sunni teachings in public schools and Sunni religious literature, even in predominantly Sunni areas. In December 2011, Sunni Muslim members of parliament wrote to the Supreme Leader asking for an end to discrimination against Sunni Muslims and seeking permission to build a mosque in Tehran. The Sunni community still has not been able to build a mosque in Tehran and, in recent years, Sunni mosques were destroyed in eastern Iran near Zabol, Sistan- Baluchistan, and Mashhad. In recent years, dozens of Sunni clerics reportedly were arrested for spreading Sunni teachings, including in Kurdistan, Kermanshah, Baluchistan, West Azerbaijan, Ahvaz, Tavalesh, and Khorassan provinces.' [88a] (Iran chapter, p4))

19.66 The International Campaign for Human Rights in Iran [ICHRI] reported on 23 October 2012 that, 'Several Sunni Kurds awaiting trial at Evin and Rajaei Shahr prisons for a number of years were put on trial on September 29 [2012], a local source told the International Campaign for Human Rights in Iran. The Sunni Kurds were denied the option to choose a lawyer, and Judge Moghisseh of Branch 28 of Tehran Revolutionary Court sentenced all of them to long prison terms.' [52b] The ICHRI noted that one had received a 15 year prison sentence and two others received sentences of 8 years each after being charged with, 'proselytizing for extremist religious groups and for their membership in those groups'. [52b]

See the [ICHRI article](#) for more information on other Sunni Kurds arrested over the past three years. [52b]

See also sections on [Arabs](#), [Kurds](#), [Baluchis \(Balochis\)](#) and [Jundallah](#) for further information on ethnic minorities who are also Sunni Muslims

Jews

19.67 A Telegraph article dated 3 October 2009 reported that:

‘Iran is home to the biggest population of Jews in the Middle East outside Israel. While the community faces limited discrimination, it is largely free to exercise the same rights as Muslims enjoy in the Islamic republic. Like the country’s Armenian, Assyrian and Zoroastrian minorities, it has one reserved seat in parliament...

‘There are about 25,000 [Jews] left in Iran. Tehran has 20 active synagogues. But the Jewish population has dwindled rapidly since an Islamic theocracy was established. At the end of the Shah’s reign, there were an estimated 100,000 Jews.’ [43a]

19.68 The CSW September 2009 Iran profile stated that: ‘Jews living in Iran have been allowed some freedom to practise their religion, including the use of Hebrew for religious instruction. However, the Jews face various limitations on their rights to travel and to communicate with Jewish communities outside Iran, especially in Israel.’ [116a] (p13) The USSD IRF Report 2012 noted that ‘Jewish citizens are free to travel out of the country, and the government generally does not enforce legal restrictions on travel to Israel by Jewish citizens. Other citizens may not travel to Israel.’ [4e] (Section II)

19.69 The USSD IRF Report 2012 also stated:

‘With some exceptions, there was little government restriction of, or interference with, Jewish religious practice. However, the Jewish community experienced official discrimination. Government officials continued to make anti-Semitic statements, organize events designed to deny the Holocaust, and sanction anti-Semitic propaganda. Such propaganda involved official statements, media outlets, publications, and books. The government’s anti-Semitic rhetoric, as well as the perception among radical Muslims that all Jewish citizens of the country supported Zionism and the state of Israel, continued to create a hostile atmosphere for Jews. The rhetorical attacks also further blurred the lines between Zionism, Judaism, and Israel, and contributed to increased concerns about the future security of the Jewish community in the country. In an August statement, President Ahmadinejad conflated Zionists with Jews when he stated, “It has now been some 400 years that a horrendous Zionist clan has been ruling the major world affairs, and behind the scenes of the major power circles, in political, media, monetary, and banking organizations in the world.” Supreme Leader Ayatollah Khamenei made similar statements in an August speech referring to the Zionist regime and Zionists as a “cancerous tumor.”

‘Ahmadinejad continued to question the existence and the scope of the Holocaust and publicly called for the destruction of Israel. His rhetoric combined with that of the supreme leader created a more hostile environment for the Jewish community. In his interview with French journalists on September 9 he stated, “The Zionist regime relies on the Holocaust and if it is taken away from the regime, the philosophy of its existence disappears and all politics in the international arena which were based on it will come undone.”’ [4e] (Section II)

- 19.70 The Telegraph article of 3 October 2009 observed that ‘Maurice Motamed, the country’s Jewish MP [Minister of Parliament], has criticised Mahmoud Ahmadinejad’s denials of the Holocaust but is otherwise a staunch supporter of the radical president’s foreign and security policies. “I am an Iranian first and a Jew second,” he said.’ [43a]
- 19.71 The USSD IRF Report 2012 stated that, ‘The government reportedly allowed Hebrew instruction but limited the distribution of Hebrew texts, particularly nonreligious texts, making it difficult to teach the language. The government required Jewish schools to remain open on Saturdays, a violation of Jewish religious law, to conform to the schedule of other schools.’ [4e] (Section II)
- 19.72 The USCIRF Report 2013, published 30 April 2013, stated:

‘In recent years, official anti-Semitism has risen sharply in Iran, and members of the Jewish community have been targeted on the basis of real or perceived ties to Israel. President Ahmadinejad and other leaders made public remarks during the reporting period denying the Holocaust and calling for the elimination of the state of Israel. Officially-sanctioned anti-Semitic propaganda continued to appear in official statements, media outlets, publications, and books in 2012. In recent years, in line with a stepped-up state-sponsored campaign, numerous programs broadcast on state-run television advanced anti-Semitic messages, a prominent newspaper held a Holocaust denial editorial cartoon contest, and the Iranian government sponsored a Holocaust denial conference. Anti-Semitic editorial cartoons depicting demonic and stereotypical images of Jews, along with Jewish symbols, also were published in the past year.

Official government discrimination against Jews continues to be pervasive, fostering a threatening atmosphere for the approximately 20,000-25,000 member Jewish community. According to the State Department, despite minimal restrictions on Jewish religious practice, education of Jewish children has become increasingly difficult, and distribution of Hebrew religious texts is strongly discouraged.’ [88a] (Iran chapter, p8-9)

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Zoroastrians

- 19.73 The British Broadcasting Corporation (BBC) News website, accessed on 6 May 2010, reported that: ‘Zoroastrianism is one of the oldest but perhaps most misunderstood religions still practised today. Its spiritual doctrines on heaven, hell and resurrection heavily influenced Islam and Christianity. But emigration, conversion to Islam and centuries of oppression mean their numbers in Iran have dwindled to around 45,000.’ [21o]
- 19.74 The CSW September 2009 Iran profile stated that:

‘Zoroastrianism is an ancient Near Eastern religion that has had a dominant presence among Persian people before the conversion of Persians to Islam. This close historical link with the national identity of Persians and the relative respect Islam shows to religions preceding Islam has resulted in their official recognition and tolerance. Although Zoroastrians enjoy legal freedoms such as the ability to open schools and charitable associations, they share similar difficulties with other minorities in accessing employment in the public sector.’ [116a] (p13)

- 19.75 The USCIRF Report 2013 noted that, ‘In recent years, members of the Zoroastrian community—numbering between 30,000 and 35,000 people—have come under increasing repression and discrimination. In 2011, a Zoroastrian man, Mohsen Sadeghipour, began serving a four-and-a-half year prison term for propaganda of the Zoroastrian faith. Three others—Mojtaba Ahmadi, Pouria Shahpari, and Mohammad Javad Shahpari—were convicted and imprisoned in 2010 on blasphemy and other trumped-up security-related charges. All four remain in prison.’ [88a] (Iran chapter, p8)

Sabean Mandaean

- 19.76 The USCIRF Report 2013 stated that, ‘Over the past few years, the unrecognized Sabean Mandaean religious community, numbering between 5,000 and 10,000 people, has been facing intensifying official harassment. Reports continue about Sabean Mandaean facing societal discrimination and pressure to convert to Islam, and being denied access to higher education. Many families have fled the country. [88a] (Iran chapter, p8)

Baha’is

- 19.77 The International Federation for Human Rights (FIDH) and the Iranian League for the Defence of Human Rights (LDDHI) report, ‘The Hidden Side of Iran: discrimination against ethnic and religious minorities’, published October 2010, noted:

‘Considered to be “man-made” in comparison with “divine” religions, the Baha’i faith is seen as the worst form of heresy by the Islamic Republic authorities. It originated in Iran in the 19th century and its founder claimed to be a messenger of God. Islam recognises Zoroastrianism, Judaism and Christianity as divine anterior religions, but Muslims believe Prophet Mohammad was the ultimate prophet of God and Islam the ultimate divine religion. Others, such as the Baha’i faith, are man-made religions and thus tantamount to apostasy. Its followers are considered to be apostates and frequently accused of spying for Israel, presumably because their founder is buried in Israel and their Centre is also located there. In early 2009, in a letter to the intelligence minister, then Prosecutor-General Ayatollah Dorri Najafabadi noted that the Baha’i World Centre is located in Israel and then emphasised: “[The Baha’is] have long-standing and solid relations with the Zionist regime and they engage in collecting information, infiltrating activities and demolishing the ideological foundations of the people.”

‘Followers of the Baha’i faith, reportedly numbering around 300,000, have been treated particularly harshly since the Islamic Revolution of 1979. By estimates of the Baha’i International Community, more than 200 Baha’is are believed to have been killed since 1979, many by execution.

‘Although the waves of killings and executions have subsided since the early 1990s, pressure on the Baha’i community has increased since the incumbency of President Ahmadinejad in 2005.’ [56c] (p19)

- 19.78 Amnesty International’s (AI) submission to the United Nations Economic and Social Council’s (ECOSOC) Commission on the Status of Women, on 2 August 2012, stated:

‘Since the establishment of the Islamic Republic of Iran in 1979, the Baha’i community has been systematically harassed and persecuted. There are over 300,000 Baha’is in Iran, but their religion is not recognized under the Iranian Constitution, which recognizes only Islam, Christianity, Judaism and Zoroastrianism. Baha’is in Iran are subject to

discriminatory laws and regulations which violate their right to practise their religion freely, as set out in Article 18(1) and Article 27 of the International Covenant on Civil and Political Rights, to which Iran is a state party. The Iranian authorities also deny Baha'is equal rights to education, to work and to an adequate standard of living by restricting their access to employment and benefits such as pensions. They are not permitted to meet, to hold religious ceremonies or to practise their religion communally. Hundreds of Baha'is, both men and women, have been arrested in recent years.' [9p] (p4)

19.79 The USCIRF 2013 Annual Report observed that:

'The Baha'i community has long been subject to particularly severe religious freedom violations. Iranian authorities view Baha'is, who number at least 300,000, as "heretics," and repress them for "apostasy" and other baseless charges. Since 1979, the government has killed more than 200 Baha'i leaders and dismissed more than 10,000 from government and university jobs. Baha'is may not establish places of worship, schools, or any independent religious associations. In addition, Baha'is are barred from the military and denied government jobs and pensions as well as the right to inherit property. Their marriages and divorces also are not recognized, and they have difficulty obtaining death certificates. Baha'i cemeteries, holy places, and community properties are often seized or desecrated, and many important religious sites have been destroyed. The Baha'i community faces severe economic pressure, including denials of jobs in both the public and private sectors and of business licenses. Iranian authorities often pressure employers of Baha'is to dismiss them from private sector employment.

'During the past two years, Baha'is have faced increasingly harsh treatment, including increasing arrests and detentions and violent attacks on private homes and personal property. More than 650 Baha'is have been arbitrarily arrested since 2005... Throughout 2012 and early 2013, Baha'i-owned businesses and personal property were the target of arson attacks in several cities, with police doing nothing to find the perpetrators.' [88a] (Iran chapter, p5-6)

See the [USCIRF 2013 Annual Report](#) for details of individual cases in 2011 and 2012. [88a]

19.80 The Report of the Special Rapporteur to the UN Human Rights Council, dated 28 February 2013, reported:

'In its comments on the Special Rapporteur's report to the 67th session of the General Assembly, the Government asserted that despite the fact that the Baha'i faith is not a recognised religion in the country, its followers have equal rights under the law, and that they may not be prosecuted or imprisoned for adhering to their beliefs. However, it was also maintained that propagation of the Baha'i faith is in "breach of the existing laws and regulations" and that activities that constitute its proselytisation disrupt public order and may be limited in accordance with Article 18 and 19 of the ICCPR. However, the Human Rights Committee emphasises that the teaching of religious beliefs are protected and that "the practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, such as the freedom to...establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications."

'It has been reported that 110 Baha'is are currently detained in Iran for exercising their faith, including two women, Mrs. Zohreh Nikayin (Tebyanian) and Mrs. Taraneh Torabi (Ehsani), who are reportedly nursing infants in prison. It was further estimated that 133

Baha'is are currently awaiting summons to serve their sentences, and that another 268 Baha'is are reportedly awaiting trial. Authorities reportedly arrested at least 59 members from August to November 2012, some of whom have been released. Several sources reported that since October 2012, authorities have raided the homes of at least 24 Baha'is and arrested 25 individuals in the city of Gorgan and its surrounding provincial areas, 10 of whom remained in custody at the time of drafting this report. It has also been reported that Baha'is in the northern city of Semnan have been the focus of escalating and broad persecution over the last three years. Baha'is in this city have allegedly faced physical violence, arrests, arson, and vandalism to their homes and grave sites. The majority of Baha'i-owned businesses in Semnan and the northern city of Hamadan have reportedly been closed.

'Members of the Baha'i community are reported to continue to be systematically deprived of a range of social and economic rights, including access to higher education. Informed sources have reported that authorities from three different universities expelled five Baha'i students in November 2012. Four of these students were reportedly offered continued admission if they denied and/or pledged to abandon their religious practices. The students were reportedly expelled for refusing the offer.' [10n] (p17-18)

The [Report of the Special Rapporteur](#) dated 28 February 2013 also included details of Baha'is imprisoned as of 3 January 2013. [10n] (Annex III, p51)

19.81 The AI Report 2013, published 23 May 2013, noted that in 2012, 'Persecution of Baha'is intensified; Baha'is were publicly demonized by officials and state-controlled media...At least 177 Baha'is – who were denied the right to practise their faith – were detained for their beliefs. Seven community leaders arrested in 2009 continued to serve 20-year sentences imposed for "espionage for Israel" and "insulting religious sanctities".' [9h]

19.82 The USSD IRF Report 2012 noted:

'In many cases the government charged them [Baha'is] with violating Islamic penal code articles 500 and 698, relating to activities against the state and spreading falsehoods, respectively. The government also often charged Bahais with "espionage on behalf of Zionism," partly because Bahai world headquarters is located in Israel. These charges were more acute when the government found that Bahais were communicating with or sending monetary contributions to the Bahai headquarters. Often the charges were not dropped upon release, and those with charges pending against them reportedly feared arrest at any time. Most were released only after paying a large fine or posting high bail. For some, bail was in the form of deeds of property. Others gained release in exchange for personal guarantees from a "guardian" that the offender would appear in court, or from depositing a work license as a surety to appear when summoned to court or prison. Government officials reportedly offered Bahais relief from mistreatment in exchange for recanting their religious affiliation. It required incarcerated Bahais to recant their religious affiliation as a precondition for release.' [4e] (Section II)

The [USSD IRF Report 2012](#) included further information on Baha'is including details of sentences handed down to them. [4e]

See also the June 2013 report by the FIDH/LDDHI, '[Iran: Rising poverty, declining labour rights](#)', for further information on discrimination faced by Baha'is. [56h] (p29)

See also [Apostasy](#) (conversion from Islam) above.

Sufis

- 19.83 The FIDH/LDDHI report of October 2010 stated ‘The various Sufi orders, including Nematollahi, Naqshbandi, Qaderi, Yazidi and others have been victims of repression, especially in recent years. The Nematollahi Gonabadi Order has recently been persecuted most severely.’ [56c] (p23) A news article by Radio Free Europe/Radio Liberty (RFE/RL) dated 7 September 2011, noted that, ‘The Nematollahi order is Iran’s largest Sufi order, with reportedly more than 2 million members across the country, including in major cities such as Tehran and Isfahan’ [42g]
- 19.84 The FIDH/LDDHI report of October 2010 stated:
- ‘The Nematollahi Gonabadi Order members consider themselves to be Shi’a Muslims. Their prayer centres are called hosseinieh, named after Hossein, the third imam of the Shi’a. Their leader Dr. Noorali Tabandeh celebrates the important religious events, in particular the days of Tasua and Ashura, that mark the martyrdom of the third Shi’a Imam Hossein. Nevertheless, their belief that anybody from any religion may find God and their practical rejection of the clerical hierarchy and dogma is anathema to the Islamic Republic authorities. The Nematollahi Gonabadi Order has faced harsher pressure than ever since the taking of office of Mr. Ahmadinejad in 2005, and in particular in the last couple of years. The support by their leader, Dr. Noorali Tabandeh, for Mehdi Karrubi, a reform-oriented presidential candidate in 2009, led to further repression of the Order.’ [56c] (p24)
- 19.85 The ‘Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran’, dated 23 September 2011, stated, ‘Sufi Muslims in the Islamic Republic of Iran are ... subjected to limitations on their freedom of religion and various forms of religious discrimination. This is particularly true of members of the Shia Sufi order, Nematollahi Gonabadi. Authorities sentenced Gholam-Abbas Zare-Haqiqi, a Gonabadi leader, to four years in prison in October 2009, for allowing a burial at Sufi cemeteries, a banned practice.’ [10e] (p17)
- 19.86 The Minority Rights Group International report, ‘State of the World’s Minorities and Indigenous Peoples 2012’, covering 2011, published 28 June 2012 stated:
- ‘Sufi Muslims have faced growing government repression of their communities and religious practices, including harassment and imprisonment of prominent Sufi leaders and destruction of prayer centres. In January [2011], three lawyers who had defended Sufi members were put on trial. They were reportedly sentenced to 6–7 months’ imprisonment for ‘propagating lies and creating public anxiety’. Over 60 people, mostly dervishes (members of a Sufi religious order), were arrested in September. In the same crackdown, a member of the Nematollahi Gonabadi Sufi order was reportedly killed. By 2012, at least 11 remained in detention. Also in September, four lawyers who were representing the detainees were also arrested; they were charged in December for spreading lies and membership in a “deviant group”.’ [46c] (p198)
- 19.87 The USCIRF Report 2013 stated:

'During the past year [1 April 2012 to 31 March 2013], arrests and harassment of Sufi Muslims increased significantly. Sufi Muslims - who come from the Shi'i Muslim tradition - face government repression of their communities and religious practices, including harassment and imprisonment of prominent Sufi leaders and the destruction of prayer centers and hussainiyas (places of worship). Since the 2011 denunciation of Sufis by some Shi'i clerics, government restrictions on Sufi groups and places of worship have become more pronounced.

'Over the past few years, authorities have detained hundreds of Sufi Muslims, particularly Nematollahi Gonabadi dervishes, sentencing many to imprisonment, fines, and floggings. In September and October 2011, a Gonabadi dervish was killed and several were injured during a government crackdown in southwestern Iran, Fars province, during which the Basij militia arrested at least 60 Sufis. Seven remain in detention, including Hamidreza Moradi, Mostafa Daneshjou, Reza Entesari and four attorneys - Farshid Yadollahi, Amir Eslami, Afshin Karampour, and Omid Behruzi - who defended the dervishes in court. Three of the four attorneys continue to be held in Evin prison and were charged in late 2011 with insulting the Supreme Leader, "spreading lies," and membership in a "deviant group." According to human rights groups, the fourth attorney, Amir Eslami, has a serious heart condition and has been sent to the hospital for medical attention. In December 2012, the other six in detention reportedly were tried in a revolutionary court, some charged with "waging war against God," a capital offense. By the end of the reporting period, their trial was ongoing.

'Furthermore, during the reporting period Iranian state television aired a series of programs designed to denigrate and demonize Sufism, particularly the Nematollahi Gonabadi order. In January 2013, several prayer centers of the Gonabadi order have been demolished or attacked by Iranian authorities. Reportedly, the government is considering banning Sufism.' [88a] (Iran chapter, p4-5)

- 19.88 On 24 July 2013, Radio Free Europe/Radio Liberty (RFE/RL) reported on the blocking of the Sufi website Majzooban-e Noor, '...which covers news about the Nematollahi Gonabadi dervishes in Iran.' [42h] The RFE/RL report continued:

'Recently, the website has felt the full wrath of Tehran, as officials have arrested and jailed those behind it.

'Last week, seven of the website's staff members, including its managing editor and a photojournalist, were sentenced to jail terms ranging from seven and 1/2 to 10 1/2 years. They were convicted of acting against national security, spreading propaganda against the establishment, and insulting Iran's leaders - the same charges that Iran often brings against political activists and intellectuals.

'They had been in custody for the past two years and were reportedly subjected to solitary confinement while awaiting their sentences. Some 20 people have been arrested in connection with the Sufi webpage since 2011.' [42h]

- 19.89 On 25 July 2013, Human Rights Watch (HRW) called for the Iranian judiciary to '...abandon charges and quash the verdicts against 11 members of a Sufi sect convicted in unfair trials and informed of their sentences in July 2013.' Furthermore:

'The evidence suggests that all 11 were prosecuted and convicted solely because of their peaceful activities on behalf of the largest Sufi order in Iran [the Nematollahi

Gonabadi Sufi order] or in connection with their contributions to a news website dedicated to uncovering rights abuses against members of the order.

“The Sufi trials bore all the hallmarks of a classic witch hunt,” said Tamara Alrifai, Middle East advocacy director at Human Rights Watch. “It seems that authorities targeted these members of one of Iran’s most vulnerable minorities because they tried to give voice to the defense of Sufi rights.” [8n]

See the [HRW article](#) directly for more detailed information on the treatment of the individuals sentenced. [8n]

For further background information on Sufi Muslims, see the FIDH report, [The hidden side of Iran: discrimination against ethnic and religious minorities](#), dated October 2010. [56c]

See also the June 2013 report by the FIDH/LDDHI, [‘Iran: Rising poverty, declining labour rights’](#), for information on discrimination faced by Baha’is in the workplace. [56h] (p27)

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20. Ethnic groups

Overview

Section should be read in conjunction with the previous section on [Freedom of religion](#). For information on the situation for women from ethnic minorities, this section should be read in conjunction with the section on [Women](#) for information about their position generally in Iranian society.

- 20.01 The Criminal Intelligence Agency (CIA) World Factbook, updated 22 August 2013, accessed 11 September 2013, provided the following breakdown of ethnic groups in Iran: ‘Persian 61%, Azeri 16%, Kurd 10%, Lur 6%, Baloch 2%, Arab 2%, Turkmen and Turkic tribes 2%, other 1%.’ [111a]
- 20.02 A February 2011 briefing by Minority Rights Group International (MRGI) stated: ‘Iran is home to a large number of minority groups, whose members’ identities cut across various ethnic, linguistic and religious lines. Unfortunately, most of these groups are subject to state-sanctioned discrimination of varying degrees, some of which has been well-documented by UN [United Nations] human rights bodies, expert reports, academic studies and media sources...’ [46a] (p1)
- 20.03 The MRGI report continued:
- ‘Article 19 [of the Constitution] states: “All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights, and colour, race, language, and the like do not bestow any privilege.”...
- ‘The spirit of Article 19 of the Constitution urges against bestowing privileges on the basis of markers like language and ethnicity, but in Iran, ethnicity and religion are often linked because they share boundaries. Most of the country’s linguistically (as well as culturally) distinct minorities – Kurds, Arabs, Baluchis and Turkmens, for example – practise Sunni Islam. This has meant that in addition to the discriminatory policies that

bear directly upon ethnic identity, these groups are doubly affected because of their faith.’ [46a] (p5-6)

- 20.04 The US Department of State’s ‘Country Reports on Human Rights Practices 2012, Iran’, released 19 April 2013, stated:

‘The constitution grants equal rights to all ethnic minorities and allows for minority languages to be used in the media and in schools. In practice minorities did not enjoy equal rights, and the government consistently denied their right to use their language in school. In addition, a 1985 law, the Gozinesh (selection) law, prohibits non-Shia ethnic minorities from fully participating in civic life. This law and associated provisions make access to employment, education, and other areas conditional on devotion to the Islamic Republic and the tenets of Shia Islam.

‘The government disproportionately targeted minority groups, including Kurds, Arabs, Azeris, and Baluchis, for arbitrary arrest, prolonged detention, and physical abuse... These groups reported political and socio-economic discrimination, particularly in their access to economic aid, business licenses, university admissions, permission to publish books, and housing and land rights. The government blamed foreign entities, including a number of foreign governments, for instigating some of the ethnic unrest.’ [4a] (Section 6)

- 20.05 The Hands off Cain World Report 2013 covering 2012 and the first six months of 2013 stated:

‘The use of the death penalty for purely political motives continued in 2012 and 2013. But it is probable that many of the people put to death for ordinary crimes or for “terrorism,” may well be in fact political opponents, in particular members of Iran’s ethnic minorities, including Iranian Azerbaijanis, Kurds, Baluchis, and Arabs. Accused of being Mohareb – enemies of Allah – those arrested are often subject to rapid and severe trials that often end with a sentence of death. The punishment for Moharebeh is death or amputation of the right hand and left foot, according to the Iranian penal code. According to Iran Human Rights, at least 23 (3%) of 294 people who were executed in 2012 according to the official Iranian sources were convicted of Moharebeh (war against God).’ [60a]

- 20.06 Amnesty International’s ‘Annual Report 2013 - Iran’ (AI Report 2013), published on 23 May 2013 and covering events in 2012, stated:

‘Members of ethnic minorities, including Ahwazi Arabs, Azerbaijanis, Baluch, Kurds and Turkmen, were discriminated against in law and practice, being denied access to employment, education and other economic, social and cultural rights on an equivalent basis with other Iranians. The use of minority languages in government offices and for teaching in schools remained prohibited. Activists campaigning for the rights of minorities faced official threats, arrest and imprisonment.’ [9h]

- 20.07 The MRGI report, ‘Peoples under Threat 2012’, published 24 May 2012, concurred, noting that, ‘...the systematic campaign of repression of opposition activists continues, and reached a new level in the country’s north-west, where the conflict with Kurdish militias intensified. Shelling by Iranian tanks and artillery in June [2011] displaced thousands. Baluchis, Ahwazi Arabs and Azerbaijanis also accuse the government of long-standing oppression and denial of political participation.’ [46b] (p3)

- 20.08 The Amnesty International Report, “‘We are ordered to crush you”, expanding repression of dissent in Iran’, published February 2012, reported:

'Demands by ethnic minority rights activists for greater rights have, for many years, been suppressed, in the context of armed opposition from some groups, particularly from the Ahwazi Arab, Kurdish and Baluch communities. Activists from these communities who advocate for greater respect and protection of the rights of their communities – which face discrimination in law and practice in Iran – risk numerous human rights violations ranging from arbitrary arrest to the death penalty after unfair trial, as well as restrictions on movement and denial of other civil rights. This pattern continues in the context of a wide and generalized suppression of most forms of dissent over government policies.' [9x] (p33-34)

- 20.09 The 'Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran', dated 6 March 2012, noted:

'The Special Rapporteur continues to receive reports about human rights violations affecting ethnic minorities, in law and in practice... Minorities also continue to be subjected to intense socio-economic discrimination and pressures, including land and property confiscation, denial of employment and restrictions on social, cultural and linguistic rights, in violation of the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Economic, Social and Cultural Rights.' [10d] (p18)

- 20.10 On 23 May 2012, Karim Lahidji, vice-president of the International Federation for Human Rights (FIDH) and president of the Iranian League for the Defence of Human Rights (LDDHI), said:

'The authorities in Iran have launched a new wave of repression against several Iranian ethnic communities, including the Baluchis, Arabs and Azeris. They are acting in complete defiance of the recommendations made by the UN Committee on the Elimination of Racial Discrimination in its August 2010 concluding observations, where the Committee strongly criticised the denial of rights of the "Arab, Azeri, Baluchi, Kurdish communities and some communities of non-citizens" in Iran and called on the authorities to take measures to protect them effectively.' [56f]

See sections on [Kurds](#), [Arabs](#), [Baluchis \(Balochis\)](#), [Azerbaijani \(Azeri\) Turks](#) and [Qashqais](#) below for further information on their treatment. See also section on [Exit and Return](#) for details of possible discrimination faced by ethnic minorities wishing to leave Iran.

The [Iran Chamber Society](#) website also provides further background information on Iranian ethnic groups. [58f]

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Kurds

Background

- 20.11 The Iran Human Rights Center (IHRDC) report, 'On the margins: arrest, imprisonment and execution of Kurdish activists in Iran today', published 11 April 2012, stated:

'Today, Kurdish Iranians comprise about 10% of Iran's total population and are spread throughout Iran's northwestern region in the provinces of Kurdistan, Kermanshah, Ilam,

and West Azerbaijan. Although most Kurdish tribes were formerly semi-nomadic, presently the Kurdish population is mostly concentrated in urban centers like Sanandaj, the provincial capital of Kurdistan, and other cities including Kermanshah, Mariwan, Saqqez, Mahabad and Paveh. Following Iran's ethnic Azeri population, centered in the far northwestern provinces of Iran, the Kurds rank as the second largest ethnic minority population within Iran's borders.' [51e] (p3)

20.12 The same IHRDC report also noted:

'The province of Kurdistan in Iran extends over 29,137 square kilometers (out of Iran's total land area of 1,648,195 square kilometers)...There are 10 major cities in Kurdistan Province: Sanandaj, Saqqez, Marivan, Baneh, Bijar, Sarvabad, Qorveh, Kamyaran, Divandarreh, and Dehgolan.

'While accurate statistics are hard to come by, it is estimated that the majority of Kurdish Iranians are Sunni Muslims, while a sizable minority are adherents of Shi'a Islam, the official religion of the Islamic Republic of Iran. The Shi'a Kurdish population, and a smaller minority who follow the Yaresan, or Ahl-i Haqq religious tradition, is largely centered in Kermanshah and Ilam Provinces. The main languages spoken in the Kurdish regions of Iran are South Kurmanji (also known as Sorani), North Kurmanji (also known as Bahdinani), and Gorani. The ability to teach these languages in schools has long been an issue of contention between the Kurdish population and the central government in Tehran.

'Similar to the economically disadvantaged position of the Baluch and Arab ethnic minorities in Iran, the Kurds have lived in relatively impoverished circumstances over the last century. In the mid-1970s, about 30% of Kurdish families lived below the poverty line, compared to about 21% of families in the central provinces of Iran. A relative lack of investment from Iran's central government in its provincial regions combined with insufficient and heretofore undeveloped local resources and the enduring legacies of tribal feudalism, pastoralism and incomplete land reform projects have resulted in lingering economic instability and mounting unemployment.' [51e] (p3)

20.13 The IHRDC report of 11 April 2012 continued:

'While the IRI [Islamic Republic of Iran] has had a fraught history with Kurdish Iranians extending back to the former's inception, witnesses claim that in the past decade, the oppression of the Kurds ramped up significantly following the inauguration of President Ahmadinejad for his first term of office [in 2005]. Following the post-election events of June 2009 that resulted in mass civic demonstrations throughout Iran and a subsequent government crackdown, relations between the IRI and Iranian ethnic minority groups, whom the government has traditionally viewed as political opposition, have become significantly strained.

'Today, the IRI's suspicions concerning the Kurdish minority are based on a fear that Kurdish activism contains a separatist undercurrent that challenges the integrity of the state. Many political activists who assert their Kurdish identity or who engage in social and political criticism of the IRI are prime targets for arbitrary arrest and prosecution on the pretext of endangering national security. While some Kurdish political activists may engage in violent acts against the Iranian state or are involved with PJAK (Partiya Jiyana Azad a Kurdistanê, or Party of Free Life of Kurdistan) - an armed Kurdish political group - others only engage in peaceful civic activities, yet suffer on account of their larger group association.' [51e] (p8)

See the [IHRDC report](#) directly for further historical information on Kurds in Iran and a map of Kurdistan. [51e]

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Discrimination and human rights violations

- 20.14 The IHRDC report of 11 April 2012 noted that, 'The Constitution of the Islamic Republic does not contain any discriminatory provisions targeting Kurdish Iranians or any other minorities, and indeed, it prohibits such mistreatment. However, in practice, IRI officials have often targeted Kurds for any manner of public display of their ethnic culture, language or traditions.' [51e] (p3)
- 20.15 A Foreign Policy Centre (FPC) report, 'A revolution without rights? Women, Kurd and Bahais searching for equality in Iran', dated 25 November 2008 noted:
- '... [Kurds] are particularly vulnerable as a minority population in Iran for two main reasons: some Kurds have a long history of struggle for national autonomy in Iran and they are mostly Sunni Muslims (a minority in Shi'a Iran). The border areas they inhabit are relatively underdeveloped and they have suffered from violent repression before and since the [1979] revolution. The Islamic Republic of Iran has continued a pattern established by previous regimes of creating a strong centralised state that is intolerant of ethnic dissidents.' [49b] (p16)
- 20.16 The Minority Rights Group International (MRGI) Report 2012 noted that:
- 'In terms of land rights, there are high levels of property confiscation and governmental neglect in the Kurdish region of north-west Iran – Iranian Kurdistan, Kermanshah and Ilam provinces. The Kurdish region has abundant water resources. Dams have been built by the government to facilitate water irrigation and for hydroelectric power generation, but Kurds are generally excluded from the benefits of this investment. They experience poor housing and living conditions because of forced resettlement, and the expropriation of rural land for large-scale agricultural plantations and petrochemical plants which pollute the surrounding environment.' [46c] (p197)
- 20.17 The FPC report of November 2008 stated:
- 'The charges made against Kurdish activists often include allegations of unspecified breaches of national security or violating morality, which create a legal exemption from honouring human rights protections outlined in the constitution. For example, freedom of expression is allowed, "except when it is detrimental to the fundamental principles of Islam or the rights of the public." Activities that count as being "against" Islam or the Islamic Republic can be very broadly defined to suit the purposes of the local or national government. Such charges are used as a pretext for cracking down on criticism, activism or dissent of any kind.' [49b] (p42)
- 20.18 On 12 November 2009, Amnesty International reported that Ehsan Fattahian, a male Kurd, had been executed in Kordestan, northwestern Iran the day before, after being convicted of "enmity against God" for his membership of the left-wing Kurdish organisation, Komala. [9s] The International Federation for Human Rights (FIDH) and

the Iranian League for the Defence of Human Rights (LDDHI) report, 'The Hidden Side of Iran: discrimination against ethnic and religious minorities', published October 2010, noted that: 'Farzad Kamangar, a Kurdish teacher and cultural activist, arrested in June 2006, was subjected to torture for two years and then sentenced to death in February 2008. He was executed in May 2010, together with four other political prisoners, three of whom were Kurds.' [56c] (p18) The 'Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran', dated 6 March 2012, noted that Farzad Kamangar had been '...denied access to his lawyer and family members. Despite numerous requests by family members, authorities have refused to return his body or help locate his grave.' [10d] (p19)

20.19 The IHRDC report of April 2012 reported:

'While many of today's generation of Kurdish activists employ non-violent methods to advocate for their rights, Kurdish fighters (or peshmerga) in the late 1970s and early 1980s were actively involved in armed struggle with the IRI. Currently, the IRI views even peaceful Kurdish activists as violent separatists who threaten the Iranian state. Many peaceful political, civil and human rights activists from Iran's Kurdish minority, like Kamangar, continue to face harassment and threats of execution simply for taking steps to protect their rights as enshrined in Iran's own Constitution and the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a signatory.

'Evidence demonstrates that the IRI's arrest of Kurdish activists follow a pattern. First, local branches of the government's intelligence and security apparatus typically initiate a pretext for arrest, such as allegations related to other illegal activity. Most often these relate to espionage, possession of arms or other materiel, or drug trafficking. Such pretexts are not, however, always invoked - in some instances, Kurdish minorities have been targeted for simply being in possession of a pamphlet or CD made by Kurdish political parties.' [51e] (p2)

20.20 The same IHRDC report also noted:

'Numerous witnesses interviewed by IHRDC stated that Iranian intelligence agents closely monitored their work on Kurdish cultural newspapers and magazines, with groups that organized Kurdish cultural plays and gatherings, and to preserve Kurdish cultural heritage and history. The work on these publications and events at these gatherings are closely monitored by government officials in direct violation of the Constitution of the IRI. The herasat - the intelligence gathering apparatus and morality police present in all government institutions, including on university campuses - collects intelligence on Kurdish activists and sometimes reports them to local intelligence authorities. When these publications and gatherings attract the attention of the authorities they are often shut down. Sometimes the activists themselves are targeted for arrest and imprisonment.

'Activists that engage in peaceful activities related to political parties are also a prime target of the Iranian authorities. Members of groups that offered monetary aid or emotional support to family members of killed Kurdish political party members said they were arrested by the Iranian authorities on allegations of aiding illegal groups. Even poetry and literary writing - if political in tone - can land the author in jail for allegedly sympathizing with political opposition groups.

'Once a Kurdish activist is targeted for arrest and imprisonment, they are subjected to the same pattern of mistreatment and deprivation of due process safeguards that political prisoners throughout Iran endure.

'It is not just the activists themselves who remain at risk of harassment by authorities for their political initiatives. By extension, the family members of activists in Iran's Kurdish region are often threatened, intimidated, and otherwise harassed. In more extreme cases, family members are imprisoned by the IRI's intelligence apparatus to exert pressure on loved ones, or forced into hiding as a result of threats of arrest.' [51e] (p13-14)

- 20.21 The Minority Rights Group International report (MRGI Report 2012), 'State of the World's Minorities and Indigenous Peoples 2012', published 28 June 2012, stated:

'The Iranian government continued to persecute Kurdish activists in 2011, convicting them on vague charges such as "acting against national security" and "waging war against God". Fifteen imprisoned Kurdish activists are believed to be on death row. Death sentences against Zainar and Loghman Moradi, and Habibollah Latifi, were upheld in 2011 following failed appeals. Another Kurdish activist, Sherko Moarefi, was also at risk of imminent execution.' [46c] (p197)

- 20.22 The 'Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran', dated 6 March 2012, also noted that, 'As at 31 October 2011, 15 Kurdish activists were reportedly on death row on charges including "acting against national security", "corruption on earth" and espionage.' [10d] (p18) The ICHRI reported on 10 August 2012 that, according to their research, '...there are currently at least 28 Kurdish prisoners sentenced to death on political and security-related charges inside Sanandaj, Orumiyeh, Semnan, Rajaei Shahr, and Saghez prisons. Seventeen of these individuals have received finalized death sentences and 11 have been sentenced to death at their trials in lower courts, and are now awaiting appeals rulings by the Supreme Court.' [52w]

See the [Report of the Special Rapporteur](#) dated 6 March 2012 for details of the 15 Kurdish detainees sentenced to death at the time his report was written. [10d] (Table II, p29)

- 20.23 The Amnesty International (AI) report, 'Death sentences and executions in 2012', published on 10 April 2013, noted that, 'At least 19 Kurdish men were believed to be under sentence of death in connection with their alleged membership of, and activities for, proscribed Kurdish organizations.' [9y] (p32)

- 20.24 The IHRDC's report of 11 April 2012 provided a comprehensive account of the treatment of Kurdish activists and concluded:

'The IRI's [Islamic Republic of Iran's] treatment of Kurdish activists today is a continuation of a long-term pattern of discrimination against Kurds in Iran who live, both literally and figuratively, on the margins of Iranian society. As demonstrated by the witness testimonies in this report, IRI officials are hostile to any public display of Kurdish ethnic culture, language or traditions, and view even peaceful activities with Kurdish political parties with suspicion. Many activists who seek to defend Kurdish rights are targeted for arrest, imprisonment and even execution.' [51e] (p54)

See the [IHRDC report](#) directly for detailed information on the history and treatment of Kurds and Kurdish activists. [51e]

20.25 The International Campaign for Human Rights in Iran (ICHR) reported on 12 March 2013 that:

‘Mahabad Intelligence Office forces have arrested several Kurdish civil activists and journalists over the past few weeks, transferring them to the Mahabad Intelligence Office’s Information Unit and telling their families not to talk about the arrests, a local source told the International Campaign for Human Rights in Iran. The identities of several of those arrested are not yet known, but local sources report that at least 10 individuals have been arrested...

‘The widespread arrests of Kurdish civil activists have been increasing in recent months. In February [2013], several Marivan student activists were arrested; they were temporarily released on bail one month later.’ [52h]

20.26 For further information on the political activities of Kurds, their family members and the prevalence of written Kurdish political material, see the [joint report](#) from the Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council’s fact-finding mission to Tehran, Iran, Ankara, Turkey and London, ‘On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures’, undertaken from 9 to 20 November 2012 and 8 to 9 January 2013, published February 2013. [86a] (Section 3, p40-45)

See also sections on Kurdish political groups: the [KDPI](#), [Komala](#) and [PJAK](#) under [Opposition groups and political activists](#).

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Arabs

20.27 The Minority Rights Group International report (MRGI Report 2012), ‘State of the World’s Minorities and Indigenous Peoples 2012’, published 28 June 2012, stated, ‘Most of Iran’s Ahwazi Arab community lives in the south-western province of Khuzestan, which borders Iraq and contains 90 per cent of Iran’s oil wells. Ahwazis are marginalized and subject to discrimination in access to education, employment, adequate housing and political participation.’ [46c] (p198)

20.28 On 19 April 2011, Amnesty International noted that, ‘Confirming details of events in the Khuzestan area is exceedingly difficult, as security forces have maintained increasingly tight control over the flow of information in and out of the region since 2005... Most [Ahwazis] are Shi’a Muslims but some are reported to have converted to Sunni Islam, heightening government suspicion about Ahwazis, who complain that they are marginalized and subject to discrimination in access to education, employment, adequate housing, political participation and cultural rights.’ [9i]

See also [Sunni Muslims](#)

20.29 The FIDH Report 2009 noted that, ‘In April 2005, unrests in Khuzestan led to the death of many Arabs including some in alleged extrajudicial executions.’ [56b] The October 2010 FIDH/LDDHI report noted that ‘Since the 2005 protests, there have been reports of high numbers of executions of Arabs every year.’ [56c] (p15)

20.30 The MRGI Report 2012 stated that, ‘In April 2011, HRW [Human Rights Watch] reported that several dozen Ahwazi protesters were killed by security forces during

demonstrations over the Ahwazi minority's grievances over state discrimination and denial of economic and cultural rights. Authorities arrested hundreds, prosecuted them during flawed trials where they had limited or no access to lawyers, and executed several.' [46c] (p198)

20.31 A HRW report of 29 April 2011 elaborated:

'On April 26 [2011], IMHRO [Iranian Minorities Human Rights Organisation] provided Human Rights Watch with the names of 27 people it said had been killed by Iranian security forces since the outbreak of violence. The group also said that authorities have arrested several hundred protesters and rights activists. On the same day, a representative from the Ahwazi Organization for the Defense of Human Rights (AODHR), also based in London, told Human Rights Watch that since April 15 Iranian security forces 'killed 48 innocent protesters, injured tens and arrested hundreds of Ahwazis.'

'Human Rights Watch has not been able to verify independently the numbers and identities of persons killed, injured, or arrested due to the security situation in Khuzestan province and severe government restrictions placed on independent reporting in the region.' [8b]

20.32 The AI Report 2013 noted that Ahwazi Arabs were among those minorities '...discriminated against in law and practice, being denied access to employment, education and other economic, social and cultural rights on an equivalent basis with other Iranians.' [9h] The same report also noted that 'Jabbar Yabbari and at least 24 other Ahwazi Arabs were arrested in April [2012] during demonstrations commemorating a 2005 demonstration against discrimination.' [9h]

20.33 The US Department of State's 'Country Reports on Human Rights Practices 2012, Iran', released on 19 April 2013 (USSD Report 2012) stated, 'Ahwazi Arabs claimed their community, estimated to number between 1.5 and two million in the southwest, faced oppression and discrimination.' [4a] (Section 6)

20.34 The Amnesty International (AI) report, 'Death sentences and executions in 2012', published on 10 April 2013, reported that:

'On or around 19 June [2012], Taha Heidarian and three other members of Iran's Ahwazi Arab minority were executed after reportedly being convicted of "enmity against God and corruption on earth" in connection with the killing of a law enforcement official in April 2011 amid widespread protests in Khuzestan, south-west Iran. Their bodies were not returned to their families. On 7 July, five other men were sentenced to death in connection with their activities on behalf of the Ahwazi Arab minority. They had been arrested in early 2011, just before the sixth anniversary of widespread anti-government demonstrations that took place in April 2005. Two of these, teachers Hashem Sha'bani Amouri and Hadi Rashidi, had previously been shown on Iran's state-controlled English-language television station, Press TV, appearing to "confess" to the allegations against them. A third man convicted, Mohammad Ali Amouri, had been sought by the authorities for organizing protests during the demonstrations in 2005.'" [9y] (p32-33)

20.35 The Human Rights Watch, 'World Report 2013, Iran', covering events in 2012, released 31 January 2013, reported:

‘Security forces detained, tortured, and executed dozens of Arab activists in southwestern Khuzestan province since 2011. According to Arab minority rights activists, at least six people have been tortured to death in custody in connection with anti-government demonstrations that swept Khuzestan province between April 2011 and February 2012.’ [8a] (p542)

- 20.36 The Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, dated 28 February 2013, stated:

‘The Special Rapporteur continues to be disturbed by reports from members of the Arab community regarding arrests, detentions, and prosecutions for protected activities that promote social, economic, cultural, linguistic and environmental rights. A majority of interviewees reported that they were arrested in the absence of a warrant, and that they were ill-treated during their arrests. Interviewees maintained that they were detained without charges for periods ranging from several days to several weeks. Several individuals reported being psychologically and physically tortured during their interrogations, including by floggings, beatings, and being made to witness executions, threats against family members, and the actual detention of family members for the purpose of implicating others, or to compel others to report to the authorities.’ [10n] (p16)

See the [Special Rapporteur’s report](#) for information on individual cases. [10n] (p16)

For further background information on Ahwazi Arabs, see the FIDH report, [The hidden side of Iran: discrimination against ethnic and religious minorities](#), dated October 2010. [56c]

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Baluchis (Balochis)

- 20.37 A statement by the Unrepresented Nations and Peoples Organization (UNPO) dated 16 May 2012, noted, ‘In the absence of adequate state data, the Baloch population in Iran is estimated to be approximately four million people. Over the course of several decades they have been systematically deprived of their cultural, social and economic rights. Within Iran they face discrimination, particularly with regards to political participation, education and employment prospects.’ [71a]
- 20.38 The Minority Rights Group International report (MRGI Report 2012), ‘State of the World’s Minorities and Indigenous Peoples 2012’, covering 2011, published 28 June 2012, concurred, stating, ‘Baluchistan has the lowest per capita income in Iran, a high infant mortality rate, and the average life expectancy is at least eight years below the national average. As Sunni Muslims, Baluchis have also come under pressure from the government to convert to Shi’a Islam if they want to find employment and access education.’ [46c] (p198)
- 20.39 The FIDH/LDDHI report, ‘The Hidden Side of Iran’, published October 2010, noted that ‘There have not been any Baluchi ministers, governors-general or ambassadors since the Islamic revolution. The armed forces do not appoint Baluchis even to lower ranks.’ [56c] (p16)
- 20.40 The report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, dated 28 February 2013, observed:

'Sistan-Balochistan is arguably the most underdeveloped region in Iran, with the highest poverty, infant and child mortality rates, and lowest life expectancy and literacy rates in the country. The Balochi are reportedly subjected to systematic social, racial, religious, and economic discrimination, and are also severely underrepresented in state apparatuses. It has also been reported that the linguistic rights of the Baloch are undermined by a systematic rejection of Balochi-language publications and limitations on the public and private use of their native languages, in contravention of article 15 of the Iranian Constitution, and article 27 of the ICCPR [International Covenant on Civil and Political Rights]. Moreover, the application of the Gozinesh criterion, which requires state officials and employees to demonstrate allegiance to Islam and to the concept of velayat-e faqih (Guardianship of the Islamic Jurist), further exacerbates their socioeconomic situation, by limiting employment opportunities.

'...Baloch activists have reportedly been subject to arbitrary arrests and torture. The Sistan-Balochistan province experiences a high rate of executions for drug-related offenses or crimes deemed to constitute "enmity against god" in the absence of fair trials. Allegations were also received that the Government has used the death penalty as a means to suppress opposition in the province. In a plea to the international community, the Balochistan People's Party reported that two Baloch prisoners in Zahidan Prison were sentenced to death following a demonstration in Rask City and other towns in the Sarbaz area in May 2012. Political prisoners in the detention center who reportedly protested against the death sentences were punished with exile.' [10n] (p16-17)

- 20.41 The USSD Report 2012 noted that, 'Baluchi journalists and human rights activists faced arbitrary arrest, physical abuse, and unfair trials, often ending in execution.' [4a] (Section 6)
- 20.42 An article in The Diplomat dated 16 May 2011, 'Inside Iran's most secretive region', reported it was '...the harsh economic and political climate that fostered the creation of Jundallah - a religious and political organisation established in 2002 claiming rights for the local Baloch. Jundallah is believed to organize a range of disruptive activities in support of its cause, including suicide bombings and more selective attacks, such as the alleged kidnapping of an Iranian nuclear scientist last September.' [123a]

See also section on the [People's Resistance Movement of Iran \(PMRI\)](#), or Jundallah

- 20.43 An FIDH update of 23 May 2012 reported that, 'In recent years, a large number of Baluch political prisoners as well as a number of Baluch Sunni clerics have been executed in the area, and scores of people have reportedly been killed in extrajudicial executions.' [56f]
- 20.44 The MRGI Report 2012 stated, 'Sakhi Rigi, an ethnic Baluch blogger and former member of opposition leader Mir-Hosseini Mousavi's campaign staff, was sentenced in June to a 20-year prison term on charges of "acting against national security" and "propagating against the regime." He was first arrested in 2009.' [46c] (p198)
- 20.45 The UNPO statement of 16 May 2012 reported on arrests over 'the past month':

'In the past week reports indicate that the Iranian regime has arrested up to sixty Baloch people in the latest restrictions to be placed on the rights of the Baloch people to expression, free speech, and peaceful demonstration in the Islamic Republic of Iran.

‘Following the arrest of Mr. Abdula Fatah on 14 May 2012, people gathered in front of the Sarbaz District governor’s office in the Sistan and Balochistan Provinces of south east Iran, demanding for his release. Upon not receiving any response, the group of people went and protested in front of the police station. Police responded violently to the protest with the result that at least one person is believed to have died.’ [71a]

The UNPO statement also included the names of 13 of those arrested whose identity could be traced. [71a]

For further background information on the Baluchi community, see the FIDH report, [The hidden side of Iran: discrimination against ethnic and religious minorities](#), dated October 2010. [56c]

See also Freedom of Religion, subsection [Sunni Muslims](#)

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Azerbaijani (Azeri) Turks

20.46 The USSD Report 2012 stated:

‘Ethnic Azeris, who constituted approximately 13 million persons or 16 percent of the population, were well integrated into government and society and included the supreme leader among their numbers. Nonetheless, Azeris reported the government discriminated against them by prohibiting the Azeri language in schools, harassing Azeri activists or organizers, and changing Azeri geographic names. Azeri groups also claimed a number of Azeri political prisoners had been jailed for advocating cultural and language rights for Azeris. The government charged several of them with “revolting against the Islamic state.” [4a] (Section 6)

20.47 An FIDH update of 23 May 2012 stated, ‘Azeri cultural and rights activists have been facing severe persecution for many years. Sa’eed Matinpour, an Azeri journalist and minority rights activist, has been serving an 8-year imprisonment sentence since 2007 and is reported to be in need of medical care.’ [56f]

20.48 The MRGI Report 2012 noted that, ‘Azeris in Iran have joined together to protest against dam construction on Lake Urmia’s tributaries that is destroying the region’s ecological and economic resources...In April 2011, Azeris gathered to protest in Urmia [Oromieh] and Tabriz, calling on the government to save the lake.’ [46c] (p199) Amnesty International reported on 4 April 2011 that, ‘Around 70 Iranian Azerbaijanis were reportedly arrested on 2 April during peaceful demonstrations in Tabriz, and about 20 others in Oromieh, north-western Iran. The protesters were calling for Lake Oromieh to be saved, as it is at risk of drying out due to dam building. Most have been released but the whereabouts of at least five protesters remain unknown.’ [9r]

20.49 On 10 September 2011, Human Rights Watch reported further arrests in the region:

‘Family members and other witnesses told Human Rights Watch that several hundred protesters and activists have been arrested since late August 2011... The first round of arrests was on August 24, when security forces raided a private gathering in the home of Sadeq Avazpour in Tabriz, the capital of East Azerbaijan province...The security forces arrested approximately 30 people. Family members said that none of the detainees had been freed.

‘Several thousand demonstrators, some of whom clashed with riot police, attended a large rally in Orumiyeh on August 26. Authorities arrested approximately 300 demonstrators in Orumiyeh alone, local activists told Human Rights Watch, but have since released dozens. Dozens of others were arrested in Tabriz, Orumiyeh, and several other cities on September 3 after local activists called for additional demonstrations.’ [8c]

- 20.50 The report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, dated 6 March 2012, stated:

‘The Special Rapporteur learned that 57 people arrested during the protests to save Lake Urmieh from drying out in 2011 were recently sentenced to a total of 26 years imprisonment and 1,390 lashes. A total of 112 people were tried, of whom 55 were acquitted and 57 were given prison sentences, lashings or both. Those convicted reportedly included five women and nine people under the age of 18. The Special Rapporteur received reports that many of those arrested and convicted were subjected to inhuman treatment during their interrogations.’ [10d] (p19)

- 20.51 The USSD Report 2012 noted that, ‘On March 19 [2012], a court sentenced Azeri activist Faranak Farid to 91 days in prison on charges of “propaganda against the regime” and “insulting the supreme leader” for interviews she gave to foreign media and fined her 10 million tomans (\$8,200) for disturbing public order for participating in protests against environmental damage to Lake Urmia. At year’s end, she was believed to have been released from prison.’ [4a] (Section 1c)

For further background information on Iranian Azeris see the FIDH report, [The hidden side of Iran: discrimination against ethnic and religious minorities](#), dated October 2010. [56c]

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21. Sexual orientation and gender identity

With regard to lesbians and bisexual women, this section should be read in conjunction with the section on [Women](#) for information about their position generally in Iranian society.

- 21.01 A May 2012 report by the Small Media Foundation, a non-profit London based research organisation, stated:

‘Iran is a country of contradictions. Although homosexual intercourse carries with it the death penalty, there are reports of rape being encouraged by guards in Iran’s male-only prisons. Homosexuality is a crime, yet it is also a mental illness and thus a valid reason for applying for an exemption from Iran’s loathed compulsory military service. Homosexuality has always been taboo in Iranian society, but people turned a blind eye to it before the revolution. However, both Iranian society and the Iranian penal code have changed drastically since the monarchy was overthrown in 1979.’ [108a] (p3)

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Legal rights

21.02 A report by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), State-Sponsored Homophobia, dated May 2012, (ILGA Report 2012) observed that same-sex relations for men and women are illegal in Iran. [104a] (p43)

21.03 The Human Rights Watch (HRW) report, 'We are a buried generation', published in December 2010, stated:

'Iranian law criminalizes all sexual relations engaged in outside the traditional bonds of marriage. Same-sex conduct, whether consensual or forced, is specifically addressed in Iran's penal code. According to Iran's Islamic Penal Code, same-sex crimes are subject to hudud, a class of punishment that is fixed pursuant to Shari'a or divine [Islamic] law, where the claimant is deemed to be God. Individuals convicted of engaging in same-sex conduct are subject to severe punishment, including the death penalty.

'Iran's Islamic Penal Code defines lavat (sodomy) as consummated sexual activity between males, whether penetrative or not. Same-sex relations between women, or mosaheqeh, are also punishable. In both cases, the accused may only be punished if they are determined to be mature, of sound mind, and willing participants.

'Same-sex intercourse between two men is punishable by death if it is determined that both partners meet these criteria. The manner of execution is at the judge's discretion. If an adult male is convicted of committing same-sex intercourse with a minor he is to be executed, while the minor shall receive up to 74 lashes unless it is determined that he has not willingly participated in the act. Minors convicted of engaging in same-sex intercourse with one another will receive up to 74 lashes unless one of them is deemed not to have willingly participated in the act.' [8m] (p19-20)

21.04 The Small Media Foundation report published in May 2012 stated:

'According to Iran's penal code, which the High Expediency Council ratified on 28 November 1991, the punishment for sodomy (Persian, lavvat) is death and a Sharia judge is vested with the power to determine the form of execution (Article 110).

'The penal code defines "sodomy" as sexual intercourse involving two males (Article 108) and both the "active" and the "passive" partner will be condemned to death (Article 109) if convicted under Sharia law. Sodomy is proved either through confession (Article 114) or through the testimony of four men who have observed the occurrence (Article 117). Sodomy is punishable by death if both partners are "mature" and the intercourse is consensual (Article 111), but if a mature man of sound mind "commits sexual intercourse" with an underage man, the "doer will be killed" and the passive partner will be subject to a punishment of 74 lashes "if not under duress" (Article 112).

'If two underage men are caught having consensual sex, both of them will be sentenced to 74 lashes (Article 113). The punishment for tafhiz (frottage; non-penetrative sex) is 100 lashes for each party (Article 121) but if tafhiz is committed and punished three times, the fourth conviction will result in the death penalty (Article 122).

'If sodomy or tafhiz is proved by confession and the guilty party repents, the Sharia judge may request the Supreme Leader to pardon him (Article 126). Mosaheqeh (lesbianism) is proved either by confession or through the testimony of four men who have observed the occurrence (Article 128).

'Punishment for lesbianism is 100 lashes for each party (Article 129) and there will be no distinction made between the doer and subject or whether the person is Muslim or

non-Muslim during sentencing (Article 130). If the act of lesbianism is repeated and results in a conviction a total of three times, then the fourth conviction will bring about the death penalty (Article 131).’ [108a] (p 34-35)

- 21.05 The website of the Mission for Establishment of Human Rights in Iran (MEHR Iran), accessed on 27 June 2012, included further details of the [Iranian Penal Code \(IPC\)](#) and may be accessed directly for more detailed information. The legislation relating to same-sex relationships is included mainly in Book Two (Haads – punishments specified by Shari’a), which was ratified in 1991. Some of the articles in Book Five of the Penal Code, however, also refer to circumstances in which a punishment for same-sex relationships may apply. Book Five refers to punishments not specified by Shari’a and was ratified in May 1996. [66a]
- 21.06 In addition to the IPC, Articles 1258, 1321 and 1324 of the [Iranian Civil Code](#) refer to the standards of proof required for an individual to be found guilty of the charges against them. [51a]
- 21.07 The HRW report of December 2010 explained:

‘Same-sex conduct, whether between men or women, is considered proven under Iranian law if the accused confesses to the act four times before a judge, whether orally or in writing, or if four “righteous men” testify that they have witnessed the act. In the case of individuals convicted of same-sex relations via confession, a judge may order the accused to be pardoned if he or she repents. According to Iranian law, if a man accused of same-sex activities other than intercourse, or a woman accused of mosaheqeh repents before the giving of testimony, the conviction will be thrown out. In the absence of confessions or available testimony by eyewitnesses, a judge may enter a conviction for lavat based on his “knowledge.” The law requires that rulings based on a judge’s “knowledge” derive from evidence, and not merely personal belief that the defendant is guilty of the crime...

‘Despite the seemingly high standard of proof required under Iranian law to establish same-sex conduct, the evidentiary provisions as written are subject, in practice, to widely varying interpretations and abuse. The provisions allowing convictions based on the “knowledge” of the judge or on confessions are particularly troubling. Article 120 of the Iranian Penal Code allows a Shari’a judge to reach a verdict on sodomy based on his knowledge as “derived through customary methods,” which in practice enables judges to rely on tenuous circumstantial evidence to determine whether a crime has occurred. This provision also makes it easy in practice for a judge’s individual prejudices toward a defendant’s appearance or demeanor sway his rulings.’ [8m] (21-22)

See also [Charges, sentences and punishments](#) below and [Knowledge of the judge](#)

- 21.08 The HRW report, ‘Codifying Repression: An Assessment of Iran’s New Penal Code’, published in August 2012, noted that new provisions in the amended Penal Code (which has not yet been signed into law), ‘...continue to criminalize certain types of consensual heterosexual and same-sex sexual relations outside of marriage, such as adultery and sodomy, under penalty of death.’ [8j] (p2) See the [HRW report](#) directly for more detailed information. [8j] (p25-26)
- 21.09 The Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, dated 28 February 2013 (Report of the Special Rapporteur 2013), stated:

'The Special Rapporteur continues to share the concern of the Human Rights Committee that members of the lesbian, gay, bisexual, and transgender community (LGBT) face harassment, persecution, cruel punishment, and are denied basic human rights. The new draft Islamic Penal Code criminalises same-sex relations between consenting adults. Articles 232-233 of the new Penal Code would mandate a death sentence for the "passive" male involved in sodomy, regardless of whether his role was consensual. Under the new law, "active" Muslim and unmarried males may be subject to 100 lashes so long as they are not engaged in rape. Married and/or non-Muslim males may be subject to capital punishment for the same act. Men involved in non-penetrative same-sex acts or women engaged in same-sex acts would also face 100 lashes according to the new Penal Code.' [10n] (p19)

See also [Penal Code](#).

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Treatment by, and attitude of, state authorities

Charges, sentences and punishments

21.10 The International Gay and Lesbian Human Rights Commission (IGLHRC) submission to the 103rd Session of the UN Human Rights Committee (17 October – 4 November 2011), noted:

'The Penal Code states that evidence of sexual acts between two men or two women is only possible when 1) there are four reliable male witnesses who are willing to testify before a judge in a court of law that they have witnessed the alleged act, or 2) the parties accused -- under free will and with full mental capacity -- have confessed to the alleged acts four times.

'Yet, individuals have been convicted of sodomy based on pre-trial admissions,⁵³ recanted testimony, confessions extracted by means of torture, testimony by less than four witnesses, and sometimes without any testimony or admission at all. Some accused of sodomy have been convicted without understanding the charges against them. Some have been convicted without access to counsel. There are reports that human rights defenders have been charged with sodomy as a ploy to discredit them. Lawyers defending clients charged with sodomy report limited access to their clients. Reporters, lawyers, or family members who dare to speak up about these cases or to challenge the court's ruling can face harassment and even persecution by the government. In these cases, the judges often rely on the "knowledge of the judge" to determine the guilt of the defendant, though according to the law, the "knowledge of the Judge" should be based on facts and evidence and not in substitution of the facts.' [99a] (p11)

See the [IGLHRC submission](#) directly for more detailed information on the laws relating to and the treatment of LGBT persons. [99a]

21.11 The HRW report of December 2010 stated:

'In recent years there has been considerable debate regarding how many individuals have been executed by the state for having committed same-sex acts, if those executed had engaged in consensual sex (or any sex at all) or not, and whether the state specifically targets homosexuals for execution. Notwithstanding these debates, the fact

remains that Iranian law provides the death penalty for consensual same-sex acts, the threat of execution hangs above all Iranians who engage in such acts, and Iran's sexual minorities are disproportionately affected by these discriminatory laws.' [8m] (p27)

21.12 The Small Media Foundation report of May 2012 stated:

'Although prevalent (based on the experiences and observations of our consultants) and relatively easy to enter into if you have the propensity, acts of intimacy between same-sex partners can result in severe punishments such as flogging and, in some cases, the death penalty. While there are no official statistics concerning exactly how many gay men and women have been executed in Iran, the routine harassment of homosexuals and their systematic torture lends weight to the conservative estimate that at least 1,000 homosexual Iranians have been convicted and sentenced to death since the Iranian Revolution in 1979...

'Not only is it extremely unlikely that Iran's ultraconservative government would ever release official statistics concerning such a matter, but LGBT Iranians are also frequently prosecuted on trumped up charges of rape, fraud, or treason in order to "justify" their executions. This means that it is impossible to tabulate the exact number of executed, imprisoned or tortured LGBT individuals.' [108a] (p36-37)

21.13 The same report also noted that, 'There are no official records detailing how many homosexual Iranians have been executed since the Islamic Republic of Iran was established. Unofficial estimates range from 400 to 5,000 but there is no way of knowing which of these is closer to the truth.' [108a] (p36, footnote 8)

21.14 A September 2011 report by the Iranian Queer Organization (IQO) reported:

'...uncovering the facts of sodomy cases and estimating the number of execution sentences issued specifically for consensual homosexual conduct is an almost impossible task; charges for consensual homosexual conduct are usually conflated with charges for sexual assault, rape and non-sexual drug, and political offences; trials are often held in camera owing to fears of public controversy and condemnation; and families shy away from giving accurate and detailed information given the taboos around homosexuality.

'Nonetheless, reports of homosexuality-related execution cases surface in state newspapers and websites every once in a while... Judges overseeing sodomy cases often ignore the strict guidelines of the Iranian Penal Code, and instead use questionable investigative methods and inadmissible evidence to decide the case. Frequently, the convictions are based on forced confessions, made under extreme psychological pressure and torture. The courts do not allow independent observers to examine cases.' [129a] (p6)

See also [Knowledge of the judge](#)

21.15 The same [IQO report](#) included details of reported 'homosexuality-related execution cases' noting that, 'These cases constitute only the tip of the iceberg however, and for every reported case, one can assume that there are a dozen that remain unreported. In most if not all of these cases, arbitrary executions sentences have been issued following rushed trials with little adherence to procedure.' [129a] (p6)

21.16 The Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report, Iran', published April 2013 stated, 'Lesbian, gay, bisexual and transgender issues in Iran remain taboo, and homosexual acts between men attract the death penalty. In May [2012], four men were reportedly hanged in secret on charges of homosexuality... This area is also of concern regarding the lack of fair trials and suspicions that such charges are sometimes falsely applied.' [26f] (p179)

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21.17 With regard to access to a fair trial once a gay man has been accused of 'sodomy', an article dated 10 December 2009 in Gay City News reported a telephone conversation with a lawyer, Masomeh Tahmasebi:

'Tahmasebi explained that it was often very difficult for defendants in sodomy cases to find competent lawyers. "Because of the social stigma attached to sodomy cases, many lawyers are not willing to take on such cases because of fears of accusations that they might be gay themselves," she told Gay City News. "And because of this same social shame, families often do not contact lawyers to defend the accused, so as a last resort the court assigns a lawyer pro bono, who often does not get the case until the day of the trial. So most of these sodomy cases are badly defended."

"That means", Tahmasebi added, that "the only real chance left for the defendant is international human rights pressure and protest against the application of the death penalty — but often this occurs so late that the window of opportunity to prevent these executions is very small." [44a]

21.18 The concluding observations of the [UN] Human Rights Committee (HRC), 103rd session, 17 October to 4 November 2011, stated, 'The Committee is concerned that members of the lesbian, gay, bisexual, and transgender community face harassment, persecution, cruel punishment and even the death penalty. It is also concerned that these persons face discrimination on the basis of their sexual orientation, including with respect to access to employment, housing, education and health care, as well as social exclusion within the community...' [10t] (paragraph 10)

21.19 In his first report to be submitted to the UN Human Rights Council, the 'Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran', dated 6 March 2012, stated:

'The Special Rapporteur shares the concern of the Human Rights Committee that members of the lesbian, gay, bisexual, and transgender community face harassment, persecution and cruel punishment and are denied their basic human rights, including their right to life. The current Penal Code criminalizes same-sex relations between consenting individuals, while article 109 of the Islamic Penal Code states that "both parties to gay sex are equally criminally liable and could face severe punishment, including the death penalty". In September 2011, three men were reportedly executed under the country's sodomy laws.' [10d] (p19)

21.20 On 7 September 2011, the Guardian [16n] and the Independent [27a] provided further information on the execution of the three Iranian men on charges of homosexuality. The Guardian reported:

'Three Iranian men have been executed after being found guilty of charges related to homosexuality, according to a semi-official news agency. The men, only identified by

their initials, were hanged on Sunday in the south-western city of Ahvaz, the capital of Iran's Khuzestan province. "The three convicts were sentenced to death based on the articles 108 and 110 of Iran's Islamic penal code, for acts against the sharia law and bad deeds," the Isna agency quoted a judiciary official in Khuzestan as saying...

'It is believed that the execution of the three men is the first time for many years that any Iranians have been given death sentences on the basis of their sexuality.

'In the past, Iran has executed convicts for homosexuality but they were typically simultaneously convicted of other charges that carried the death sentence, such as male rape.' [16n]

21.21 The Independent article of 7 September 2011 reported:

'Human rights groups have said the case is significant because gay men that come before the courts are usually charged with acts such as sexual assault and rape – crimes that convey an element of coercion rather than consensual sex between two willing participants.

'The recent Ahvaz executions, however, specifically refer to sections 108 and 110 of the Iranian penal code. Section 108 defines sodomy under Iran's interpretation of Sharia law and the latter rules that the punishment for lavat is death. Previous executions of gay men usually quote sections of the Iranian penal code that refer to "lavat leh onf" - sodomy by coercion.

'Mahmood Amiry-Moghaddam, a researcher at Iran Human Rights who is investigating the executions, told The Independent: "Iranian authorities have previously presented such cases as rape, in order to make the execution more acceptable and to avoid too much international attention, but this time the news is not presented as rape."

'He added: "This case is the only one in recent years where the only basis for the death sentence has been a sexual relationship between two men, with reference to the articles 108 and 110 of the Islamic Penal Code. These articles are very clear.'" [27a]

21.22 A Physicians for Human Rights article of 12 September 2011 observed that, 'The government's willingness to openly charge then execute men for sodomy signals a dangerous shift in policy that could harm thousands of people in Iran. Iranian president Mahmoud Ahmadinejad is infamous for his denial that gays exist in his country, but it seems that his state of denial has now turned to active persecution of the gay population.' [113a]

21.23 The Independent article of 7 September 2011 reported:

'In 2005 Iran received widespread condemnation for the execution of two teenagers Mahmoud Asgari and Ayaz Marhoni, who were publicly hanged from a crane in a square at the centre of the city of Mashad. Gay rights groups claimed that the pair were murdered by the state for consensual sex but the charges against them were actually described as "lavat beh onf" against a 13-year-old boy. Although a number of human rights groups disagreed with gay rights groups over why the two boys were executed they nonetheless condemned the killings as a breach of the UN Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, both of which Iran is a signatory to.' [27a]

21.24 Pink News reported on 12 May 2012 that:

‘Four men named “Saadat Arefi”, “Vahid Akbari”, “Javid Akbari” and “Houshmand Akbari” are due to be executed shortly after their verdict was approved recently by high court judges, according to a report from the Human Rights Activist News Agency (HRANA) in Iran. The four men are said to be from the town of Choram, in the Kohgiluyeh and Boyer-Ahmad Province of Iran.

‘According to HRANA and JOOPEA, these four men will be hanged for sodomy according [to] Shari’a law...

‘London based Iranian Human Rights Lawyer, Mehri Jafari said: “...There are two important issues in this case; the location of the alleged occurrence and the interpretation of the Sharia’ law that a Hodud (strict Sharia punishment) is eminent. Kohgiluyeh and Boyer-Ahmad is one of the most undeveloped provinces in Iran and it is obvious that a lack of access to lawyers and fair trial can be considered a serious issue in this case. After this announcement it is very likely that the execution will be carried out soon, and the remote location makes it difficult to exert any influence on the process.” [79a]

See also [Death penalty for children](#)

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Arrests and ill-treatment

21.25 The US Department of State’s Country Reports on Human Rights Practices 2012, Iran, released on 19 April 2013 (USSD Report 2012) noted that, ‘The Special Protection Division, a volunteer unit of the judiciary, monitored and reported on “moral crimes,” including same-sex sexual activity.’ [4a] (Section 6) ‘This organization, primarily made up of unemployed former soldiers, was set up to control “the social ills of each neighborhood and region” as well as “deviant individuals.”’ (HRW, December 2010) [8m] (p46)

21.26 The HRW report of December 2010 reported that:

‘Iran’s security forces, including police and forces of the hard-line paramilitary basij, rely upon discriminatory laws to harass, arrest, and detain individuals whom they suspect of being gay. The incidents often occur in parks and cafes, but Human Rights Watch also documented cases in which security forces raided homes and monitored internet sites for the purpose of detaining people they suspected of engaging in non-conforming sexual conduct or gender expression.’ [8m] (p4)

21.27 The HRW report continued:

‘Abuse against sexual minorities on Iran’s streets can range from verbal insults and harassment to beatings, arbitrary arrests, and even sexual assault. Roundups of individuals hanging out in parks and suspected of being gay have been reported. Sometimes sexual minorities are taken to detention facilities run by the basij or police, processed, and forced to sign a document called a ta’hod (promise), in which they pledge, for example, not to congregate in specific areas or appear in public wearing makeup. They are then released, but may be subjected to verbal harassment and physical assault by the officers. However, most times security forces stop short of

actually arresting or transferring the individuals to formal detention facilities, but harass or abuse them on the streets.’ [8m] (p46)

21.28 Furthermore:

‘Human Rights Watch has not uncovered evidence suggesting that abuses perpetrated by Iran’s security forces are part of a systematic targeting campaign to identify and root out Iran’s sexual minorities. However, research reveals that harassment, arbitrary arrest, and abuse perpetrated by security forces against Iran’s sexual minorities on account of their public appearance are not uncommon. Some of these abuses ostensibly occur under the pretext of enforcing Iran’s penal code, while others are carried out by renegade security forces who take the law into their own hands...

‘Human Rights Watch believes that these forces perpetrate violence against Iran’s sexual minorities in part because they know that their victims have nowhere to turn for protection or justice.’ [8m] (p49)

21.29 Regarding treatment of those arrested and detained, the HRW report of December 2010 stated that:

‘Security forces have used verbal, psychological, and physical abuse to harass and intimidate LGBT persons, and to extract from them confessions and ta’hods. A majority of LGBT individuals interviewed by Human Rights Watch who had experienced altercations with the security forces complained of some form of verbal abuse or harassment during their arrest, transfer, and/or detention. Several detailed abuse severe enough to constitute torture. This abuse included sexual assault or rape.’ [8m] (p61)

21.30 The HRW report, ‘Together, Apart’, dated 11 June 2009, stated that in Iran and some other countries in the Middle East, ‘...doctors administer torturous forensic anal exams to ‘prove’ male suspects’ homosexuality.’ [8i] (Section II: Middle East and North Africa)

21.31 An article on Xtra.ca, a Canadian online source for gay and lesbian news, dated 21 August 2009 reported that: ‘Several gay Iranians have reportedly been arrested as part of the government’s bloody crackdown on street demonstrations. Those who are already known to be gay risk jail time or abuse in Iran’s notorious prison system, says Parsi [Arsham Parsi, executive director of the Toronto based Iranian Queer Railroad].’ [41a]

21.32 The same article also stated that:

‘Given the Islamic republic’s entrenched system of sharia law, which dictates the death penalty for gay sex, improvements in queer rights are usually measured by how much authorities turn a blind eye, notes Janet Afary, professor of history and women’s studies at Purdue University and author of Sexual Politics in Modern Iran.

‘Under the leadership of reformist president Mohammad Khatami from 1997 to 2005 authorities observed a “don’t ask, don’t tell” policy around gay relationships and even allowed the publication of queer newspapers.

“They were not accepting of homosexuals but they were not aggressively pursuing them, either,” says Afary.

'Ahmadinejad, on the other hand, pioneered using the internet to track down gays while paradoxically telling US students at Columbia University in 2007, "In Iran we don't have homosexuals like in your country." [41a]

- 21.33 The Xtra.ca article of 21 August 2009 also reported on the case of a man who had left Iran to seek asylum. The article stated that:

'The plight of many politically active gay Iranians is typified by Hamid, a 29-year-old who volunteered in the campaign of presidential candidate Mir-Hossein Mousavi.

'Hamid (an alias used to protect his identity) was arrested by police in 2007 during an entrapment campaign targeting gay chat rooms. While in custody his interrogators made him sign a document confessing his homosexuality.

'So when Hamid was rounded up at a pro-Mousavi demonstration in Shiraz last month authorities wasted no time making an example out of him. He was held in detention for 48 hours, where he alleges he was beaten with an electric baton.' [41a]

See section on [Political affiliation](#) for information on political rights and treatment of political opposition

- 21.34 The HRW report of December 2010 provided details of a raid in 2007:

'Perhaps the most infamous raid on a gay gathering occurred around 10 p.m. on May 10, 2007, when police and basij units raided a private birthday party in an apartment building in the city of Esfahan. They arrested 87 persons, including four women and at least eight people who were accused of wearing the clothes of the opposite sex. The police and basij agents led those arrested to the street, stripped many to the waist, and beat them until their backs and faces were bloody. According to several sources who spoke to Human Rights Watch, several of those arrested suffered broken bones. The authorities released the four women the next day, along with a child.

'Family members were not allowed to see those detained, and many were denied lawyers. Of those arrested, 24 men were eventually tried for "facilitating immorality and sexual misconduct," as well as possessing and drinking alcohol. In June 2007, a court in Esfahan found all of them guilty of various combinations of these charges. Most were sentenced to up to 80 lashes and to fines of 10 million to 50 million riyals (US\$1,000-5,000).

'The Esfahan party raid appeared to be part of a nationwide crackdown to enforce dress codes and conduct. After the raid, police intensified surveillance, harassment, and abuse of individuals connected to the 87 arrested people. Several individuals told Human Rights Watch that they were detained by police and interrogated to reveal contacts.' [8m] (p52)

- 21.35 The IQO report of September 2011 stated:

'On July 1, 2010, the police raided a party in the Pondouk Neighborhood in Shiraz, arresting seventeen individuals on charges of "Satan worshipping, consumption of alcoholic drinks and homosexuality". The arrestees were physically and psychologically assaulted during the months that they were kept in detention. They were released on September 9, 2010. Homosexuality was not mentioned as a charge in their court documents. In order to be released, they were forced to give their e-mail and messenger IDs and passwords and sign letters that they were not allowed to know the

content of. They were also warned that they should not associate with each other from that point on whether in public or in private.’ [129a] (p11)

21.36 The HRW report of December 2010 observed:

‘This recent Shiraz incident is typical of raids conducted by security forces in which gay and bisexual men, and sometimes transgender people, are arrested. Human Rights Watch has documented several such raids in recent years during which dozens of gay, bisexual, transgender, and straight men were arrested and detained. It is not always clear whether the raids followed targeted surveillance of private residences, or whether they were carried out in response to a tip (for example, from a disapproving neighbor). In at least one case, an individual said the basij coerced him into informing them about a gay party in Tehran after he and his friends were caught with alcohol at a checkpoint. According to the witness, the basij forces promised a lighter sentence if he provided such information.’ [8m] (p51)

21.37 The December 2010 HRW report also stated:

‘According to some LGBT rights groups outside Iran, security forces regularly monitored popular internet dating sites for both gay and straight men such as Manjam in order to lure and entrap unsuspecting gay men. Human Rights Watch has not been able to confirm the methods and capabilities of the government when it comes to monitoring LGBT sites, nor has it secured evidence suggesting that Iran’s security forces or judiciary have engaged in a systematic campaign to target and entrap gay men and other members of Iran’s LGBT community. Despite this, Human Rights [Watch] has, over the years, gathered accounts from several individuals, primarily gay males, alleging that they were caught through internet entrapment stings.’ [8m] (p54-55)

See the December 2012 HRW report, [‘We are a buried generation’](#) directly for the accounts of individuals allegedly entrapped through the internet and also for further accounts of members of the LGBT community who have been arrested by the authorities. [8m] (p55-60)

21.38 The Report of the Special Rapporteur 2013 reported that:

‘Interviews with 24 members of the Iranian LGBT community for this report reinforce many of the concluding observations forwarded by the Human Rights Committee’s periodic review of Iran. Fifteen interviewees believed that they were arrested at least once for their sexual orientation or for associating with other LGBT persons. Thirteen reported that once in detention, security officers subjected them to some form of torture or physical abuse; including punches, kicks and baton strikes to the head or body and, in a few cases, sexual assault and rape. Several people reported that they were coerced into signing confessions. Iran’s criminalisation of same-sex relations facilitates physical abuse in the domestic setting as well. A majority of these individuals reported that they were beaten by family members at home, but could not report these assaults to the authorities out of fear that they would themselves be charged with a criminal act.’ [10n] (p20)

See also Section 17, [Human rights activists and lawyers](#) for information on the treatment of those advocating on behalf of members of the LGBT community.

Views of state officials

21.39 The IQO report of September 2011 noted that, ‘Generally, the official strategy of the Iranian government has been to deny the existence of homosexuals and homosexuality in Iran altogether in order to make the serious human rights violations faced by LGBT persons in Iran a non-issue. President Mahmoud Ahmadinejad’s now-infamous statement in the University of Columbia that “we don’t have homosexuals in Iran” was a prominent illustration of this strategy.’ [129a] (p4)

21.40 On 29 April 2009, Radio Free Europe/Radio Liberty (RFE/RL) reported that during a speech in Shiraz, President Ahmadinejad had described homosexuality as one of the ‘ugliest’ behaviours in which a person could participate. In 2007 he told an audience at Columbia University, New York that there were no homosexuals in Iran. [42e]

21.41 A Canadian Broadcasting Corporation (CBC) News article about a 2008 documentary, ‘Be Like Others’, which reported on the Iranian government’s gender-reassignment programme, observed:

‘... homosexuality is a crime punishable by death. But the government has provided a way out for the nation’s gays and lesbians: a sex-change operation. Fully paid for by the state, the procedure would allow these people to conform to Iran’s theocratic standards of sexuality... [the documentary] captures the pain and brutality of a regime that is pushing sex-change operations as the path to a final solution to homosexuality... What... [the] film reveals is a culture so steeped in hatred of gays and lesbians that it deems a sex change preferable to simply accepting differences in sexual orientation. The shift in policy came more than two decades ago, when Ayatollah Ruholla Khomeini issued a fatwa (religious decree) declaring sex changes permissible for ‘diagnosed transsexuals.’ Be Like Others introduces us to a number of the people who have been given this label. Some have accepted their fate, and feel the sex change to be a way to avoid further persecution; others are clearly uncomfortable with the idea, but have agreed to it simply because of intense outside pressure. One young woman laments that her boyfriend seems uninterested in her now that she’s no longer a man.’ [83a]

See also section on [Transgender persons](#) below

21.42 The IGLHRC submission to the 103rd Session of the UN Human Rights Committee (17 October – 4 November 2011), also noted President Ahmadinejad’s comments as stated above and further noted, ‘Similarly, the Iranian Supreme Leader Ayatollah Ali Khamenei has several times attacked homosexuality as “scandalous”, a “shameless act”, “unmentionable behavior”, and “moral corruption.”’ [99a] (p3)

21.43 The report of the Special Rapporteur dated 6 March 2012, observed that, ‘Iranian officials often qualify homosexuality as a disease, and insist on applying stringent punishment for acts perceived as homosexual in nature. For example, in 2011, two prominent Iranian soccer players were indefinitely suspended and fined for committing an “immoral act” on the field by appearing to intimately touch each other during goal-scoring celebrations.’ [10d] (p19)

21.44 In their submission to the 103rd Session of the UN Human Rights Committee (17 October – 4 November 2011), the IGLHRC reported that, ‘...the Iranian Penal Code addresses consensual homosexual acts alongside rape, child abuse, and sex trafficking, which is a poignant indication of how the Iranian government views homosexuality.’ [99a] (p2)

21.45 On 25 September 2012, the IGLHRC reported:

‘Iranian President Mahmoud Ahmadinejad, in an interview with Piers Morgan that aired Monday night [24 September], said, “Homosexuality ceases procreation.” Ahmadinejad, who previously claimed that homosexuality does not exist in Iran and whose government punishes homosexuality with death, asked, “Do you think faggots can have children?” and suggested corrective action for anyone who believes they are gay or lesbian. When asked how he would react if his own children were gay, he responded, “proper education must be provided.” Ahmadinejad also dismissed homosexuality as cultural relativism, saying, “If a group recognizes an ugly behavior or ugly deed as legitimate, you must not expect other countries or other groups to give it the same recognition.” [99d]

21.46 The US Department of State’s ‘Country Report on Human Rights Practices 2012, Iran’, released on 19 April 2013, (USSD Report 2012) stated, ‘The government censored all materials related to LGBT issues.’ [4a] (Section 6)

21.47 On 14 March 2013, a Guardian journalist reported that:

‘An Iranian official whose job is to protect human rights has described homosexuality as an illness, after a UN special rapporteur expressed concerns about the systematic persecution of Iran’s gay, lesbian, bisexual and transgender community [see [Legal Rights](#) above].

“In our society, homosexuality is regarded as an illness and malady,” said Mohammad Javad Larijani, secretary general of Iran’s high council for human rights, a judicial body in charge of defending the Islamic republic against allegations of rights abuse.’ [16c]

Military service

21.48 The HRW report of December 2010 stated:

‘Military service is compulsory for all Iranian men who reach the age of 18. Military regulations, however, prohibit gays, transgender Iranians, and MSM [males who have sex with males] from serving in the armed forces. These individuals are permanently exempt from military service because they are considered moral and sexual deviants with “behavioral disorders.” To be classified as unfit for service, men must undergo a series of psychological and physical tests and overcome numerous administrative barriers in order to prove that they are gay or transgender. Despite the long, tedious, and at times humiliating process involved, hundreds of individuals choose to seek exemption to avoid service.’ [8m] (p23-24)

This [HRW report](#) also provides details of the exemption process and case studies of individuals who have undergone it.

21.49 The May 2012 Small Media Foundation (SMF) report stated:

‘Homosexuality may be a crime punishable by death in the Islamic Republic, but it is also classified as a mental illness and personality disorder. This means that gay Iranian males have the right to apply for a military exemption based on their sexuality, an exemption that is but a small reprieve in a lifetime of persecution.’ [108a] (p39)

21.50 The SMF report also includes an example of a military exemption card bearing the inscription, ‘Reason for exemption: Medical, Article 33, Band 8’. [108a] (p39) Further, ‘A description on Iran’s official police website explains that Article 33 facilitates exemptions for people with “various mental illnesses” and that Band 8 is for:

‘Any person with a behavioural disorder (neurological and psychological imbalance) who demonstrates any behaviour that is in contradiction with military dignities, as well as any moral or sexual deviations such as transsexualism.’

‘Anybody who can satisfactorily prove they qualify under these terms is “permanently exempt from military service”’. [108a] (p41)

The [SMF report](#) also provides information on the exemption process.

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Societal treatment and attitudes

21.51 The USSD Report 2012 observed:

‘The size of the LGBT community was unknown, as many individuals feared identifying themselves... There were active unregistered LGBT NGOs [non-governmental organisations] in the country, but most activities to support the LGBT community took place outside the country. According to HRW’s 2010 report, family members threatened and abused many young gay men, who also faced harassment from religious scholars, schools, and community elders. Some persons were expelled from university for alleged same-sex sexual activity.’ [4a] (Section 6)

21.52 The IGLHRC submission to the 103rd Session of the UN Human Rights Committee (17 October – 4 November 2011), stated that, ‘By classifying homosexuality as a sexual crime and citing it as an example of moral decay, the authorities have both produced and perpetuated widespread social stigma and persecution of LGBT Iranians by both state and non-state actors. The hostility is so severe that a sizable number of LGBT Iranians have been displaced from their homeland and forced to seek asylum in other countries.’ [99a] (p3)

21.53 The May 2012 Small Media Foundation report, which explored the impact of the internet on the LGBT community, stated:

‘Through our research we discovered that LGBT Iranians find it difficult to trust even those closest to them. Coming out is problematic, because reactions from friends and family are unpredictable in a society where sexuality is so taboo. The LGBT Iranians we spoke with have embedded themselves in a virtual world, because it feels safer than the society around them. However, some of the real life risks facing LGBT Iranians have crossed over into the virtual world as well.’ [108a] (p5)

21.54 The same source also noted that, ‘Homophobia is prevalent both online and offline in Iranian communities and little is being done about it. In many cases homophobia is encouraged or even forgiven.’ [108a] (p54)

See the [Small Media Foundation](#) report directly for case studies of individuals in the LGBT community.

21.55 The HRW report of December 2010, stated:

‘As in many other countries, Iran’s sexual minorities suffer much harassment, discrimination, and abuse at the hands of private actors, including members of their family and society at large. An overwhelming majority of the individuals interviewed by Human Rights Watch during the course of its investigations maintained that many of the problems suffered by sexual minorities stemmed from abuse and neglect at home.

‘Yet in Iran sexual minorities are particularly vulnerable to such abuse because state law criminalizes same-sex conduct and imposes the death penalty for certain same-sex acts. Not only are sexual minorities prevented from availing themselves of the general protections afforded under the law, they must also fear possible prosecution under the law should they seek help from authorities. Iranian law, therefore, creates a “chilling effect” on the ability (and desire) of victims to report abuses against them, and renders them more vulnerable to harassment, abuse, blackmail, and extortion by private actors.’ [8m] (p33)

21.56 On 10 December 2009, a Gay City News article reported that the Committee of Human Rights Reporters (CHHR) in Iran, which was founded in 2005, had:

‘...become one of the most important sources of information about human rights violations in Iran and recently became the first Iranian human rights organization to officially recognize the LGBT rights struggle by creating a Queer Committee to deal with persecution of sexual minorities. (“Queer” is the translation preferred by Alizadeh [the Middle East and North Africa programme coordinator for the IGLHRC] and other gay Iranians for the Persian word “degar-bash,” a term meaning ‘different’ and which embraces gays, lesbians, and transpeople.)

‘Hesam Misaghi, a 21-year-old leading member of CHRR’s Queer Committee, speaking through a translator by telephone from Isfahan, Iran’s third largest city, told Gay City News that this committee had been established some five months ago. The establishment of the Queer Committee by CHRR “is the sign of a new cultural awareness, because a new generation of Iranians no longer share the reactionary views of the regime with regard to sexual minorities,” said Misaghi, who courageously insisted on using his real name for the interview with this reporter. He added that “while an important part of those with this new attitude are secular, there is even a new generation of conservative Muslims who want to recognize queer rights.” Most of CHRR’s activists are in their 20s, 30s, and 40s, and a number of them have been arrested and harassed by security forces for their human rights work.’ [44a]

21.57 In the same article Hesam Misaghi of CHRR’s Queer Committee also stated that:

‘The majority of the student movement is dominated by conservative Muslims, who, even when they criticize the current regime, defend the Islamic Republic and aren’t at all sympathetic to queer rights, due to the taboo nature of homosexuality in the Islamic Republic. Leftist student groups are more inclined to support the queer struggle. But this is a zero tolerance regime, and even student critics who share its Islamist ideology are subjected to arrest and persecution.’ [44a]

See also [Student activists](#)

21.58 In their December 2010 report, however, HRW reported that, following Hesam Misaghi’s interview with ‘a gay-oriented US publication’ in December 2009 [see above]:

'Within days, the Ministry of Intelligence summoned Misaghi and several of his CHRR colleagues. Misaghi chose to ignore the summons and go into hiding. He eventually fled Iran and sought refugee status in Turkey.

'Later, in a letter addressed to Human Rights Watch during the summer of 2010, Misaghi explained that a trusted source had informed him that the Ministry of Intelligence was planning to arrest him and several of his colleagues. He told Human Rights Watch that he feared that the authorities would prosecute both him and the other members of the CHRR to the maximum extent of the law, in part because of his organization's decision to take up the issue of sexual minorities.

'CHRR, one of the few remaining human rights organizations in the country, was effectively shut down by the government earlier this year. All of its members are either currently in prison or in exile.' [8m] (p89)

Lesbians

21.59 The IGLHRC submission to the 103rd Session of the UN Human Rights Committee (17 October – 4 November 2011), commented on the situation for lesbians and women who have sex with women (WSW), stating:

'There is appallingly little documentation of the human rights violations experienced by lesbians and WSW. The intersection of patriarchy and homophobic is a dangerous intersection for lesbians, producing high levels of vulnerability and invisibility. For instance, lesbians are less likely to be subjected to arbitrary arrest than gay men because they are less likely to be able to enjoy the full right of freedom of movement, but it would be wrong to deduce that they are necessarily safer or leading fuller lives. In all of the ways that heterosexual women's lives are circumscribed, so, too, are lesbians' lives, only lesbians have the additional, complicating factor of homophobia to contend with. Because of social expectations of women's traditional roles and the State's failure to bestow the rights on women that would permit full economic and legal independence, lesbians may be more likely to be dependent on their biological families and may be more likely to be forced to marry a man. The consequence of these circumscriptions means that lesbians are denied basic rights to human dignity and expression. At the same time, these barriers may also force lesbians into sexual acts with heterosexual men against their will. Domestic violence, whether in the parental or marital home, is a reality of too many women's lives, and there is every reason to assume that women who transgress gender and sexual norms are equally if not more vulnerable to violence.' [99a] (p4)

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Transgender persons

21.60 The Human Rights Watch (HRW) report, 'We are a buried generation', published in December 2010, stated:

'Prior to the Islamic Revolution in 1979, the Iranian government had never officially addressed the issue of transgender persons. After 1979, the government of the new Islamic Republic classified transsexuals and tranvestites with gays and lesbians, whose conduct was criminalized. They faced corporal punishment (i.e. lashing) and possibly death under Iran's anti-sodomy laws if they were deemed to be transgender. The situation changed in 1987, however, when Ayatollah Khomeini issued a fatwa, or

religious edict, to Maryam Khatoon Molkara, granting her permission to live as a woman and undergo male to female sex reassignment surgery (SRS). She underwent surgery in 1997.

'While some Muslim majority countries allow SRS for intersex individuals, Iran also allows SRS for what psychiatrists and clinicians have termed "gender dysphoria" or "gender identity disorder." By 2008 Iran was carrying out more sex change operations than any other nation in the world except for Thailand.' [8m] (p79-80)

21.61 The same HRW report continued:

'Once an individual is diagnosed by a medical professional as suffering from "gender dysphoria" and agrees to undergo SRS, they may secure permits from local authorities allowing them to appear in public dressed as women prior to the actual surgery. Without this permit, however, individuals dressing like members of the opposite sex will be considered transvestites and in violation of the law...

'Once a transgender individual has undergone SRS in Iran that person legally becomes the "new" sex - male, in the case of transmen, and female, in the case of transwomen. All legal documents, such as birth certificates and passports, are also changed accordingly. After completing their transition, however, many transgender Iranians are advised to maintain discretion about their past. This is because of the negative stigma associated with being transgender and under[g]oing SRS in mainstream Iranian society.' [8m] (p80)

21.62 The Guardian reported Iran's first transsexual marriage in a news article dated 11 September 2009, stating that: 'The case comes against the backdrop of Iran's notoriously repressive policies on homosexuality, which is illegal under the country's strict theocratic code.' [16e]

21.63 The USSD Report 2012 stated that, 'The law defines transgender persons as mentally ill, but the government provided transgender persons financial assistance in the form of grants up to 4.5 million tomans (\$3,670) and loans up to 5.5 million tomans (\$4,486) to undergo gender confirmation surgery. Human rights activists and NGOs reported, however, that some LGBT persons were advised to undergo gender confirmation surgery to avoid legal and social consequences.' [4a] (Section 6)

21.64 The HRW report, 'Together, Apart', dated 11 June 2009, stated that Iran has allowed gender reassignment surgeries and change of identity for almost 20 years but '...police arrest and torture transgender people, even with medical papers.' [81] (p18)

21.65 The HRW report of December 2010 stated 'Research suggests that transgender/transsexual Iranians, particularly transwomen, are more likely [to] be targeted and victimized by security forces because they are more easily recognizable.' [8m] (p83) Furthermore, 'Despite the "accommodations" afforded transgender Iranians, Human Rights Watch found that a very high percentage of transgender interviewees had experienced trauma as a result of various factors, including rejection from their families, inability to hold steady employment, and gender-based violence.' [8m] (p82)

21.66 The International Gay and Lesbian Human Rights Commission (IGLHRC) submission to the 103rd Session of the UN Human Rights Committee (17 October – 4 November 2011), observed:

‘The government of Iran is rightly proud to be among the first Muslim countries in the world to legally permit sex reassignment surgery and fully recognize transsexuals under the law. For transgender women and men, this is a crucial affirmation of their fundamental human rights.

‘However, there are strict laws governing dress code in Iran, and an individual found in contempt of the law can be punished with imprisonment. Iranian authorities at times fail to recognize transgender people for who they are and arrest them under cross-dressing or sodomy laws instead. In these instances, Iranian authorities may subject transgender people to a range of offenses ranging from hate speech to physical assault. The sexual assault of transgender women, including rape, in state custody is a particularly severe threat, especially because incarcerated transgender women are frequently held in jail and prison facilities intended for men.

‘Behind the State’s apparently affirming politics of gender recognition may lie a rationale more about safeguarding heterosexism and gender dimorphism than about protecting the rights of individuals to bodily integrity and gender expression.’ [99a] (p4-5)

- 21.67 On 7 January 2010, a translation of an article written by the state-run Fars News Agency posted on the International Gay and Lesbian Human Rights Commission (IGLHRC) website stated that:

‘The Director of Socially Vulnerable groups at the State Agency for National Well-Being says that the Iranian Military will no longer classify transgender people (who are eligible a for [sic] medical discharged [sic] from the compulsory military service) as “people with mental disorders.”

‘In his January 6th [2010] interview, Mr. Hasan Mousavi Chelk said: “So far, transgender people were exempt from the military based on their situation as ‘mentally disturbed.’ But by including this classification in their discharge paper, they have faced numerous problems. Therefore it was decided to end the practice.”

‘The new policy comes after two years of consultation between the National Well-Being Agency and the Iranian Armed Services. The new regulations will allow transgender people to be classified either as “people with hormonal imbalance’ or ‘diabetics.”

‘Mr. Chelk says most of the Iranian public is not informed about transgender people, whom he describes as “people with sexual identity disorder.” He says the Iranian government considers transgender people as its citizens and has a favorable view towards them.

‘According to Mr Chelk, there are currently 4,000 self-identified transgender people in Iran.’ [99c]

- 21.68 The IGLHRC commented on the above announcement, stating that: ‘While the decision of the government not to classify transgender people as mentally disturbed is an important step forward, the language used by the government officials is both unfortunate and shows the challenges that the trans [sic] community faces in Iran.’ [99c]

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22 Disability

22.01 The US Department of State's 'Country Report on Human Rights Practices 2012, Iran', released on 19 April 2013, (USSD Report 2012) stated:

'The law generally prohibits discrimination against persons with disabilities by government actors. No information was available regarding authorities' effectiveness in enforcing the law. However, the laws did not apply to private actors, and electoral laws prohibit blind and deaf persons from running for seats in the Islamic Consultative Assembly. While the law provides for state-funded vocational education for persons with disabilities, according to domestic news reports, vocational centers were confined to urban areas and unable to meet the needs of the entire population.

'There are laws ensuring public accessibility to government-funded buildings, and new structures appeared to comply with the standards in these provisions. There also were efforts to increase disabled persons' access to historical sites. However, government buildings that predated current accessibility standards remained largely inaccessible, and general building accessibility for persons with disabilities remained a widespread problem. There was limited access to information, education, and community activities by persons with disabilities in the country.

'The Welfare Organization of Iran is the principal governmental agency charged with protecting the rights of persons with disabilities.' [4a] (Section 6)

22.02 For a more detailed analysis of the situation for disabled people in Iran, see the [Stimson Centre's report](#), 'Advancing the Rights of Persons with Disabilities: A US–Iran Dialogue on Law, Policy, and Advocacy', published in November 2011. [101a]

See also section on [Mental Health](#)

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23. Women

Overview

For information about girls see section on [Children](#)

23.01 The Freedom House (FH) report, 'Women's Rights in the Middle East and North Africa 2010 – Iran', published 3 March 2010 noted:

'Despite massive participation by women in the revolution and a subsequent increase in the levels and forms of women's social presence and educational achievements, the Islamic Republic brought many negative changes to women's rights and personal freedoms. Sex segregation and compulsory veiling, discrimination in penal and civil codes, and setbacks in personal status and family law further institutionalized patriarchal gender relations and cultural attitudes.

'The discriminatory state ideology and policies of the Islamic Republic run against the modern socioeconomic and demographic realities in the country, especially with respect to the growing number of urban, educated, middle-class women.' [112c] (Introduction)

23.02 The same source noted that:

'The election of President Mahmoud Ahmadinejad in 2005 marked a return to power for hard-liners and negatively affected almost all areas of women's social life. Violations of human rights generally and women's rights in particular have intensified, and censorship has increased. The overall condition of women in Iran has also suffered from revived sociopolitical restrictions on women's dress, freedom of assembly, social advocacy, cultural creativity, and even academic and economic activity. Attempts at legal reforms in favor of women's rights have been blocked, and a government-backed proposal that would have reinforced polygamy and temporary marriage made women's rights a more urgent concern for a broad spectrum of the female population.

'At the same time, growing globalization, increased access to new communications technology and recent demographic changes have countered some of these negative trends. Iran has undergone rapid urbanization, and 70 percent of its population is under the age of 30, contributing to a transformation in gender roles. These factors, combined with resistance by women and youth and their collective campaigns for equal rights, have stirred factional conflicts and differences on gender issues among the clerics and other ruling elites. The women's rights movement is reasonably well-organized and surprisingly effective considering the repressive conditions within which it operates. Women's rights defenders have influenced public discourse surrounding discriminatory laws, challenging the regime while pushing for change and often leveraging public opinion to influence policy at high levels.' [112c] (Introduction)

- 23.03 The US Commission on International Religious Freedom (USCIRF) 2013 Annual Report, published on 30 April 2013, stated that, 'The government's enforcement of its official interpretation of Shi'i Islam negatively affects the human rights of women in Iran, including their freedoms of movement, association, and thought, conscience, and religion or belief, as well as freedom from coercion in matters of religion or belief.' [88a] (Iran chapter, p9)
- 23.04 The United Nations Population Fund's Iran Country Profile, accessed 6 August 2013, stated:
- 'Despite significant achievements in health and education of women, there are a number of challenges in promoting gender equity, equality and empowerment of women in accordance with MDG 3 [Millennium Development Goals 3] and pertinent international conferences and conventions... The significant progress achieved in female educational attainment has not been translated into [an] increase in economic participation. There is a need for increased job opportunities for women and improved gender equality in the labour market.' [10s]
- 23.05 The Social Institutions and Gender Index (SIGI) is a composite measure of gender equality based on the Organisation for Economic Co-operation and Development's (OECD's) Gender, Institutions and Development Database. Information on the Social Institutions and Gender Index (SIGI) website, accessed 6 August 2013, noted, 'The Iranian Constitution calls for gender equality before the law at Article 20, although this is negated by the enforcement of discriminatory civil and criminal laws that subordinate women. Iran has not signed or ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), on the grounds that to do so would contradict Islamic law.' [39a] (Background)
- 23.06 Further information on the SIGI website, accessed 6 August 2013, stated that, 'Iran is not ranked in the 2012 SIGI due to missing data for one or more SIGI variables... The country was ranked 95 out of 102 in the 2009 Social Institutions and Gender Index.' [39a]

23.07 Amnesty International's (AI) 'Annual Report 2013', published on 23 May 2013 and covering events in 2012, noted:

'Women faced discrimination in law and practice in relation to marriage and divorce, inheritance, child custody, nationality and international travel. Women breaching a mandatory dress code faced expulsion from university. Some higher education centres introduced gender segregation, or restricted or barred women from studying certain subjects.

'A Family Protection Bill that would increase discrimination remained under discussion. The draft Penal Code failed to address existing discrimination, maintaining, for example, that a woman's testimony holds half the value of that of a man.' [9h]

23.08 AI's submission to the United Nations Economic and Social Council's (ECOSOC) Commission on the Status of Women, on 2 August 2012, stated:

'In addition to discrimination enshrined in law, a catalogue of repressive measures is also used against women's right defenders who challenge this situation [of women] and campaign for women to be able to enjoy all their internationally recognized rights. These repressive measures are also used against other women, particularly those from ethnic or religious minorities, who appear to be targeted either on account of their ethnic origin or faith, or because they stand up for the rights of their communities to be treated equally and in line with Iran's international human rights obligations.' [9p] (p2)

AI's submission of 2 August 2012 also provided case studies of human rights defenders and women from ethnic and religious minorities arrested by the Iranian authorities. [9p]

23.09 The Global Gender Gap Index '...is a framework for capturing the magnitude and scope of gender-based disparities and tracking their progress.' [124a] The Global Gender Gap Report 2012, published in October 2012, placed Iran in 127th place (down from 125th in 2011) out of the 135 countries ranked for gender equality. [124a]

23.10 Following the election of President Rouhani in June 2013, RFE/RL reported that:

'A group of prominent Iranian women's rights activists and intellectuals have outlined some of their main demands for President-elect Hassan Rohani, who spoke against gender discrimination during his campaign and said women and men should enjoy the same rights and opportunities.

'The group is among many Iranians who will be closely watching the new president -- who has promised to establish a Women's Affairs Ministry - to see whether he can deliver on his campaign promise of moderation.

'The activists expressed their demands and concerns in a July 10 meeting in Tehran at which two of Rohani's representatives were present, according to a report by the Focus on Iranian Women website. The group included several well-known figures who have come under state pressure for advocating change.

'Participants said the situation of Iranian women deteriorated under outgoing President Mahmud Ahmadinejad and some of their modest gains were rolled back...

'The activists said Iran's next government should remove all the "obstacles" that were created during the eight years of Ahmadinejad's presidency.

'Sociologist and university professor Shahla Ezazzi claimed these obstacles included measures and policies aimed at limiting women's public and social lives. "Apparently, [the authorities] had come to the conclusion that if men don't want to control their women and force them to stay at home, the government should act as father and grandfather and control women," she said.' [42f]

To consider further the situation regarding women from ethnic and religious minorities, see the sections on [Ethnic Groups](#) and [Freedom of Religion](#). See also [Government suppression of women's rights organisations](#) and [Trafficking](#)

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Legal rights

- 23.11 The Freedom House (FH) report, Women's Rights in the Middle East and North Africa 2010 – Iran, published 3 March 2010 noted:

'The constitution and the Shari'a-based penal and civil codes, especially those sections pertaining to family and personal status, legalize the subordination of women, treating them as second-class citizens with unequal rights. Women's rights activists have launched widely publicized equal-rights campaigns that have been successful within the parameters established by the theocracy. However, the overall legal framework remains discriminatory, with the state's theocratic underpinnings consistently negating its progressive and democratic elements.' [112c] (**Nondiscrimination and access to justice**)

- 23.12 The US Department of State's Country Reports on Human Rights Practices 2012, released on 19 April 2013, (USSD Report 2012) stated:

'The constitution provides for equal protection for women under the law and all human, political, economic, social, and cultural rights in conformity with Islam. The government did not enforce the law in practice, however, and provisions in the Islamic civil and penal codes - particularly sections dealing with family and property law -- discriminate against women. Discrimination restricted women's economic, social, political, academic, and cultural rights. The governmental Center for Women and Family continued to publish reports on women's rights with a religious conservative slant and limited the debate on women's issues to matters related to the home. The center did not raise ideas contrary to the government or to its interpretation of Islam.' [4a] (**Section 6**)

- 23.13 The Women's Forum against Fundamentalism in Iran's website, accessed on 28 August 2012, included a list of ['official laws against women in Iran'](#) compiled in 2005. [59a]

- 23.14 The FH report, Freedom in the World 2013 – Iran, (Freedom House report 2013) covering events in 2012, published on 10 April 2013, noted that, 'Women do not enjoy equal rights under Sharia-based statutes governing divorce, inheritance, and child custody, though some of these inequalities are accompanied by greater familial and financial obligations for men.' [112f] A Guardian news article dated 6 October 2009, by Shirin Ebadi, one of the founders of the 'One Million Signatures Campaign' [also known as the Campaign for Equality], noted that 'Women also require their husband's permission to work, travel or leave the country.' [16d]

See also [Exit and Return](#) for further information on women and children leaving Iran

- 23.15 An August 2010 report by the Iran Human Rights Documentation Center (IHRDC), 'Silencing the Women's Rights Movement in Iran', stated:

'Although Iranian women have made some progress, women are still treated unequally under Iranian law. Women, regardless of their religion, must follow the hejab dress code when in public. The legal marriage age is 13 for women and 15 for men. Men may marry up to four permanent wives and an infinite number of temporary wives at any one time. Men have absolute rights to divorce while women may initiate divorce only if they meet certain conditions, some of which must have been agreed to in the marriage contract. Mothers may have custody rights over children until they reach the age of seven, after which, fathers have automatic custody. Mothers' custody rights are dismissed if they remarry. In case of a custody dispute, the court will decide based on the welfare of the child. Fathers and paternal grandfathers continue to have absolute guardianship rights over children when their fathers die. Mothers can never be awarded guardianship rights... The civil code provides that only Iranian fathers may pass on their citizenship to their children.' [51c] (p11)

- 23.16 The same IHRDC report also noted that 'Women do not have equitable inheritance rights as wives, mothers, sisters or daughters. Even if a wife is the sole survivor to her husband's estate, she may not inherit more than a quarter of the estate; if she is not the sole survivor, she is limited to an eighth of the estate.' [51c] (p11)

- 23.17 The FH report of 3 March 2010 observed:

'Women's extensive legal vulnerability to divorce, polygamy, sigheh, and loss of child custody, combined with broader economic difficulties in Iran, has led prospective wives and their families to demand extremely large mehriyeh [dowry] as a protective measure. This in turn adds to prospective husbands' apprehension about marriage, given rising unemployment and housing costs and their obligation to support their new families financially. The resulting delayed or precarious marriages have added to social problems in the country.' [112c] (Autonomy, security and freedom of the person)

See also [Mehriyeh](#) and [Sigheh or temporary marriage](#) below

- 23.18 The FH report on women's rights published 3 March 2010 observed:

'Measures intended to improve women's rights under the personal status and family laws have been enacted over the years. To help women secure better marital conditions and divorce terms, the prenuptial "conditions" envisioned under Article 1119 of the civil code have been added to the printed standard marriage contract. This reflects the Islamic tradition that allows a woman to request certain conditions, such as the right to divorce and the right to a residence separate from her husband's relatives. Although the validity of these stipulations is conditional upon the approval of the prospective husband, they nonetheless provide an important potential protection. A prospective bride and her family may feel awkward requesting them during marriage negotiations, and men may simply refuse to accept them. Furthermore, many women are unaware of their legal rights in this area. These factors weaken the potential protection offered by the practice, and unless such conditions become fully integrated into the marriage law, many men will consider them to be "extra rights" or "privileges" to which they may refuse to submit.' [112c] (Autonomy, security and freedom of the person)

- 23.19 The Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, dated 28 February 2013, noted that, ‘...a number of Iranian laws continue to discriminate against women. Article 1108 of the Iranian civil code, for example, compels a woman’s obedience to her husband. Furthermore, women cannot transfer nationality and citizenship to their husbands or children, which has rendered stateless thousands of children of Iranian women who have married Afghan or Iraqi refugees, as well as expatriate Iranian women married to non-Iranians.’ [10n] (p15)
- 23.20 The Freedom House report on women’s rights published on 3 March 2010 stated:
- ‘An adult woman is generally not recognized as a full person in court. Except for civil law cases, in which women’s testimony has the same value as that of men, the testimony of two women equals that of one man. Nonetheless, judges retain wide discretion in determining what constitutes acceptable testimony. In cases involving major crimes, such as murder, a woman’s testimony is impermissible in court...
- ‘The customary practices in most parts of Iranian society are often more progressive than the laws, with the exception of some ethnic groups and tribal communities in a few underdeveloped regions of the country. Because of this gap between law and society, women’s rights activists have made legal reforms their top priority.’ [112c] (Nondiscrimination and access to justice)
- 23.21 An AI article dated 29 October 2009 stated that women: ‘... are particularly vulnerable to unfair trials because in Iran they are more likely than men to be illiterate and more likely to sign confessions to crimes they did not commit. Discrimination against women in other aspects of their lives also leaves them more susceptible to conviction for adultery...’ [9m]
- 23.22 Amnesty International’s submission to the United Nations Economic and Social Council’s (ECOSOC) Commission on the Status of Women, on 2 August 2012 stated, ‘As highlighted in Amnesty International’s submission to the Commission on the Status of Women in 2010 and 2011, women in Iran face widespread discrimination under the law. A Family Protection Bill which would increase discrimination against women remains under discussion in parliament.’ [9p] (p1)
- 23.23 The analysis by Iranian lawyer Mohammad Hossein Nayyeri, ‘Gender Equality and discrimination: the case of Iranian Women’, published by the Iran Human Rights Documentation Center (IHRDC) on 8 March 2013 also commented on the Family Protection Bill, stating:
- ‘First introduced in August 2007, the new 50-article Bill of Family Protection Law was passed by the Judicial and Legal Commission of the IRI Parliament on July 9, 2008. Intense opposition by numerous women’s rights groups has prevented the Bill’s ratification so far. Moreover, the Guardian Council, in several stages, and most recently on June 6, 2012, has opposed some articles and returned the Bill to Parliament for further revision. Although the whole Bill, and the spirit with which it has been drafted, has been criticized by women’s rights groups, some specific articles have attracted more attention and criticism.’ [51j]
- See the [IHRDC analysis](#) directly for further information on the Bill, including some of its more ‘controversial provisions’ on marriage and polygamy. [51j]
- A copy of the [Family Protection Bill](#) (as amended in August 2011) may be found on the IHRDC’s website, with added text shown in red. [51m]

23.24 The AI submission to ECOSOC dated 2 August 2012 observed:

‘Disappointingly, a new Penal Code, approved by parliament but which has not yet been enacted, would continue to discriminate against women, for example by valuing their testimony at half that of a man’s. It would also continue to criminalize consensual sexual relations outside marriage even though stoning has been removed as a specified punishment. Stoning - a penalty which has a discriminatory impact on women - could still be imposed as Article 167 of Iran’s Constitution requires judges to use their knowledge of Islamic law to rule on a case in the absence of codified law. In these ways the Penal Code continues to have a discriminatory impact on women.

‘This new Penal Code, which had been under discussion by the Iranian Parliament for four years, was approved by the Council of Guardians, which reviews legislation for compatibility with the Constitution and Islamic Law, in January 2012. However, the Iranian authorities did not use the review process as an opportunity to remove all discriminatory laws against women from the Penal Code... The revised penal code will come into force once signed by the president following the Council of Guardians’ approval, though it is not known when this will happen.’ [9p] (p1)

See also [Penal Code](#) for further information on the progress of the new Penal Code

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Political rights

23.25 The Freedom House (FH) report, ‘Women’s Rights in the Middle East and North Africa 2010 – Iran’, published 3 March 2010 noted:

‘Women in Iran have the right to vote and run for public office but are excluded from holding leadership roles in the main organs of power, such as the office of the supreme leader, the Assembly of Experts, the Guardian Council, the Expediency Council, the judicial branch, and the presidency. These positions have been reserved exclusively for men, most of whom are also clerics. After the establishment of the Islamic Republic, women were barred from serving as judges, and existing female judges – including Shirin Ebadi, Iran’s first female chief judge of a district court – were demoted to administrative positions. Changes made in 2003 allowed women to hold the rank of judge and the right to serve as legal counselors, but they remain prohibited from issuing and signing final verdicts.’ [112c] (Political rights and civic voice)

23.26 The USSD Report 2012 observed that:

‘Women faced significant legal, religious, and cultural barriers to their political participation. According to the Guardian Council’s interpretation, the constitution bars women and persons of foreign origin from serving as supreme leader or president; as members of the Assembly of Experts, Guardian Council, or Expediency Council (a body responsible for mediating between the Islamic Consultative Assembly and the Guardian Council and serving as a consultative council for the supreme leader); and as judges... Three women served in the cabinet: the vice presidents for legal affairs and science and

technology and the minister of health. A woman also served as head of the National Youth Organization.’ [4a] (Section 3)

23.27 The FH report on women’s rights, published on 3 March 2010, noted:

‘Even with sex segregation, discriminatory laws, and state policies stressing women’s domestic duties, women in Iran play a considerable and very visible role in the public sphere. Using any available spaces and legal rights, they have demonstrated their activism in both formal and informal political and civil society organizations. A growing women’s rights movement, especially in the past 10 years, has been challenging discriminatory laws and policies in various areas of life, including those that prevent women from taking part in high-level decision-making and political power. Women’s activities have been constrained by some cultural traditions and state repression, especially under the presidency of Ahmadinejad.’ [112c] (Political rights and civic voice)

See also section on [Government suppression of women’s rights organisations](#)

23.28 Data compiled by the Inter-Parliamentary Union (IPU), dated 30 June 2012, showed that in May 2012, nine of the 290 seats in the lower house (Majlis) were filled by women (3.1 per cent) [117a] The USSD Report 2012 noted that this figure represented, ‘...an increase of one from the previous assembly.’ [4a] (Section 3)

23.29 Following the inauguration of Hassan Rohani as the new Iranian President on 3 August 2013, Radio Free Europe/Radio Liberty reported the following day that during the ceremony President Rohani had unveiled the nominees for his new cabinet, noting that, ‘There was not one female nominee for any ministerial post in Rohani’s future cabinet.’ [42i] On 29 August 2013, however, the Guardian reported that Iran had appointed its first foreign ministry spokeswoman. Mohammad Javad Zarif, the foreign minister, was reported as saying that Marzieh Afkham had been appointed ‘spokesperson for the country’s diplomatic apparatus.’ [16j] The same Guardian article also noted that, ‘President Hasan Rouhani has promised more opportunities for women. Last week, he appointed another woman, Elham Aminzadeh, as vice-president in charge of legal affairs.’ [16j]

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Social and economic rights

23.30 The USSD Report 2012 noted that, ‘Discrimination restricted women’s economic, social, political, academic, and cultural rights.’ [4a] (Section 6)

Abortion

23.31 The FH report on women’s rights, published 3 March 2010, stated:

‘Abortion remains illegal under the penal code, except where the life of the mother is threatened and “ensoulment” – exhibited by signs of life as established in Islamic law – has not occurred in the fetus. It is unclear whether a pregnancy that threatens a mother’s life but has progressed to ensoulment could be legally aborted. Illegal abortion is punishable under the diyeh, or compensatory section of the penal code, but can also be punished through qisas, or retaliation, if it occurs after ensoulment. The father or paternal grandfather is the guardian of the fetus and is therefore entitled to the blood money and retaliation.

'If someone other than the mother causes the abortion, the amount of diyeh depends on the fetus's stage of growth until it gains its "human spirit." After that point, Article 487 of the penal code indicates that a male fetus draws the full diyeh of a male human being, a female fetus draws half that amount, and a fetus of uncertain sex is worth three-quarters of the sum for the male. According to Articles 623 and 624, doctors or any other individuals who play a role in illegal abortion are also punished with prison terms ranging from three months to five years, and payment of diyeh. If the mother aborts her own pregnancy, Article 489 requires her to pay the fetus's full diyeh to the father or his family.' [112c] (Social and cultural rights)

- 23.32 On 20 November 2011, the Tehran Bureau reported the results of a survey published in the journal, *International Perspectives on Sexual and Reproductive Health*, which revealed that, '... despite severe legal restrictions, abortion is common in Tehran.' [118a] The same article also noted that, 'Abortion is legal in Iran only in cases where they [sic] life of the mother is in danger or when the country's Legal Medical Organization diagnoses the fetus with one of several legally recognized diseases or defects. Such severe restrictions drive women seeking abortions who do not meet these requirements to seek clandestine and often unsafe procedures.' [118a]

See also Women, sub section [Health and welfare](#) and [Medical issues](#)

Marriage

- 23.33 Book 7 of the [Iranian Civil Code](#) relates to marriage and divorce. [51a]
- 23.34 The Freedom House (FH) report, 'Women's Rights in the Middle East and North Africa 2010 – Iran', published 3 March 2010 stated:
- 'According to Article 1034 of [the] civil code, marriage is defined as being between a man and woman, and a man may become the suitor of any eligible woman. Implicit in law and reinforced by cultural attitudes is the notion that men, not women, should propose marriage. Article 1070 of the civil code requires the mutual consent of both bride and groom for a marriage contract to be valid. In practice, however, very young or widowed women, particularly those living in provincial and rural areas, may be forced into marriage either out of poverty or based on traditional and tribal customs. Although men may also be forced into marriage by their families, rural girls are far more susceptible to such practices.
- 'The legal age of consent is 13 for girls and 15 for boys, but a permit may be obtained for the marriage of even younger girls or boys upon the request of a father or paternal grandfather to the court. This flexibility, combined with the already-low legal marriage age, increases the likelihood of young girls being married off to older men for financial reasons. More recent sociocultural trends in Iran, however, indicate that such laws are lagging far behind the new realities. At present, the average age of the first marriage for women and men are actually 24 and 27 respectively.' [112c] (Autonomy, security and freedom of the person)
- 23.35 Regarding child marriage, in his report on the situation of human rights in Iran dated 13 September 2012, the Special Rapporteur stated that he was, '...deeply concerned about reports that the Legal Affairs Committee of the Iranian Parliament has announced that the law that prohibits the marriage of girls below the age of 13 is considered to be "un-Islamic and illegal". Some statistics indicate that in June and July 2012 more than 75 girls under 10 were forced to marry much older men. A majority of these cases are

reported in southern provinces including Hormozgan, Sistan and Baluchestan and Khuzestan.’ [10p] (paragraph 73)

23.36 The FH report of 3 March 2010 noted that:

‘The validity of a woman’s first marriage is contingent upon the approval of her father or paternal grandfather, regardless of her age. If she has no father or grandfather, or can argue that they refused her choice without justification, the daughter may appeal to the court and register her marriage with the court’s approval. Such restrictions do not apply to men. It is uncommon and largely undesirable for a young woman to marry without parental (especially the father’s) approval, as it may ostracize her from her relatives and community.

‘Only men are permitted to marry multiple spouses. They can take up to four wives and engage in an unlimited number of temporary marriages (sigheh or mutá). In reality, polygamy is not a common practice, and most people disapprove of sigheh. However, because sexual relationships outside of marriage are criminalized under Article 63 of the penal code, sigheh is occasionally used by members of the secular and nonconformist youth to avoid punishment for otherwise illicit sexual activity.’ [112c] (Autonomy, security and freedom of the person)

23.37 Amnesty International (AI) reported on 30 November 2011 that, ‘Iranian law currently allows Muslim men to have up to four wives, but only after obtaining a court order demonstrating the permission of the first spouse and his ability to treat them all equally. For women who depend entirely on their husband’s income, sharing that with a second, third or fourth wife can mean severe financial hardship.’ [9]

23.38 The USSD Report 2012 stated, ‘The government does not recognize marriages between Muslim women and non-Muslim men, irrespective of their citizenship. The law states that a virgin woman or girl wishing to wed needs the consent of her father or grandfather or the court’s permission, even if she is older than 18.’ [4a] (Section 5)

See also [Sigheh \(temporary marriage\)](#) below and [Legal Rights](#) above

Sigheh (temporary marriage)

23.39 Footnote 31 of the Freedom House (FH) report on women’s rights published on 3 March 2010 observed that: ‘Sigheh is a provision within Shi’a Islam that gives legitimacy to sexual relationships of any duration and to their offspring. It is a contract between a man and a woman based on a specified sum of money paid to the woman. The majority of the world’s Muslims (Sunnis) and even many Shiites do not approve of this practice.’ [112c] (Autonomy, security and freedom of the person)

23.40 The same report also noted: ‘... because sexual relationships outside of marriage are criminalized under Article 63 of the penal code, sigheh is occasionally used by members of the secular and nonconformist youth to avoid punishment for otherwise illicit sexual activity.’ [112c] (Autonomy, security and freedom of the person)

23.41 The USSD Report 2012 stated, ‘The law permits a man to have as many as four wives and an unlimited number of “temporary wives” (sigheh) based on a Shia custom in which a woman may become the time-limited wife of a Muslim man after a simple religious ceremony and a civil contract outlining the union’s conditions. Temporary wives and any resulting children are not granted rights associated with traditional marriage, but the contract is enforceable.’ [4a] (Section 6)

23.42 Amnesty International (AI) reported on 30 November 2011:

‘According to Shi’a Islam, Iranian men can already take any number of “temporary wives” without informing their first wife. The length of a temporary marriage is defined in advance and can last anything from hours to decades. Temporary wives generally face social ostracism, and their children may face difficulties in accessing public services such as education because if the marriage is unregistered, it may be hard for the mother to prove paternity.’ [9]

23.43 The August 2010 IHRDC report noted that:

‘Temporary marriage in Iran (siqih or nikah-i munqati’) is a legal contract between a man (married or not) and an unmarried woman. At the time of marriage, the woman must be an unmarried virgin, divorced or widowed. In the contract, both parties agree on the time period for the relationship and the bride gift (mihriyyih) to be paid to the woman. A man can marry as many women as he wants through temporary marriage. A woman cannot be involved in more than one temporary marriage at once, and cannot enter into a new temporary marriage before completing a waiting period mandated by law.’ [51c] (p4, footnote 11)

23.44 On 4 June 2012, Payvand Iran News reported:

‘The “Tehran Official Center for Temporary Marriage” is the name of a new site launched to propagate the concept of “sighe,” a temporary marriage arrangement sanctioned in Shiism. Over the recent years, tens of other similar sites have sprung, all with the goal of facilitating temporary marriages, and with legal permits.

‘Article 1075 of Iran’s civil code, sanctions temporary marriages. The conditions for issuing a temporary marriage licence are the same as those required for a permanent marriage plus a specified term for the marriage and the specification of an amount of money as alimony for the woman. The restrictions for a temporary marriage are also the same that exist for a permanent marriage.

‘These sites provide information regarding their members to applicants who register and submit an online application form and facilitate the establishment of such relations.

‘While many of these sites have been registered with the ministry of Islamic guidance and other appropriate agencies making their activities completely legal, they still at times come under criticism by some government officials.’ [130a]

The same [Payvand Iran News article](#) also included excerpts of an interview on temporary marriage with Asieh Amini, a journalist and women’s rights activist, which may be accessed directly for further information. [130a]

23.45 On 6 March 2013, Payvand Iran News reported that:

‘Iran’s Parliament has passed Article 22 of the controversial family protection act requiring the registration of temporary marriages. The article has been amended however to make registration of temporary marriages only obligatory in certain cases such as those involving [sic] a pregnancy...

'The article calling for the registration of temporary marriages without any conditions was written with an eye to protecting the rights of women who become a man's second or third wife. Children produced by such unions have no legal rights when a marriage is not registered.

'Setareh Hedayatkah, a spokeswoman for Parliament's Cultural Commission, had proposed that no conditions should be put on the registration of temporary marriages, and that registration should be compulsory for all of them. "The lack of registration and the lack of an obligation to do so will harm people's lives, especially those of women, and it only benefits irresponsible men."

'Her proposal was turned down, however, with Mohammad Dehghan, a member of Parliament's Legal and judicial Commission, stating that the main appeal of temporary marriages is that they remain unregistered. He said: "Family issues, especially marriage, are among the most private matters in an individual's life, and lawmakers must not interfere so deeply in people's private affairs." [130f]

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Mehriyeh (nuptial gift/marriage settlement)

23.46 The Freedom House report on women's rights, published 3 March 2010, stated:

'Many of the improvements made to women's marital rights center on financial support offered to women during marriage and upon divorce. A woman is entitled to mehriyeh, a sum of money or object of monetary value specified in the marriage contract that a husband is obligated to pay to his wife. Generally, the dowry is paid upon divorce and is intended to deter men from initiating divorce or, failing that, to provide financial support to divorced women. Article 336 of civil code was amended in 2006 to allow a wife to demand monetary compensation from her husband for domestic labor she performed during their marriage, particularly when the man initiates the divorce without a reasonable excuse. Finally, a divorced woman is entitled to her jahiziyeh, the items she brought into the home upon marriage.

'Although these provisions potentially protect the financial security of women, in practice it is difficult to secure the mehriyeh or compensation for domestic labor. Given other imbalances in the marriage law, especially the fact that the right to divorce lies almost exclusively with men, women often forfeit their mehriyeh and other financial benefits in exchange for a divorce, buying their freedom from unhappy or abusive marriage[s].' [112c] (Autonomy, security and freedom of the person)

For more detailed information on mehriyeh (also referred to as mahriyeh or mahr), see the IHRDC report, '[Gender Equality and discrimination: the case of Iranian Women](#)', published 8 March 2013. [51f] (Section 2.1.4.1)

See also section on [Divorce](#)

Adultery

23.47 The Amnesty International (AI) webpage, 'Execution by stoning', last updated on 23 February 2012, stated:

‘Stoning is mandatory for both men and women convicted of “adultery whilst married” under Iranian law.

‘Those sentenced to death are frequently poor or otherwise marginalised from society. Most of those sentenced to death are women for the simple reason that they are disadvantaged in the criminal justice system, and face wide-ranging discrimination in law, particularly in regard to marriage and divorce. However, in recent years more men are known to have been stoned to death than women.’ [9aa]

- 23.48 Book 2 of the [Islamic Penal Code](#) (IPC) of Iran defines adultery and refers to punishments for committing adultery (Articles 63 to 102). Punishments include flogging, stoning and, in certain situations, death. (Mission for Establishment of Human Rights in Iran [MEHR]) [66a]

For further information on punishment for adultery in Iran, see the IHRDC report, [‘Gender Equality and discrimination: the case of Iranian Women’](#), published 8 March 2013. [51I] (Section 1.3)

- 23.49 A briefing by the Global Initiative to End all Corporal Punishment of Children, submitted to the Committee on Economic, Social and Cultural Rights working group held from 21 to 25 May 2012, stated, ‘The Penal Code specifies how the lashing is to be administered for adultery – for a male, on the bare body, “severely”, except hands and face, while standing, for a female whilst sitting with a cloth tied to her body (article 100). More than three “pious people” must be present (article 101).’ [13a] The same [briefing](#) also provided further detailed information on the implementation of lashings under other articles of the IPC. [13a]
- 23.50 The USSD 2012 noted ‘Women sometimes received disproportionate punishment for crimes, such as adultery, including death sentences.’ [4a] (Section 6) The same report continued, ‘Adultery remained punishable by death by stoning. Unconfirmed reports on November 3 [2012] on the opposition Melli-Mazhabi Web site claimed that security agents from the judiciary transferred the bodies of four women who had been stoned to the Tehran medical examiner’s office. According to the Web site, the bodies had visible wounds, including on their faces, to indicate torture, beatings, and stoning. Officials denied the reports but did not provide alternative explanations for the causes of death of the four women, who had allegedly been charged with engaging in “illegitimate relationships” and drug use. According to AI, at least 15 women were at risk of being stoned.’ [4a] (Section 1a)
- 23.51 The HRW report, ‘Codifying Repression: An Assessment of Iran’s New Penal Code’, published in August 2012, commented on provisions in a new Penal Code (which has not yet been signed into law), stating:

‘Articles 222-231 of the new code address the crime of zena (“adultery” or “fornication,” depending on the marital status of the individuals involved), generally defined as consensual or forced penetrative sex between a man and a woman outside of marriage. The new code removes, but does not specifically prohibit the imposition of the punishment of stoning, which is explicitly reserved for adulterers in the old code. However, in this area the amendments largely leave intact the provisions of the old code which make the death penalty mandatory for all individuals who willingly engage in sex with someone other than their married spouse (i.e. adultery), those who engage in incest, men who have sex with their stepmothers, and non-Muslim men who have sex with a Muslim woman regardless of his marital status. Judges can sentence offenders

who have not reached the 'age of maturity' only to correctional and rehabilitation measures.' [8j] (p2)

See the [HRW report](#) directly for more information. [8j] (p24-25)

See also sections on [Stoning](#), [Honour killings](#), [Knowledge of the Judge](#), [Penal Code](#) and [Death penalty](#)

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Divorce

23.52 Book 7 of the [Iranian Civil Code](#) relates to marriage and divorce. Article 1133 of the Civil Code states that, 'A man can divorce his wife whenever he wishes to do so.' [51a]

23.53 Article 1120 states that, 'Marriage may be dissolved by cancellation, by divorce, or by waiver of the remaining period in the case of a temporary marriage.' [51a] Articles 1121 to 1132 of the Civil Code set out the circumstances under which divorce may be obtained. [51a]

23.54 The USSD Report 2012 stated:

'A woman has the right to divorce only if her husband signs a contract granting that right, cannot provide for his family, or is a drug addict, insane, or impotent. A husband is not required to cite a reason for divorcing his wife. Traditional interpretations of Islamic law recognize a divorced woman's right to part of shared property and to alimony. These laws were not enforced. In June 2011 the Supreme Court ruled that women could withhold sex from their husbands if the husbands refuse to pay personal maintenance allowance. Under the law such an allowance can be requested during the marriage as well as after a divorce. According to ISNA [Iranian Students' News Agency], if the allowance is not paid, the wife can "reject all legal and religious obligations" to her husband. If the allowance is not paid after the divorce, the woman can sue her former husband in court. Despite this ruling, the ability of a woman to seek divorce was still extremely limited in practice.

'The law provides divorced women preference in custody for children up to age seven; divorced women who remarry must give the child's father custody. After the child reaches age seven, the father is entitled to custody unless he has been proven unfit to care for the child. Courts determine custody in disputed cases.' [4a] (Section 6)

See [Child custody](#) below

23.55 The FH report of 3 March 2010 observed:

'While the power of divorce lies principally with the husband, he cannot divorce his wife without going through the family court and its required procedures. The court appoints arbitrators, usually from among the relatives of the couple, in an attempt to secure reconciliation. If the husband insists on divorce, the court will grant its approval. The process is less arduous if the couple files for divorce on mutual basis, but far more difficult when the wife applies for divorce on her own. According to Article 1130 of the civil code, she has the burden of proving that the continuation of the marriage would expose her to "difficult and pressing conditions." These can include the husband's addiction, impotence, adultery, abandonment, and physical abuse. Polygamy cannot be

cited as the reason for a divorce unless it violated a condition in the couple's marriage contract. Another option for women is a type of divorce called khula. According to the Article 1146 of the civil code, a woman can file for such a divorce, based on her disgust toward the husband, if she forfeits her mehriyeh or pays him an equivalent sum. It should be noted that khula is possible only when the husband concedes.

'In a divorce initiated by the husband, it is his prerogative to return to the wife and reconcile the marriage during the course of a waiting period known as eddeh (three months or three menstrual cycles), regardless of the wife's wishes. A divorced wife consequently has to remain in the husband's residence for three months after the intent to divorce is stated.' [112c] (Autonomy, security and freedom of the person)

23.56 The New York Times reported on 6 December 2010 that:

'Divorce is skyrocketing in Iran. Over a decade, the number each year has roughly tripled to a little more than 150,000 in 2010 from around 50,000 in 2000, according to official figures. Nationwide, there is one divorce for every seven marriages; in Tehran, the ratio is 1 divorce for every 3.76 marriages, the government has reported.

'While the change in divorce rates is remarkable, even more surprising is the major force behind it: the increasing willingness of Iranian women to manipulate the Iranian legal system to escape unwanted marriages.' [77a]

Child custody

23.57 The Freedom House (FH) report on women's rights, published 3 March 2010, stated:

'After a divorce, a woman's child custody rights are determined by law based on the child's age. Article 1169 of the civil code originally gave women primary custody rights over their children until boys turn two and girls turn seven, but the age for boys was later raised to seven as well. After children reach the age threshold, custody goes to the father, unless his insanity or some other disqualifying factor is proven in court. According to Article 1170, the mother loses her custody rights to young children "if she becomes insane or marries another man during her period of custody." Article 1174 guarantees access to the child for the noncustodial parent.' [112c] (Autonomy, security and freedom of the person)

23.58 In their 'Comments on the Iran Country Report of April 2005' dated August 2005, UNHCR noted 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)

23.59 The report of the UN Special Rapporteur on violence against women dated 27 January 2006 stated that:

'Child custody laws ... favour men over women. In principle, both the physical custody (hezanat) and the legal guardianship (velayat) of the child belong to the father. While, under certain circumstances, women are granted physical custody, legal guardianship,

which includes the authority over decisions regarding the child's well-being, is almost exclusively given to the father. Following a divorce, physical custody was until recently granted to the mother until age 7 for girls and age 2 for boys. In 2003, the law was changed to allow both children to remain with the mother till age 7, custody is then automatically transferred to the father, or if he is absent or incapable, to another male in his family. If the mother remarries, the physical custody then shifts to the father. Women who have been subjected to violence frequently do not want to risk losing their children and, when faced with such a possibility, they often feel they have no choice but to remain in a relationship with a violent partner.' [10ad] (p14)

- 23.60 The Iran Human Rights Documentation Center (IHRDC) report, 'Silencing the Women's Rights Movement in Iran', published in August 2010 stated:

'Mothers may have custody rights over children until they reach the age of seven, after which, fathers have automatic custody. Mothers' custody rights are dismissed if they remarry. In case of a custody dispute, the court will decide based on the welfare of the child. Fathers and paternal grandfathers continue to have absolute guardianship rights over children when their fathers die. Mothers can never be awarded guardianship rights.' [51c] (p11)

See the IHRDC report, '[Gender equality and discrimination: the case of Iranian women](#)', published 8 March 2013 for further information on custody and guardianship of children. [51I](Section 2.3)

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Dress code and gender segregation

- 23.61 The Freedom House (FH) report, 'Women's Rights in the Middle East and North Africa 2010 – Iran', published 3 March 2010, observed:

'During its formative years, the Islamic Republic deliberately presented sex segregation and mandatory hijab (veiling) as the hallmarks of its cultural identity. However, there has never been a consensus among the ulema [Muslim scholars] on the meaning and extent of Islamic hijab; some do not consider it to be a mandate under the Koran. Conservative clerics and authorities view chador (an all-encompassing black cloak worn over street clothes) as the most desirable hijab, with some considering the garment to be an Islamic mandate. However, the less restrictive manteau-rusary (a long overcoat, trousers, and a head-scarf) is increasingly acceptable, and the number of women in chadors is decreasing. Many women in major cities have turned the dull color and form of manteau-rusary into colorful, stylish fashions and are using cosmetics in larger numbers, although they risk punishment for doing so.' [112c] (Social and cultural rights)

- 23.62 The FH report on women's rights dated 3 March 2010 also stated:

'Head and body coverings for women are mandatory under Article 638 of the penal code, which stipulates that those who fail to comply with hijab shar'è (Shari'a-based veiling) face 10 days to two months in prison or fines between 50,000 and 500,000 rials (US\$5 to US\$50). The law lacks specificity on what constitutes a violation, but in practice, women have been punished for all of the following: showing part of one's hair, using cosmetics, wearing sunglasses, wearing a tight or short manteau (coat or gown), showing skin above the wrist or ankle, showing neckline, and wearing boots over (rather

than under) trousers. No private plaintiff is necessary for prosecution, as it is the state's prerogative to monitor and control women's apparel.

'Harsher enforcement has increased the number of arbitrary arrests and detentions in recent years... since 2006, male and female officers have stopped, verbally scolded, physically attacked, arrested, or temporarily detained thousands of women and some young men for wearing insufficiently modest clothing, or "bad hijab." [112c] (Non-discrimination and access to justice)

- 23.63 The Freedom House Report 2013 noted that, 'Women must conform to strict dress codes and are segregated from men in some public places. There has been a crackdown in recent years on women deemed to be dressed immodestly.' [112f] In their February 2012 report, Amnesty International noted that:

'The authorities have stepped up efforts in recent years to enforce the 2005 Law on Promoting the Culture of Chastity and Modesty, which has led some universities to threaten students who do not comply with the dress code with a ban on completing their studies. The dress code, however, has never been fully defined, and while many women wear traditional forms of dress, others have also chosen to interpret this code in other ways. This leaves them at risk of harassment from police or other security forces, including the Basij militia, particularly during summer crackdowns, which have increased since 2005.' [9x] (p15)

- 23.64 The report of the Special Rapporteur, 'The situation of human rights in the Islamic Republic of Iran', dated 23 September 2011, observed:

'...strict implementation of the morality code concerning dress and attempts to criminalize improper veils have limited women's participation in public and social arenas. Equally worrisome are statements made by authorities that blame victims for inducing attackers to violate their physical integrity. These include reports of Government officials citing women's dress as the cause of recent attacks that took place in Isfahan in June 2011, where 14 women were kidnapped and gangraped while attending a private party. Government statements asserted that the women's dress was a source of the violence perpetrated against them and a rationale for the lack of action in bringing the perpetrators to justice.' [10e] (paragraph 56)

- 23.65 The USSD Report 2012 stated that, 'The penal code provides that a woman who appears in public without an appropriate headscarf (hijab) can be sentenced to lashings and fined. However, absent a clear legal definition of "appropriate hijab" or the punishment, women were subject to the opinions of disciplinary forces or judges.' [4a] (Section 6)

- 23.66 A submission to the UN Committee on Economic, Social and Cultural Rights (CESCR) by the International Federation for Human Rights (FIDH) and the Iranian League for the Defence of Human Rights (LDDHI) in April 2012 stated:

'A scheme to enforce the dress code on women, known as "hijab and efa", which is being enforced by the police and other security forces, has been combined with employment of violence against women. While the police commanders have denied the use of violence, video clips posted on the Internet provide evidence to the contrary. There have also been reports of disciplinary measures and physical violence against female university students who fail to abide by "appropriate" dress code, including expulsion from dormitories.' [56a]

23.67 The USSD Report 2012 also noted that, ‘The government enforced gender segregation in most public spaces, including for patients during medical care, 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.’ [4a] (Section 6)

See also Women: [Health and Welfare](#) and [Education](#) for further information on segregation.

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Women in the workplace

23.68 The World Bank Country Brief on Iran, updated April 2012, noted that, ‘Iranian women have been playing an increasingly important role in the economy, though their market participation and employment rates remain limited.’ [36a]

23.69 The FH report on women’s rights dated 3 March 2010 noted:

‘Article 38 of the 1991 labor law mandates equal pay for equal work and prohibits discrimination on the basis of sex in determining wages. However, this requirement is not always enforced, and women workers do not receive the same retirement and family benefits as men. According to Article 75 of the labor law, women are barred from dangerous jobs and hazardous working conditions, the definition of which is established by the Ministry of Labor and Social Affairs. This law is reinforced by the right of a husband to prevent his wife from taking up employment that is “incompatible with the family interests or the dignity of himself or his wife.”’ [112c] (Economic rights and equal opportunity)

23.70 The International Federation for Human Rights (FIDH) and Iranian League for the Defence of Human Rights (LDDHI) report, ‘Iran: Rising poverty, declining labour rights’, published June 2013, observed that:

‘Aside from Article 1117 of the Civil Code, which empowers husbands to bar their wives from taking employment, there are laws specifically regulating women’s employment. All of these laws and regulations are basically geared towards emphasising and promoting the role of women as mothers and wives, downplaying their social role. They overemphasise the physical and specific differences between men and women in procreation, and offer incentives to encourage and reduce women’s participation in the economy and social life in an effort to keep them at home.’ [56h] (p21)

See the [FIDH/LDDHI report](#) directly for more detailed information on the laws governing women’s employment. [56h] (p21)

23.71 The USSD Report 2012 stated:

‘Social and legal constraints limited women’s professional opportunities. Women were represented in many fields, including in the legislature, on municipal councils, on police forces, and as firefighters, but a woman must seek her husband’s consent before working outside the home. Despite the high proportion of women in universities, the unemployment rate for women was nearly twice that of their male counterparts. According to the World Economic Forum’s 2012 Report on the Global Gender Gap, the average woman in the workforce earned 4.5 times less than the average man and

women made up less than 20 percent of the work force. Women cannot serve in many high-level political positions or as judges, except as consultant or research judges without the power to impose sentences.’ [4a] (Section 6)

- 23.72 The Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, dated 28 February 2013, noted that:

‘The educational attainment of Iranian women is not yet reflected in their current economic status. Statistics demonstrate that a significant gender disparity continues to exist in their participation in the labor market, and women still only occupy a small percentage of senior managerial positions. It was reported that compared to the global labour force, 52%, only 32% of Iranian women are actively engaged in the labour market, compared to 73% of men.’ [10n] (p15)

- 23.73 Following its consideration of Iran’s second periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights, the concluding observations of the Committee on Economic, Social and Cultural Rights (CESCR), published on 17 May 2013 stated:

‘The Committee is concerned that the participation of women in the labour force is low and is further declining. The Committee is concerned about the low number of women in decision-making positions in the public sector, and that women are excluded from certain public positions, such as the post of judge presiding over a court. The Committee is also concerned that the Family Protection Law provides for the possibility of a spouse to prevent the other spouse from entering employment upon the reception of a court order (art.3).’ [10l] (paragraph 10)

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Education

- 23.74 The USSD Report 2012 noted:

‘While women had access to primary and advanced education, and approximately 65 percent of university students were women, according to UN statistics one in five women in the country was illiterate. Quotas and other restrictions limited women’s university admissions in certain fields, such as medicine and engineering, as well as to master’s degree and doctoral programs.’ [4a] (Section 6)

- 23.75 The report of the UN Secretary-General dated 22 August 2012 observed:

‘The authorities have been working towards comprehensive gender segregation in universities and other institutions of higher education. In September 2011, the Minister of Science, Research and Technology revealed a comprehensive gender segregation plan based on a decision of the Supreme Council of the Cultural Revolution. The plan has received support from religious clerics, who have been pressing for total gender segregation in public places. Since September 2011, several universities have received authorization to implement gender segregation. Authorities have also been encouraging women students to study in their home cities and require those wishing to study elsewhere to produce authorizations from their father or husband. Women’s access to higher education is further curtailed by the quota system in universities. The Guidelines for University Entrance Exams (2011-2012) prescribe a quota for admission of men and

women to certain public engineering universities for the current academic year. Based on those restrictions, it was estimated that fewer than 32 per cent of the admitted students were women. The percentage was 45 per cent for 2007-2008.’ [10ac] (p7)

- 23.76 Amnesty International’s submission to the Commission on the Status of Women, on 2 August 2012, reported:

‘Reports indicate that at the start of the 2011-2012 school year, some universities in Iran had already begun to implement gender segregation. At Tehran’s University of Science and Culture (USC), entrances for male and female students were segregated. Female students at USC were reportedly subject to body searches prior to being granted physical admittance to the university. The stated purpose of searches was to inspect female students’ clothing and make-up to verify if they conformed to Islamic dress, though male students were not subject to similar inspections. A number of the female students searched were asked to provide student ID cards, present birth certificates, or driving licenses. Those who did not have student IDs were not permitted to attend classes. In early March 2012, more than ten female students were reported to have been suspended from their classes in the Iran University of Science and Technology in Tehran for “failing to observe the Islamic dress code”.’ [9p] (p2)

- 23.77 The Report of the Special Rapporteur, dated 28 February 2013 reported that:

‘In June 2012, the Science and Technology Ministry announced that women sitting for the national entrance exam would be prohibited from enrollment in 77 fields of study at 36 public universities across the country. It was reported that female enrollment in hundreds of courses offered during the 2012-2013 academic year at Iranian public universities was substantially restricted, including in courses on petroleum engineering, data management, communications, emergency medical technology, mechanical engineering, law, political sciences, policing, social sciences, and religious studies.

‘Furthermore, policies to enforce gender segregation provide “single-gendered” university majors for alternating semesters in lieu of entirely banning access to either male or female candidates. In response to criticism from Iranian parliamentarians who called for an explanation, the Science and Higher Education Minister responded that 90% of degrees still remain open to both sexes, that single-sex courses were needed to create “balance”, and that “some fields are not very suitable for women’s nature”. In light of Iran’s international obligations under the ICESCR and the country’s Constitution, the Special Rapporteur urges the Government to review policies that could be discriminatory and set back the progress it has achieved in women’s education.’ [10] (p14)

See also [Children, Education](#)

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Violence against women

- 23.78 The Freedom House report, ‘Women’s Rights in the Middle East and North Africa 2010 – Iran (FH report on women’s rights)’, published 3 March 2010 stated:

‘During the reform era that lasted from 1997 to 2005, the media were able to conduct investigative reports that uncovered various forms of violence against women throughout Iran. However, coverage has been more limited as media restrictions have increased in recent years. Sporadic reports indicate ongoing “honor killings” and serial

killings of women in different regions. Close to 50 women were murdered during 2008 in four reported cases of serial killing in Abadan, Karaj, Varamin, and Gilan. According to one report, even the state-run newspaper “Iran” was pressured to refrain from publishing information related to these murders.’ [112c] (Autonomy, security and freedom of the person)

- 23.79 A report by the Norwegian Country of Origin Information Centre (Landinfo) published on 22 May 2009 stated that:

‘The tradition of Muslim cultures to regard problems and violence within families as a private and internal family matter is both a common and a widespread problem. This is also the case in Iranian culture and society. The religious and socio-cultural situation means that many girls and women do not see the option of getting help from outside the family circle or from the authorities as a real alternative. Lacking awareness of legal rights combined with strong family ties, fear of social shame and stigmatisation, threats and financial dependence lead many girls and women to give in to their family’s wishes, remain in unhappy marriages or commit suicide.’ [33b] (p9)

- 23.80 In her report of the fact finding mission to Iran, dated 27 January 2006, the UN Special Rapporteur on Violence against Women noted that:

‘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)

- 23.81 The FH report on women’s rights of 3 March 2010 stated:

‘Certain laws and cultural practices reinforce violence against women. Polygamy and temporary marriages destabilize spousal relations, increasing the likelihood of domestic violence. In addition, rape is not criminalized as a distinct offense. Instead it falls under the penal code’s Article 63 definition of adultery, as sexual intercourse between a man and a woman “forbidden to each other.” The victim of rape can assert that she committed adultery under duress and escape punishment, but this claim is difficult to

establish because judges often look to the clothing and behavior of women – rather than the aggression of the perpetrator – for the “cause” of the rape. Because the satisfaction of the husband’s sexual needs is considered a wife’s duty, spousal rape is not seen as a crime.’ [112c] (Autonomy, security and freedom of the person)

23.82 Regarding the stringent requirements for witnesses to a rape before conviction, the UN Special Rapporteur’s report dated 27 January 2006 observed that: ‘Given that most violence against women takes place in the private sphere, it is extremely difficult for women to provide such eyewitnesses to acts of violence. If the defendant is acquitted, the victim runs the risk of being charged and convicted for false accusation (qazf) or illicit sexual relations (zina).’ [10ad] (p16)

23.83 The USSD Report 2012 stated:

‘Rape is illegal and subject to strict penalties including execution, but it remained a problem, and the government did not enforce the law effectively. There were reports of government forces raping individuals in custody ... Sex within marriage is considered to be consensual by definition, and therefore spousal rape is not addressed, including in cases of forced marriage.

‘According to Law Enforcement Forces commander Esma’il Ahmadi-Moghaddam, there were 900 rapes reported between March 2011 and March 2012. Cases of rape were difficult to document due to nonreporting as a result of the potential for retaliation or social stigma against the victims. Most rape victims did not report the crime to authorities because they feared punishment for having been raped, as they could be charged with adultery for being in the presence of an unrelated male while unaccompanied, indecency, or immoral behavior. They also feared societal reprisal, such as ostracism. According to the penal code, rape is a capital offense, and four Muslim men or a combination of three men and two women are required to have witnessed the rape for conviction. The stringent witness requirement was also a possible reason for the relatively low number of reported rapes. A woman or man found making a false accusation of rape is subject to 80 lashes.’ [4a] (Section 6)

23.84 The USSD Report 2012 noted:

‘The law does not specifically prohibit domestic violence. The Census Bureau, a government agency, does not permit international organizations to study domestic violence in the country and has never conducted its own study of violence against women. According to a University of Tehran study published in June 2011, a woman was physically abused every nine seconds in the country, an estimated three to four million women are battered each year by their husbands, and half of marriages had at least one instance of domestic violence. In November 2011 the director of the National Social Emergency Unit, physician Majid Arjomandi, told Pupils Association News Agency that there were approximately 8,000 domestic violence cases reported to his organization.

‘Abuse in the family was considered a private matter and seldom discussed publicly. Some nongovernmental shelters and hotlines assisted victims during the year.’ [4a] (Section 6)

23.85 In the concluding observations of the UN Human Rights Committee, 17 October to 4 November 2011, the Committee expressed its concerns ‘...about the absence of specific provisions on domestic violence within the Penal Code, as well as the lack of investigation, prosecution and punishment of perpetrators of domestic violence. It is

also concerned that a husband is exempted from punishment for voluntary manslaughter in the event that he murders his wife on suspicion of adultery (articles. 2, 26).’ [10t] (paragraph 11)

23.86 The FH report on women’s rights published 3 March 2010 stated:

‘No specific law criminalizes domestic violence, and Iran has no public or private shelters for abused women. Due to legal shortcomings, societal attitudes, and the very nature of such abuse, domestic violence remains a private hardship. Victims who turn to the police are treated no differently from those who are attacked by a stranger. They can be compensated through the diyeh [diyat] system of the penal code, provided they supply witnesses and medical reports. Victims of bodily injury may also seek out retribution under Article 273 of the penal code. Sexual harassment in public places is outlawed under Article 619 of the penal code, which generally prohibits verbal or physical harassment of women or children in public places. If convicted under this statute, offenders face two to six months in prison and up to 74 lashes.’ [112c] (Autonomy, security and freedom of the person)

23.87 Book 4 of the Islamic Penal Code refers to the practice of diyat (blood money) being given as compensation for murder. Article 300 states that ‘The blood money for the first- or second-degree murder of a Muslim woman is half of that of a murdered Muslim man.’ (MEHR) [66a] This is reiterated by the USSD Report 2012 which observed that, ‘The blood money paid to the family of a woman who was killed is half the sum paid for a man.’ [4a] (Section 6)

23.88 Regarding protection for victims of domestic abuse, the Landinfo report of 22 May 2009 observed that

‘The Western European model of a crisis centre/shelter for women does not exist in Iran. There are, however, state institutions for single women, prostitutes, drug addicts and children and young people who have run away from home. These institutions are run by the national welfare organisation and offer protection, welfare services and rehabilitation programmes of varying quality for a transitional period. The number of such institutions in existence at any given time, and in which provinces they are found, is not public knowledge. The Iranian authorities are generally unwilling to provide the public with information about social situations and problems that may generate criticism of Islamic law and the Islamic Republic.’ [33b] (p10)

23.89 On 29 January 2013, Shahrzadnews reported that:

‘All forms of violence are on the increase in Iran, including domestic violence, 75% of which never gets reported either to the social services or to the police.

‘Leading sociologist and Alzahra University governor Afsaneh Kamali told Salamt News: “Many women experience domestic violence every day, accepting it as part of life, and covering up for the instigators. Only 30% of such cases are reported, and indeed it seems futile to do so, as the government never introduces any measures aimed at improving the situation.”

‘Dr. Kamali, a member of the Iranian Sociologists Society, believes that a major reason so many women suffer violence in the home is the shortage of NGOs working in support of women’s rights. “The mayor of Tehran has set up several organizations of this kind

but they are not enough,” he said. “And there are no such NGOs at all in small towns or provincial cities.” [93c]

Honour killings

23.90 A legal commentary written by Iranian lawyer Mohammad Hossein Nayyeri, ‘Gender Inequality and Discrimination: The Case of Iranian Women’, published by the Iran Human Rights Document Center and released on 8 March 2013 stated:

‘Honor killing is an act of murder carried out by a husband, father, brother, or other relatives, to punish a family member perceived to have brought dishonor upon an entire family...By virtue of culture and other factors, women and girls are the primary victims of honor killings...

‘Due to the clandestine nature of such practices, a lack of government reporting and other factors, there are no precise statistics about the rate of honor killings in Iran. However some official figures are occasionally revealed in the news. For instance, according to a Police Commander, 50 honor killings were committed in the first seven months of the Persian calendar year of 1387 [beginning 20 March 2008] Additionally, in provinces such as Khuzestan, Kordestan, Azerbaijan, Fars, Lorestan, Eilam, and Kermanshah, which are home to rural tribal communities that more frequently engage in the practice, the rates of honor killing are higher than in the rest of Iran. According to Abbas Jafari-Dolatabadi, the then Chief of the Judiciary of Khuzestan, “honor killings are a serious problem in this province and this is an accepted practice in this area. The offenders, therefore, escape from prosecution and the victim’s families often do not pledge - or pursue - the complaint against the offender”. In just Ahvaz, the capital of the province of Khuzestan, fifteen women were killed in the Persian calendar year of 1388 (2008/2009) in alleged honor killings.

‘This inhuman practice is primarily caused by different cultural and social factors - and while Iranian laws fall short of calling for the outright implementation of honor killing, they are nonetheless remiss in not prescribing a harsh punishment for the practice. Additionally, in one specific case honor killings are even condoned by the Penal Code. Article 630 of the previous Penal Code expressly allowed a husband to kill his wife and her lover, if he caught them in flagrante, (“in blazing offense” in Latin; legal term that indicates a criminal has been caught in the act of committing an offense). However if he knows that his wife acted under coercion, he may only kill her rapist (Article 630). While in the new Penal Code Article 630 is unchanged, a paragraph has been added to Article 300 which again stresses the exemption of husband from qisas (retaliation) in cases where he kills his wife and her lover in flagrante. In fact, not only has Article 630 not been repealed, the IRI has solidified its approval of this practice.’ [51] (Section 1.4)

See section on [Penal Code](#) for further information on the current and new Penal Code, which is not yet in operation.

23.91 A report by the Norwegian Country of Origin Information Centre (Landinfo) published on 22 May 2009 also noted that access to information from Iran on ‘honour-related violence’ and ‘honour killings’ is very limited. The report continued:

‘The available source material suggests that honour killings primarily occur among tribal peoples such as Kurdish, Lori, Arab, Baluchi and Turkish-speaking tribes. These groups are considered to be more socially conservative than the Persians, and discrimination against women in attitude and in practice is seen as being deeply rooted in tribal

culture. The majority of these groups are Sunni Muslims and they live in the socioeconomically least developed and geographically most isolated areas of Iran.’ [33b] (p7)

23.92 The Landinfo report continued:

‘There is also information about honour killings being carried out in the capital Tehran. According to an Iranian source, the greater part of women killed in Greater Tehran i[n] 2008 were killed by their husbands. This type of killing accounted for 35 per cent of all killings in Greater Tehran in a six-month period (IHRV [Iran Human Rights Voice] 2008b). On the basis of the information available, there is nothing to suggest that the Iranian authorities actively try to combat honour killings...A woman who is threatened with honour killing or subjected to other forms of violence must seek help on her own. The community around her will not come to her assistance unless she asks directly for help. Whether it is possible to ask for help depends on where a woman lives. In some parts of Iran, the physical and geographical conditions are such that fleeing is not possible in practice.

‘The extent to which a woman can get help depends on a number of factors; such as what the case concerns, how old she is, where she lives, what she wants and to what extent she is able to mobilise parts of her own family network to plead her case and negotiate in the conflict. Depending on the nature of the case, she can for example seek help from a women’s network, provided that such a network exists where she lives and that she is aware of it. Or she can file a suit in a family court or report the matter to the police. If she goes to the police, the scope of the violence and threats will be decisive in determining whether she receives help and what kind of help she is offered. She is responsible for presenting evidence that she is in fact threatened by violence, which in certain cases can be impossible. The attitudes of the police or a local judge may have a decisive impact on her chance of being given real protection.’ [33b] (p9-10)

23.93 The USSD Report 2012 stated:

‘According to the law, if a father or paternal grandfather kills his child or grandchild, he will not be convicted and punished for murder. The law permits a man to kill his adulterous wife and her consorts if he is certain she consented. Women convicted of adultery may be sentenced to death, including by stoning. There were no official reports of murders motivated by “honor” during the year, although human rights activists reported that they occurred.’ [4a] (Section 6)

23.94 The International Federation for Human Rights (FIDH) report, ‘Iran/death penalty: a state terror policy’, dated 28 April 2009, noted that:

‘Even though it is not expressly stated, the IPC [Iranian Penal Code] does not treat all murderers equally...under the patriarchal provisions of the IPC, “a father (or paternal grandfather) who kills his child” (or grandchild) “will not be sentenced to qesas [retributory or retaliatory punishment] but to payment of diyeh [compensation] to survivors of the victim and ta’zir [discretionary punishment]” (Article 220). Survivors of the victim, i.e. the mother if the father is the killer (or parents, if the grandfather is the killer), generally forgo the demand for punishment.’ [56b] (p15-16)

23.95 The UN Special Rapporteur’s report dated 27 January 2006, based on her visit to Iran from 29 January to 6 February 2005, noted that some cases of self-immolation in the city of Ilam were:

'... linked to the lack of legal protection for women victims of violence, lack of shelters, difficulty in obtaining a divorce, child custody laws that favour the father and pervasive gender discrimination throughout society.

'The self-immolation incidents are also said to be related, in some cases, to honour crimes, which are particularly common in Ilam and Khouzistan province. According to statistics provided by a consultant to the governor of Khouzistan in 2003, there have been 45 cases of honour killings of women under the age of 20 in one tribe alone. In 2001, a total of 565 women lost their lives in honour-related crimes, of which reportedly 375 were staged as self-immolation cases of women who were forced to set themselves on fire.' [10ad] (p11)

23.96 For the results of a survey by the International Journal of Burns and Trauma into self-immolation see, ['Tragedy of women's self-immolation in Iran and developing communities: a review'](#), published online 15 September 2012, for further information on self-immolation in Iran. [125a]

23.97 On 1 November 2010, Shahrzad News reported that: 'Several thousand Iranian women are murdered every year. The home-news pages of Iranian newspapers, particularly in the provinces, are full of stories of horrific killings. According to police statistics, 20% of all the homicides in the country are honour-related, that is to say, they have a religious or cultural motive.' The same article also noted that, when Shahrzad News attempted to conduct a survey on honour killings, 'Only 25 out of 300 interviewees in the main Iranian cities were prepared to express their opinion, the rest refusing to be drawn and replying 'nothing' when asked what they thought about it.' [93a]

23.98 A further Shahrzad News article of 5 August 2013, reported that:

'The Kerman province judiciary spokesman Ali Tavakoli says many murders in southern cities of Iran are so-called honor-killings, in which a woman is killed by family members because she is having a relationship with a man unknown to them.

"These families tend to regard such a relationship as un-Islamic, but their response is utterly inhumane and against the teachings of our religion," he said... Tavakoli called on the province's clan chiefs, religious leaders and cultural advisors to try to change local mentality.' [93b]

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Government suppression of women's rights activists

Subsection should be read in conjunction with [Political affiliation](#), [Freedom of speech and media](#), and [Human rights institutions, organisations and activists](#).

23.99 Human Rights Watch (HRW) reported on 6 March 2010 that: 'For more than 30 years, the women's rights movement has been at the forefront in the struggle for human rights and gender equality in Iran...'. [8f] Commenting on the situation in recent years, the Freedom House report of March 2010 observed:

'Increased repression under the Ahmadinejad administration has hampered the expansion of the women's movement, forcing activists to make even greater sacrifices as they defend women's political and civil rights. Nevertheless, the level of gender consciousness, the extent of demands for women's rights, and the organizational skills

in networking and resource mobilization (at both international and domestic levels) that activists currently enjoy is unprecedented in the history of the women's movement in Iran.' [112c]

23.100 The Amnesty International (AI) report, 'Election contested, repression compounded', published 10 December 2009 also reported that women activists had been among those particularly targeted in the run-up to the June 2009 Presidential election and during the crack down by the authorities following the disputed election results. [9t] (p15 and 24) The AI report continued, 'Women's rights defenders, who have been particularly active in recent years, faced reprisals for their peaceful activities before and during the election, and the pattern of repression persists.' [9t] (p31-32)

23.101 The August 2010 report by the Iran Human Rights Documentation Center (IHRDC), 'Silencing the Women's Rights Movement in Iran', noted that, following the disputed June 2009 presidential elections:

'Some demonstrators took to the streets for the first time. However, many women's rights activists and defenders were veterans of civic protest. These women had been repeatedly interrogated and jailed over the years. Many had experience in mobilizing grass roots support and reaching media outlets in the face of heavy suppression. The Iranian regime recognized this connection and the danger presented by these veteran activists passing along their knowledge, organizational expertise and experience to the larger yet somewhat-less-organized green movement.

'The regime, therefore, immediately honed in on women's rights activists. It attempted to dismantle the movement by silencing leaders, both home and abroad, and arresting and jailing activists, both active and relatively inactive...

'The goal of silencing women's rights activists was confirmed in the indictment that was read at the first of a series of mass show trials in August 2009, and during interrogations of activists. The indictment alleged that the women's rights movement was a leader in a "velvet coup."' [51c] (p16-17)

23.102 The same source concluded that 'The Iranian government continues to target women's rights activists in an effort to dismantle the movement in violation of Iranian and international law. Its agents continue to arrest, interrogate, mistreat, threaten and imprison activists because of their beliefs, membership in organizations, participation in demonstrations, and other advocacy. Activists continue to be forced into hiding or exile.' [51c] (p50)

See the [IHRDC report](#) for more background information on the women's rights movement in Iran and for detailed information on women rights activists arrested and their treatment by the authorities following the June 2009 elections. [51c]

23.103 The Freedom House report, 'Women's rights in the Middle East and North Africa 2010 – Iran', published 3 March 2010 also noted that, 'Individual members of women's rights groups are subject to arbitrary arrest and detention as well as smear campaigns in the state-run media, verbal and physical harassment, travel bans, and other forms of suppression.' [112c] (Nondiscrimination and access to justice)

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23.104 The Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran', dated 28 February 2013, stated that:

'It has been reported that women's rights activists continue to be harassed for making statements that criticise policies or Government actions; organisational meetings continue to be disbanded; the denial of permits required to peacefully assemble persist; and women believed to be associated with entities such as the Mourning Mothers and the One Million Signatures Campaign continue to face harassment, arrest, and detention. Women's rights advocates are frequently charged with national security crimes and "propaganda against the system".

'Activists are also reportedly subject to travel bans and other forms of suppression for protected activities, and Women's rights activist and member of the "One Million Signatures Campaign for Equality" Ms Maryam Behraman was recently sentenced to an eight-month suspended jail term on the charge of "propagation against the state." She was acquitted on charges of "insulting the leader" and "founder of the Islamic Republic of Iran". Ms. Behraman was arrested on 11 May 2011 in Shiraz on charges of "acting against national security", a charge apparently linked to her participation in the 55th session of the United Nations Commission on the Status of Women (UNCSW) in March 2011, and detained for 128 days in Shiraz's intelligence detention center. On 15 September 2011, she was released on \$ 300,000 bail. Ms. Behraman's lawyer reportedly stated that she had the opportunity to read eight volumes of her case file and was allowed to take notes, and submit her defense during the three relatively lengthy [court] sessions.' [10n] (p15)

23.105 Al's report, "We are ordered to crush you", Expanding repression of dissent in Iran', published in February 2012 reported:

'Several women's rights activists are currently detained or serving prison terms for their peaceful activities, often on vaguely worded charges related to offences against the state. Most are associated with the One Million Signatures Campaign (also known as the Campaign for Equality), a grassroots movement dating from 2006 that aims to collect a million signatures of Iranians demanding an end to discrimination against women in law. Judicial procedures regarding their detention, trial and release have not been respected. Many have been held in solitary confinement or with extremely limited contact with their families and lawyers. Some have been ill-treated and denied medical care. Others are banned from travelling abroad.' [9x] (p32)

23.106 Al's submission to the United Nations Economic and Social Council's (ECOSOC) Commission on the Status of Women, on 2 August 2012, was

'...intended to draw the Commission's attention to the continuing pattern of human rights violations experienced by women in Iran in reprisal for their peaceful human rights or political activities on account of their ethnic origin, their faith, the peaceful exercise of their rights to freedom of expression and association, or their relationship to men who have expressed views dissenting from those considered acceptable by the Iranian authorities.' [9p] (p1)

23.107 [Al's submission](#) of 2 August 2012 provided detailed information on the treatment of ten women rights defenders arrested and imprisoned by the Iranian authorities. [9p]

23.108 The Minority Rights Group International report, 'State of the World's Minorities and Indigenous Peoples 2012', published 28 June 2012, stated that, 'Activists from the One

Million Signatures campaign, a women's grassroots movement aimed at ending discrimination against women, were targeted in 2011 by the state. Several women are currently detained or serving prison terms for their activities, and many have been held in solitary confinement or have limited contact with their families and lawyers.' [46c] (p197)

23.109 The AI Report 2013 noted that, 'Bahareh Hedayat, Mahsa Amrabadi and seven other women held at Evin Prison went on hunger strike in October [2012] to protest against humiliating body searches and the removal of personal possessions by guards. Subsequently, 33 women political prisoners signed an open letter calling body cavity searches a form of sexual abuse and demanding an apology from prison officials and an undertaking that they would not be subjected to further abuses.' [9h]

23.110 The report of the Special Rapporteur, 'The situation of human rights in the Islamic Republic of Iran', dated 28 February 2013 stated:

'In April 2012, Ms Narges Mohammadi, a co-founder of the Centre for Human Rights Defense (CHRD), founded by Nobel Peace Prize Winner Ms Shirin Ebadi, began to serve a six-year prison sentence for "assembly and collusion against national security", "membership in the Center for Human Rights Defenders", and "propaganda against the system." It was reported that Ms. Mohammadi was arrested and taken to Evin Prison, where she was held in solitary confinement for days. On 11 June 2012, Ms. Mohammadi was transferred, without explanation, to an unsegregated ward in Zanjan Prison. Ms. Mohammadi suffers from muscular paralysis and seizures, and was released on 31 July 2012 on medical furlough. However, her sentence remains in place and she can therefore be re-incarcerated at any time.' [10n] (p7)

23.111 The International Campaign for Human Rights in Iran (ICHRI) website has a section on [women rights](#) which provides further information on the situation for women rights activists. [52]

See also [Freedom of speech and media](#) and [Human rights institutions, organisations and activists](#)

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Health and welfare

23.112 The United Nations Population Fund's (UNFPA) 'Iran Country profile', accessed 6 August 2013, included the following statistics:

'Maternal Mortality Rate (MMR) = 30 in 100,000 live birth
Crude Birth Rate (CBR) = 18.3%
Crude Death Rate (CDR) = 6%
Skilled Birth Attendance = 97.3%
Infant Mortality Rate (IMR) = 17.9 Deaths/1,000 Live Births
Life Expectancy at Birth =

Total population: 70.86 years
Male: 71.1 years
Female: 73.1 years

Total Fertility Rate (TFR) = 1.78 children born/woman' [10s]

Further statistics on women are also included on the [United Nations Children's Fund \(UNICEF\) website](#). [10m]

23.113 The UNFPA website, accessed 6 August 2013, noted that:

'Iran is known as a family planning success story. The country's dramatic decline in fertility from an average of 7 lifetime births per woman in 1986 now reached replacement level at 1.96 nationally, with only a minimal gap between urban and rural areas. Many of the strategies put in place two decades ago to address the country's bulging population a strong network of rural health centres, mandatory pre-marital counselling on family planning methods and free family planning services and contraceptives are still contributing to the general well being of Iranian families and promoting the health of mothers and children.' [10s]

23.114 The Freedom House (FH) report on women's rights, published 3 March 2010, observed that, 'Although access to birth control and reproductive care has increased in recent years, women have limited control over their own care as written permission from the husband or father is needed for major surgical operations.' [112c] (Social and cultural rights)

23.115 The USSD Report 2012 noted that, 'The government enforced gender segregation in most public spaces, including for patients during medical care, and prohibited women from mixing openly with unmarried men or men not related to them.' [4a] (Section 6)

23.116 A 2010 paper, '[Women's mental health in the north of Fars, Iran](#)', provided the results of a regional study conducted by Islamic Azad University to examine the effects of demographical factors on women's mental health in an Iranian sample. [115a]

See also [Medical issues](#)

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24. Children

Overview

24.01 The Foreign Policy Centre's (FPC) report, 'From Cradle to Coffin: A Report on Child Executions in Iran', published on 30 June 2009 stated that Iran became a state party to the Convention on the Rights of the Child (CRC) on 5 September 1991:

'But when ratifying it on 13 July 1994 Iran reserved the right to ignore any Articles or provisions that are in contradiction to "Islamic Laws and the internal legislation in effect" and went on to clarify that where "domestic laws strongly differ" from the Convention Articles, they can be "revised, provided that they do not contradict the principles of the Shari'a." Such a reservation undermines the very purpose and spirit of the CRC...Iran's vague reservation has resulted in a growing gap between the country's international commitments and human rights record. Iran has yet to pass legislation calling for the implementation of this Convention in its entirety.' [49a] (p19)

24.02 The United Nations Children's Fund's (UNICEF) input into the 2010 UN Human Rights Council's Universal Periodic Review (2010 UNHRC UPR) of the situation in Iran noted:

'Iran submitted its report to the Committee on the Rights of the Child in 2005. The Committee's main concern was that a narrow interpretation of the Convention on the Rights of the Child was impeding the fulfilment of human rights and it recommended that the Government adopt a national plan of action for the implementation of the Convention. This would include: the establishment of an independent institution for monitoring rights; more training programmes for civil society, children, adolescents, and professional groups working with children; and a review of legislation to see where it could be harmonized with the Convention. Steps have been taken in all these areas, albeit not through a national plan of action, but instead through integration into existing social development programmes.' [10w] (p1-2)

- 24.03 The [Concluding Observations](#) of the UN Committee on the Rights of the Child (UN CRC) referred to above were published on 31 March 2005 and may be accessed directly for more detailed information on the Committee's findings. [10ag]
- 24.04 Iran 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. (United Nations Treaty Collection, accessed 31 October 2012) [10ah] Iran signed the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict in September 2010. (Secretary-General's interim report, 14 March 2011) [10aa] (p3)
- 24.05 The Iran page on the Children's Rights Portal dated 15 March 2012 stated:
- 'Children's lives are mired in difficulty in Iran. Each month, more than 100 children die as a result of famine, street fights, and illness. National authorities are searching for ways to check the flow of child trafficking and child labor. However, it is sometimes authorities who themselves violate the most fundamental of children's rights. Iran is one of the last countries in the world that allows the death penalty for those under the age of 18.' [53a]
- 24.06 The same source also noted the main problems affecting children in Iran were to do with poverty, healthcare, education, the criminal justice system and retention of the death penalty for those under the age of 18, child marriage, trafficking, street children and child labour. [53a]

See section on [Marriage](#) in Women's section for further information on child marriage.

See also the [Children's Rights Portal](#) [53a] and the sub sections below for further information on children.

The [UNICEF](#) website also includes general information on the situation of children in Iran. UNICEF's State of the World's Children 2012 report, '[Children in an Urban World](#)', published in February 2012 provided a series of statistics on children in Iran.

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Basic legal information

- 24.07 UNICEF's input into the 2010 UNHRC UPR noted that 'The age of criminal responsibility in Iran is linked to the age of puberty, in accordance with Sharia law and is eight years and nine months (nine lunar years) for girls and 14 years seven months (15 lunar years) for boys.' [10w] (p3) The Secretary-General's report to the UN General

Assembly dated 15 September 2010 observed that the age for criminal liability in Iran ‘...is not only discriminatory but also low by international standards. The Iranian authorities state, however, that all offences committed by persons under the age of 18 are tried by children’s courts.’ [10u] (p6)

24.08 The most recent Concluding Observations of the UN Committee on the Rights of the Child (UN CRC) published on 31 March 2005, stated ‘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)

24.09 The US Department of State’s ‘Country Reports on Human Rights Practices 2012, Iran’, released on 19 April 2013, (USSD Report 2012) stated:

‘The law requires court approval for the marriage of girls younger than 13 and boys younger than 15. The NGO Society for Protecting the Rights of the Child stated that 43,459 girls under the age of 15 had married in 2009 and that 716 girls under the age of 10 married in 2010. There were no reports that the government investigated these cases...

‘The legal age requirements for consensual sex are the same as those for marriage, and sex outside of marriage is considered illegal. The law prohibits all forms of pornography, including child pornography.’ [4a] (Section 6)

24.10 Amnesty International’s submission to the United Nations Economic and Social Council’s (ECOSOC) Commission on the Status of Women on 2 August 2012, reported that, ‘Unmarried girls and women must have the permission of their father or guardian to marry, and fathers can apply to the courts for permission for their daughters to marry from the age of nine lunar years. In the Iranian year 1389 (March 2010-March 2011), 716 girls under the age of ten are reported to have been married.’ [9p] (p2)

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Legal rights

24.11 UNICEF’s input into the 2010 UNHRC UPR, stated:

‘Children’s concerns are covered by the “Child Protection Code” of 2002 which contains nine articles covering child abuse, sale of children, child exploitation, and using children in illegal actions including smuggling. The Iranian Penal Code and chapter five of the Act on Penal Procedural Law cover criminal issues including those of children and young people under 18 years of age. A juvenile justice bill is currently passing through parliament. While there are no dedicated national institutions which cover children’s issues, these concerns are spread across relevant ministries (for example, the Ministry of Health and Medical Education dealing with Child Health and the State Welfare Organisation (part of Ministry of Welfare) is mandated to address the rights of children in need, orphans, street children and other vulnerable children). A national youth organisation is established within the President’s office to oversee youth related policies.’ [10w] (p2)

24.12 The Women’s News Network on 23 September 2008 noted that, ‘According to existing family law, citizenship cannot be passed to children from their mothers. Many Iranian women who have married Afghan and Iraqi men cannot get birth certificates for their

children; hence these children cannot go to school. It is estimated that there are 100,000 children today in Iran without birth certificates who are denied their basic human right to education.’ [34a]

See also sections on [Citizenship](#) for further information on children’s rights to residence and citizenship, [Childcare and protection](#) and [Documentation](#).

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Judicial and penal systems

Some of the sources referred to in this and other sections refer to a new Penal Code. It should be noted, however, that the current or old Iranian Penal Code was still in force when this report was drafted. The new Penal Code is awaiting signature by the President and is not yet in operation.

24.13 The UN CRC report of March 2005 stated that:

‘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)

24.14 The UN CRC report concluded:

‘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 ... However, it deplores the information referred to ... 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)

24.15 On 27 January 2010, the Foreign and Commonwealth Office (FCO) advised that:

‘In general, children who are accused of committing a crime or have been sentenced following judicial processes, are detained in “Juvenile Correction and Rehabilitation Centres (JCRCs)’ or Kanoon-e Eslaah va Tarbiat (in Persian).

‘In each province, there is one JCRC which is a sub-department of the Prisons’ Organization. The latter is one of the Judiciary’s main bodies. The Head of Judiciary appoints the Prisons’ Organizations’ manager.

‘All children and juveniles in conflict with the law are sent to the JCRC through competent courts. The JCRC plays no role in sentencing and/or releasing these

juveniles. These offenders are held in the Centre until the time that a decision is made on their cases. This can be enforcement of judgement and/or acquittal...

'The JCRCs collaborate with international organizations e.g. UNICEF, government institutions e.g. Education and Labour Ministries, and NGOs with regards to child rights-related issues.

'Upon entering the Centres and admission, the juveniles are placed in a temporary settlement section and undergo medical checks. Then a judicial file is established for each individual.' [26b]

24.16 The FCO also stated that:

'The JCRCs are also involved in cases of juveniles condemned to death i.e. on death row. The JCRC staff is very much involved in mediation and resolution of such cases at managerial and/or technical level, with a view to settling these cases through obtaining the pardon of the victim's family and/or collection and payment of dieh (blood money). They also coordinate internally with the Prisons' Organizations in order to refrain from sending former juveniles who have reached the age of 18, to adult prisons.' [26b]

24.17 The FCO further advised that the JCRCs have a separate section for juveniles suspected or convicted of murder. 'However, despite being held in separate quarters, it should be emphasised that they receive the same support/protection services that other juveniles in conflict with the law receive.' [26b]

See also [Death Penalty](#) for further information on the judicial process in murder cases.

24.18 The UN 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)

24.19 On 22 February 2012, the Iran Human Rights Documentation Center (IHRDC) explained aspects of Iran's new Penal Code with regards to juvenile offenders. The report described the categorization of children under four age groups combined with the categorization of crimes and punishments (hudud, qisas and ta'zir), and provided eight possible situations that might occur under the new Code. The report concluded that:

'...according to the new Code, there have been some desirable changes in respect to ta'zir punishments. As a result, children, if they commit ta'zir crimes before turning 18 years old, whether they are boys or girls, and whether they have reached the age of maturity or not, shall be sentenced merely to correctional and security measures. So, there is no possibility for application of adult ta'zir punishments on children and juveniles. In comparison with the old Code, in which reaching the age of maturity resulted in full criminal responsibility, these changes may be regarded as positive, especially for girls. In addition, the possibility of averting hudud and qisas in a situation in which a lack of mental development is proved is another positive change, though this is arguable and does not completely solve the problem... under the new Penal Code, there remains the possibility of the application of hudud and qisas punishments on people under 18 years old, and, obviously it has not been abolished. In addition... the new Code, like the old one, clearly discriminates between boys and girls.' [51f]

Death penalty for children

24.20 The Human Rights Watch (HRW) report, 'Codifying Repression', published in August 2012, stated:

'Iran remains the world leader in executing individuals who committed an offense while under the age of 18. During the past three years, Iran is believed to have executed more juvenile offenders than any other country in the world. Authorities executed at least three children in 2011, one in 2010, and five in 2009. In 2011 there were at least 143 child offenders on death row in Iranian prisons for alleged crimes including rape and murder. The figures for 2009 are five children; in 2008 seven, and in 2007 at least eight.' [8] (p19)

24.21 The HRW World Report 2013, Iran, published 31 January 2013 noted that:

'Iranian law allows capital punishment for persons who have reached puberty, defined as 9 for girls and 15 for boys. In late 2012, there were more than 100 juvenile offenders on death row.

'In January 2012, the Guardian Council approved the final text of an amended penal code. Children convicted for "discretionary crimes" such as drug-related offenses would no longer be sentenced to death under the amended code, but a judge may still sentence to death juveniles convicted of crimes such as rape, sodomy, and murder if he determines that the child understood the nature and consequences of the crime, a vague standard susceptible to abuse.' [8a] (p538)

24.22 The concluding observations of the UN Human Rights Committee, 17 October to 4 November 2011, stated, 'The Committee is gravely concerned about the continued execution of minors and the imposition of the death penalty for persons who were found to have committed a crime while under 18 years of age, which is prohibited by article 6, paragraph 5, of the Covenant (art.6).' [10t] (paragraph 13)

24.23 The UN Secretary-General's report of 20 March 2012 presented the Iranian authorities' view, stating:

'... during its visit to Tehran in December 2011, the delegation of OHCHR was informed by the Iranian authorities that the number of juvenile executions has dropped dramatically and offences committed by persons under the age of 18 are tried in children's courts where efforts are being made towards lenient punishments. The authorities further noted that even in cases of retribution (qisas), considered under Iranian law as the private right of the victim's family and which cannot be overruled by judiciary, extensive efforts are made by the Conciliation Commission of the judiciary to encourage families of the victim and perpetrator to reach a diyah (blood money) settlement. They also informed the OHCHR delegation that the Governments' policy is to encourage the next of kin to forfeit the right to qisas and each year specific funds are earmarked in the Ministry of Justice to assist those convicted to pay the diyah settlement.' [10ai] (p6)

24.24 Amnesty International's report, 'Death sentences and executions in 2012', published 10 April 2013, stated that, during 2012, 'No executions of juvenile offenders could be confirmed. Reports from official sources appear to indicate that up to four executed may

have been aged under 18 at the time of the alleged crimes, but this could not be verified. However, according to official sources, at least two juvenile offenders were sentenced to death.’ [9y] (p31)

- 24.25 Regarding the new Penal Code, which is not yet in operation, the UN Secretary-General’s report of 22 August 2012 stated:

‘There have been efforts to progressively restrict the executions of juvenile offenders. The revised Islamic Penal Code, which is yet to be approved, does not end juvenile executions but establishes new measures to limit the juvenile death penalty. It revokes capital punishment for persons under the age of 18 charged with certain crimes, such as smuggling narcotics. In cases of attempted premeditated murder, where juveniles may still face execution, the Code introduces the notion of mental maturity and the ability to reason as key elements regarding their sentencing under capital offences. Article 90 of the revised Islamic Penal Code stipulates that juveniles under 18 who commit offences under the categories of hudud and qisas will not be sentenced to death if the court decides, through forensic evidence, that the offender did not have adequate mental maturity and the ability to reason. However, the Code does not raise the age of criminal liability of children. The latest juvenile execution reported was in September 2011, when 17-year-old Alireza Molla-Soltani was publicly hanged.

‘Furthermore, under the category of discretionary penalties (tazir), the Code abolishes corporal punishment and introduces alternative penalties that include community service, thereby minimizing the incidence of depriving children of their liberty; takes age and the severity of the offence into account in the determination of the punishment; and authorizes judges to assess progress in the rehabilitation of child offenders and eventually, discontinue punishment, especially in the case of deprivation of liberty. Moreover, the revised Code of Criminal Procedures, which has yet to be adopted, contains provisions that protect the rights of children. The revised Code of Criminal Procedures also provides for the establishment of juvenile courts that would hear all crimes committed by children and individuals under 18.’ [10ac] (p6)

- 24.26 See the August 2012 report [‘Crimes against Children in Iran’](#), by Iranian Human Rights Lawyer, Mohammad Mostafaei, on the Iran Human Rights Documentation Center website, for case studies of juveniles executed in Iran, including Alireza Molla-Soltani, referred to above. [51j]
- 24.27 Reporting on Iran’s new penal code, the International Campaign for Human Rights in Iran stated on 27 February 2012 that ‘The Iranian government purports that the new penal code abolishes the execution of children under eighteen. However, this claim does not stand up to examination: under the new penal code, juvenile execution is still not fully abolished... It still permits the use of the death penalty against juvenile offenders in hodoud or qesas crimes.’ [52t]
- 24.28 Also commenting on the new penal code, the HRW report of August 2012 noted that, ‘An assessment of the new amendments...reveals that while lawmakers have abolished the death penalty for “discretionary crimes” such as drug possession or trafficking, judges may still exercise their discretion in sentencing child offenders to death for “crimes against God” or “retribution crimes.”’ [8j] (p19)

See also [Penal Code](#) and [Death penalty](#) and LGBT section, [Charges, sentences and punishments](#)

Violence against children

24.29 A briefing by the Global Initiative to End All Corporal Punishment of Children submitted to the Committee on Economic, Social and Cultural Rights session of 21 to 25 May 2012, stated:

‘Corporal punishment of children in Iran appears to be unlawful in schools and in penal institutions (information unconfirmed), but it is lawful in the home, as a sentence of the courts and in alternative care settings. Article 1179 of the Civil Code (1935, amended 1991) states that parents “are entitled to punish their children” within the “limits of correction”. Article 59 of the Islamic Penal Code (1991, amended 1996) states that actions by parents for the purposes of correction do not constitute an offence. Article 7 of the Law on the Protection of Children exempts the “correction measures” in the Civil and Penal Codes from the prohibition of violence.

‘With regard to children in conflict with the law, article 49 of the Islamic Penal Code states that if a minor commits a crime, the parent/guardian is responsible for his/her “correction”, including “bodily punishment” which “must have a limit and be appropriate”. A minor is defined as a person who has not reached puberty, which according to the Civil Code (article 1210) is age 15 for boys and 9 for girls. Older children convicted of a crime are punished under the Penal Code, including by corporal punishment – lashings and amputation – for crimes relating to sex, false accusation, alcohol and bodily injury.’ [13a]

24.30 On 20 May 2010, Radio Free Europe/Radio Liberty’s Radio Farda reported that prominent Tehran-based lawyer, Nastrin Sotoudeh had “accused the government of failing to address the problem of child abuse in Iran.” The article noted her as saying that “When a man beats his wife or child, the court sees it as a ‘private family dispute’ and avoids looking into the details of the case”...The state Welfare Organization announced earlier this month that there have been almost 150,000 cases of child abuse recorded in Iran over the last six months.’ [42b]

See section on [Human rights activists and lawyers](#) for information on the detention of Nastrin Sotoudeh.

24.31 The USSD Report 2012 stated:

‘There was little information available to reflect how the government dealt with child abuse. Abuse was largely regarded as a private family matter. According to ISNA [Iranian Student’s News Agency], more than 7,000 cases of child abuse were officially reported during the year. In December 2011 the managing director of the Office for Protection of Vulnerable Citizens stated that his office received calls from more than 215,000 persons during the year, of which approximately 93,000 were calls directly from victims and 47,000 were by medical professionals who treated emergency cases.’ [4a] (Section 6)

Child labour and street children

24.32 Iran has ratified ‘... the ILO [International Labour Organisation] Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child

Labour (Convention No. 182) (ratified on 8 May 2002).’ (Secretary-General’s Report to the UN General Assembly, 23 September 2009) [10g] (p16)

- 24.33 The US Library of Congress website, updated on 25 January 2013 stated ‘The Law Aggravating Punishment for Employing Children under 12 Years of Age in the Carpet Industry of February, 1969 provides for a jail term of six months to one year and a fine of five thousand to fifty thousand rials for violators. Other than the carpet industry, the Labor Law sets age fifteen as the minimum age for employment.’ [7a]
- 24.34 The USSD Report 2012 noted that, ‘Family members and others forced children to work.’ [4a] (Section 7b) The same report continued:
- ‘The law prohibits employment of minors younger than 15 and places restrictions on employment of minors younger than 18, such as prohibitions on hard labor or night work; however, the law permits children to work in agriculture, domestic service, and some small businesses from the age of 12. The government did not adequately monitor or enforce laws pertaining to child labor, and child labor remained a serious problem.
- ‘There were reportedly significant numbers of children, especially of Afghan descent, working as street vendors in major urban areas. Child labor was also reportedly used in the production of carpets. Children also worked as beggars, and there were reports that some children were forced into begging rings.’ [4a] (Section 7c)
- 24.35 An article by the Institute for War and Peace Reporting dated 17 March 2011 reported that Afghan children were being taken from the streets by the Iranian security forces, detained and deported back to Afghanistan: ‘Some of these children have never been to Afghanistan before and appear to have been removed from Iran without their parents’ knowledge.’ [120b]
- 24.36 On 28 November 2012, Payvand Iran News reported:
- ‘Iranian children’s rights activist Ali Akbar Esmailpour has spoken out against the lack of close supervision of child labour in Iran. Esmailpour told ILNA on Tuesday that the Iranian government fails to accurately report on just how many child workers are used in workshops in Iran.
- ‘He said: “The only information at hand is the statistics regarding street children, because they are very visible, but this does not give the complete picture.”
- ‘The head of the Association for the Protection of Children’s Rights said the Ministry of Labour is responsible for regularly inspecting workshops and following up on the situation of child workers, adding that “children sometimes work between 12 to 16 hours under very bad conditions without the slightest safety or hygienic considerations.”
- ‘Esmailpour explained that the sixth parliament passed a law that exempted workshops with fewer than 10 employees from following labour laws. He emphasized: “This is why the ministry does not stand accountable for the child workers in such workshops.”
- ‘Tehran city officials reported in September [2012] that the number of child workers rounded up across the city has increased by 15 percent, and the number is continually on the rise.’ [130c]

See also [Trafficking](#) and [Employment rights](#)

- 24.37 A legal analysis by the International Campaign for Human Rights (ICHR), dated 19 January 2013, observed that:

‘In the last series of Iranian labor force statistics, the Statistical Center of Iran changed two fundamental definitions to artificially lower the official unemployment rate: that of “work,” and that of “employment.” The new definitions used by the Statistical Center of Iran under Mahmoud Ahmadinejad’s cabinet allow children under the age of 15 to be added to employment statistics, thereby lowering the official unemployment rates. These new definitions go against both Iranian and international labor laws...

‘According to statistics released in the summer of 2012, the rate of economic participation of children between the ages of 10 and 14 was stated as 2.9% (page 35 of the report). According to the definitions supplied in the report (page 18), Economic Participation indicates the ratio of those active in this age group compared to the overall population in the same age group. As this population’s employment rate is indicated as 91.2% (page 35), it is safe to say that more than 2.5% of the entire 10-14 population of Iran are considered “employed,” according to the definition provided by the Statistical Center of Iran. According to international and Iranian laws, however, this age group’s work is considered illegal and cannot be added to Iran’s employment statistics.’ [52z]

- 24.38 Following its consideration of Iran’s second periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights, the concluding observations of the Committee on Economic, Social and Cultural Rights published 17 May 2013, stated:

‘The Committee is concerned that a very high number of children are living and/or working in the street, in particular in Tehran, Isfahan, Mashdad and Shiraz, and that these children have limited access to health services and education. (art.10)...

‘The Committee is concerned that child labour is prevalent, in particular in rural areas, including in carpet weaving and other traditional family businesses. The Committee is concerned that domestic legislation does not consistently determine the minimum age for employment, and that child labour is permitted in agriculture, domestic service, and some small businesses. The Committee is also concerned that child labour legislation is ineffectively and inadequately monitored and enforced (art.10).’ [10i] (paragraphs 19-20)

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Trafficking

- 24.39 The concluding observations of the UN Committee on the Rights of the Child on 31 March 2005, expressed concern ‘...at reports of unaccompanied children arriving in Iran from neighbouring countries, in particular Afghanistan, allegedly for the purpose of exploitation.’ [10ag] (p12-13) The April 2009 issue of Forced Migration Review included an article which noted, ‘Recent newspaper reports, supported by the declarations of judicial and law enforcement officials, acknowledge the existence of organised criminal networks involved in the trafficking of narcotics, and small arms as well as people. In this context, of particular concern are reports of trafficking of children (Afghans, as well as Iranians) from Iran to the Persian Gulf Region.’ [121a]

24.40 An investigation in 2011 by the Institute of War and Peace Reporting (IWPR) found that Afghan children were being used by smuggling rings to traffic heroin across the border to Iran. See the [IWPR report](#) directly for more detailed information. [120a]

24.41 The USSD's 'Trafficking in Persons' report of 19 June 2013, reported:

'Iran is a presumed source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Iranian and Afghan boys and girls residing in Iran are allegedly forced into prostitution within the country. In Tehran, there has reportedly been a recent significant increase in the number of teenage girls in prostitution. Iranian women, boys, and girls are purportedly subjected to sex trafficking in Iran, as well as in Pakistan, the Persian Gulf, and Europe. Azerbaijani women and children are also believed to be subjected to sex trafficking in Iran.' [4f] (p201)

24.42 The USSD Report 2012 noted:

'Children were trafficked within the country for commercial sexual exploitation, sometimes through forced marriages in which girls' new "husbands" forced them into prostitution and involuntary servitude as beggars or laborers to pay debts, provide income, or support the drug addiction of their families. Foreign victims of trafficking were, by government policy, detained and deported, and citizens were either jailed or turned away by the police when they attempted to seek protection. The government did not report any law enforcement efforts during the year to punish trafficking offenders and no victim protection measures existed. There was no information available about penalties for trafficking.' [4a] (Section 6)

See also [Trafficking](#)

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Female genital mutilation (FGM)

24.43 An article published on the Gozaar website dated 11 August 2010 stated that, based on reports on female genital mutilation (FGM) in Iran, '...it seems that female circumcision is prevalent mostly in the provinces of Khuzestan, Lorestan, and Kurdistan. The city of Hormozgan and the ports of Bandar Kang and Jask are among southern cities where female circumcision is customary.' [94b] Furthermore:

In southern Iran, it is commonly believed that this custom was brought into the country through maritime exchange with India and Somalia. Female circumcision is practiced in western Iran as well: in Uramanat (in Kurdistan), Baneh, Nosud, Paveh, Piranshahr and even in the vicinity of Orumiyeh. In fact, it is considered an Islamic tradition among certain Sunni and Shafi'i Muslims. In these parts, girls are usually circumcised between the ages of four and six with a knife or sharp razor and, afterwards, some ash is applied to their circumcised genitals." [94b]

24.44 The results of a study conducted in the city of Ravansar in Kermanshah province, where Kurdish was the predominant language, was published in the Journal of Women's Health Care in May 2012. The study found that, '... the prevalence of FGM among women was 55.7%. The majority of FGM operations (87.7%) had been performed by traditional local female circumcisers. The respondents were also asked about their intention of subjecting their daughters to FGM in the future. About 47% of the respondents replied that their daughters should undergo FGM.' [122a]

Childcare and protection

24.45 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)

24.46 UNICEF’s input into the 2010 UNHRC UPR, stated:

‘...in the area of legal protection, a new Child Protection Bill was drafted in 2007 which addresses situations that place children at risk e.g. lack of effective caregivers, malfunctioning of family or legal guardian of the child, maltreatment of the child, involvement of the child in prostitution, pornography, drug smuggling, addiction, and forced labour. The bill considers child victims and witnesses of crime in need of protection and establishes certain mechanisms for protecting children at risk and in need of protection and is also currently before Parliament.’ [10w] (p3)

At the time of writing this report, no information was found to indicate any further progress on the bill referred to above.

24.47 A February 2010 report by the National AIDS Committee Secretariat, Ministry of Health and Medical Education, Iran, stated that:

‘In the Islamic Republic of Iran, the government is obliged to provide support to all those children who have lost their both [sic] parents for any reason or the child with non-appropriate household head. At the present Welfare Organization is in charge of such services. Some of these children are HIV infected and some of them have lost their parents of this disease. These children receive such extra services as supportive, social, emotional and medical services in addition to the general supervisory services.’ [85a] (p59-60)

See also section on [Violence against Women](#) for further information on care homes and shelters

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Family tracing

24.48 Regarding the possibility of tracing families in Iran, a letter from the Foreign & Commonwealth Office (FCO) dated 30 May 2013, advised:

‘Please be aware that the Foreign and Commonwealth Office (FCO) and British Embassies overseas cannot search for or investigate possible missing persons, both

British and non-British nationals. This is a matter for the local authorities in the country concerned.

‘With regards to locating Iranian nationals, we advise contacting the nearest Iranian mission or the local police in the UK to see if they can make any enquiries via Interpol.

‘There are some names a contact details of charities and NGOs that maybe able to offer assistance when someone is missing overseas in our missing persons publication. This can be found at the following link: <https://www.gov.uk/government/publications/missing-persons>’ [26d]

Education

24.49 The Central Intelligence Agency (CIA) World Factbook, updated on 22 August 2013, stated that in 2008, an estimated 85 per cent of the total population were literate (89.3 per cent of men and 80.7 per cent of women). [111a]

24.50 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)

See also [Baha’is](#) for further information about restrictions placed upon them.

24.51 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] ‘While there are several ethnic communities with their distinct languages in Iran, they do not have the right to education in their own mother tongues. The Iranian Constitution (Article 15) permits only the right to teach the literature of non-Persian languages in the schools.’ (International Federation for Human Rights (FIDH), Submission to the UN Committee on Economic, Social and Cultural Rights, May 2012. [56a]

24.52 The USSD Report 2012 stated, ‘Although primary schooling up to age 11 is free and compulsory for all, the media and other sources reported lower enrollment in rural areas, especially for girls. More than 25 percent of refugee children of primary school

age were not enrolled in schools either due to the lack of identification cards or available places in schools. The UNHCR stated that school enrollment among refugees was generally higher outside camps and settlements, where greater resources were available.’ [4a] (Section 6)

- 24.53 On 10 June 2013, the Committee on Economic, Social and Cultural Rights published its ‘Concluding observations on the second periodic report of the Islamic Republic of Iran, adopted by the Committee at its fiftieth session (29 April-17 May 2013)’, which stated:

‘The Committee is concerned that many children, in particular those in rural areas, are not registered at birth, creating an obstacle to school enrolment. It is concerned that refugee children have reduced access to primary education due to the lack of personal documents and the non-registration of their parents with the authorities, as well as the imposition of enrolment fees. The Committee is also concerned about the lack of access to education of children with disabilities and children of nomadic communities (arts. 13 and 14).’ [10I] (paragraph 28)

- 24.54 The United Nations Educational, Scientific and Cultural Organization’s (UNESCO) World Data of Education, 7th Edition, 2010/11, dated July 2011, provided detailed information on Iran’s laws, regulations, stucture and organisation of the education system, including the educational process in pre-primary, primary, secondary and higher education. [10z]

- 24.55 ‘An Overview of Education in Iran’ published in the April 2013 edition of World Education News and Reviews, provides further comprehensive information on Iran’s education system. [54a]

See also Academic Freedom

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Health and welfare

- 24.56 The World Health Organisation’s (WHO) report, ‘World Health Statistics 2012’, recorded that the under-five mortality rate was 26 per 1000 live births. The number of live births attended by skilled health personnel was 99 per cent. [28a] In July 2012, the WHO and UNICEF estimated that, in 2011, 99 per cent of children in Iran were immunised against measles. [28f]

For further details of Iran’s immunisation programme see the WHO/UNICEF report. [28f]

Further information may also be found in the WHO’s World Health Statistics 2012. [28a]

- 24.57 An undated article on the UNICEF website, accessed on 18 July 2012, stated:

‘In recent years, Iran has registered remarkable achievements in the area of child health, with high primary health coverage and lowered child mortality rates. Pre-primary care and education services have increased considerably, with rural children in disadvantaged areas a major target for development.

‘Nevertheless, the country faces a number of challenges in meeting the full range of children’s needs, particularly those children made vulnerable by poverty either through distance from central services and/or unemployment of caregivers.’ [10j]

24.58 The Country Cooperation Strategy for WHO and the Islamic Republic of Iran 2010-2014, published in 2011, noted that, 'At present, the maternal mortality ratio stands at 23.6 per 100 000 live births, compared to 91 per 100 000 live births in 1990. The MOHME reports the infant and under-five mortality rates for 2007 at 18.9 and 22 per 1000 live births, respectively.' [28d] (p29) Information on the Children's Rights Portal, updated 15 March 2012, stated, 'Iran has a very high mortality rate for children under the age of 5. Premature birth, pneumonia, pelvic congestion, and diarrhea are the main causes of infant mortality.' [53a]

24.59 The Guardian reported on 14 November 2012:

'A teenage Iranian boy suffering from haemophilia has died due to a shortage of medicine in the country. It is the first civilian death said to be directly linked to the impact that western economic sanctions are having on the Islamic republic. Manouchehr Esmaili-Lioui was a 15-year-old from a nomadic tribe based in the mountains near the city of Dezfoul, in Iran's south-western province of Khuzestan. He died in hospital after his family failed to find the vital medicine he desperately needed for his disease, Iran's state news agencies reported on Wednesday.' [16f]

See also [Medical Issues](#) for further information on the impact of sanctions on medical supplies

Documentation

24.60 A comprehensive 2005 UNICEF report, 'Birth Registration in Iran', stated:

'Iran adopted a Birth Registration Law in 1918, making Birth Registration compulsory. Article 12 of the Registry Act stipulates that the birth of every child born in Iran, regardless of the nationality of his/her parents shall be reported (within 15 days) to the official representative or agent of the Birth Registration Organization and the birth of the children of Iranian nationals residing outside Iran shall be reported to the local Consulate of the Islamic Republic of Iran and in the event that there is no local Iranian consulate, it shall be reported to the nearest Iranian consulate or the Birth Registration Organization of Iran... The legal grace period for the announcement of the birth of a child is 15 days from the date of birth. After the expiration of the prescribed period, if the fact of birth is not recorded, those who are legally bound are considered violators of the law and will be prosecuted, pursuant to Article 3 of the Law on Contravention, Crimes and Punishments concerning Registration of Personal Status enacted by the Council of Expediency (August 1991). In case of conviction, the violator shall be liable not only for registration of the birth but also for payment of a fine. However, these laws are often not comprehensive enough, are not enforced or do not function.' [10h] (p5)

This [UNICEF report](#) contains detailed information on the birth registration process and should be accessed directly for further information.

24.61 The Women's News Network on 23 September 2008 noted that 'According to existing family law, citizenship cannot be passed to children from their mothers. Many Iranian women who have married Afghan and Iraqi men cannot get birth certificates for their children; hence these children cannot go to school.' [34a] The report of the UN Secretary-General dated 22 August 2012 noted that, 'Children born of registered refugee parents also continued to be denied birth certificates.' [10ac] (p10)

See also [Education](#) above regarding the implications for children not issued with birth certificates.

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25. Trafficking

- 25.01 The US Department of State's 'Trafficking in Persons' report (USSD TiP 2013), published 19 June 2013, covering 2012, noted:

'Iran is a presumed source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor... Iranian women, boys, and girls are purportedly subjected to sex trafficking in Iran, as well as in Pakistan, the Persian Gulf, and Europe. Azerbaijani women and children are also believed to be subjected to sex trafficking in Iran...

'The Government of Iran does not comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government did not share information on its anti-trafficking efforts with the international community during the reporting period; this impedes the collection of information on the country's human trafficking problem and the government's efforts to curb it. Publicly available information from NGOs [Non governmental organisations], the press, international organizations, and other governments indicate that the Iranian government is not taking sufficient steps to address its extensive trafficking challenges.' [4f] (p201)

- 25.02 Regarding legislation, the USSD TiP 2013 noted that Iran is not a party to the 2000 United Nations (UN) TiP Protocol. Furthermore:

'The Government of Iran made no discernible law enforcement efforts against human trafficking during the reporting period. A 2004 law prohibits trafficking in persons by means of threat or use of force, coercion, abuse of power or of a position of vulnerability of the victim for purposes of prostitution, slavery, or forced marriage. The prescribed penalty under this law reportedly is up to 10 years' imprisonment, which is sufficiently stringent, but not commensurate with penalties prescribed under Iranian law for other serious crimes, such as rape. The Constitution and labor code both prohibit forced labor and debt bondage; the prescribed penalty of a fine and up to one years' imprisonment is not sufficient to deter these serious crimes. In addition, the labor code does not apply to work in households. NGOs reported that these laws remained unenforced due to a lack of political will and widespread corruption. There were no reports of investigations or prosecutions of trafficking cases or convictions of trafficking offenders. It was reportedly extremely difficult for female trafficking victims to obtain justice; Iranian courts accorded legal testimony by women only half the weight accorded to the testimony by men, and women who were victims of sexual abuse were liable to be prosecuted for adultery, which is defined as sexual relations outside of marriage and is punishable by death. The government did not report efforts to investigate or punish government employees complicit in trafficking related offenses. There were reports that government officials were involved in the sex trafficking of women and girls; some officials that operated shelters for runaway girls reportedly forced them into prostitution rings.' [4f] (p201-202)

The [USSD TiP 2013](#) also includes more detailed information on the Government's treatment of traffickers and trafficking victims. [4f]

25.03 The Concluding Observations of the UN Human Rights Council, 17 October 2011 to 4 November 2011, stated:

‘The Committee is concerned about the persistent trafficking in women and children, particularly young girls from rural areas, often facilitated by temporary marriages (“siqeh”) (art.8).

‘The State party should take steps to combat and prevent the trafficking and sale of persons under 18 years of age. The State party is also requested to provide the Committee in its next periodic report with statistics, on an annual basis, on the number of arrests and convictions under the 2004 law to combat trafficking.’ [10t] (paragraph 20)

See also Children, sub section [Trafficking](#), [Women](#) and [Corruption](#)

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26. Medical issues

Overview of availability of medical treatment and drugs

26.01 The Country Cooperation Strategy for WHO (World Health Organisation) and the Islamic Republic of Iran 2010-2014, published in 2011 noted that, ‘Health outcomes in the Islamic Republic of Iran have improved greatly over the past 30 years and now generally exceed regional averages. Key to this success has been the government’s strong commitment to and effective delivery of primary health care. 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.’ [28d] (p29)

26.02 The United Nations Population Fund (UNFPA) ‘Iran Country Profile’, accessed 6 August 2013, stated that, ‘Since the 1979 revolution, Iran has adopted a full generic-based National Drug Policy (NDP), with local production of essential drugs and vaccines as one of the main goals. MOHME has a mission to provide access to sufficient quantities of safe, effective and high quality medicines that are affordable for the entire population.’ [10s]

26.03 The [Iran essential drugs list](#) was last updated in September 2009. (WHO, accessed 15 July 2013) [28e]

26.04 The UNFPA ‘Iran Country Profile’, accessed 6 August 2013, stated:

‘The Ministry of Health and Medical Education (MOHME) has executive responsibility for health and medical education within the Iranian government. The Ministry has the legal authority to oversee, license and regulate the activities of the private health sector.

‘An elaborate system of health care network provides primary health care (PHC) to the vast majority of the Iranian public. MOHME owns and runs Iran’s largest health care delivery network and medical schools. MOHME is in charge of provision of healthcare services through its network, medical insurance, medical education, supervision and regulation of the healthcare system in the country, policymaking, production and distribution of pharmaceuticals, and research and development.’ [10s]

26.05 The WHO Country Cooperation Strategy, published in 2011 reported that:

‘At present, there are 70 pharmaceutical companies running across the country, 10 of which were established after 2000. In addition, there were 44 feedstock producers and 45 producers of natural and herbal medicines in the country in 2008. There were 4000 pharmacies across the country in 1993 and 8000 in 2008. For the past 15 years, local companies have been producing 95% of all local needs for medicinal drugs, thanks to increasing local production of basic pharmaceutical elements as well as erasing monopoly after the revolution in 1979. New and infrequently prescribed medicines are separately imported or manufactured and offered through special stores affiliated with the Red Crescent Society, private sector and/ or voluntary associations formed to support people suffering from specific disorders. To date, local companies produce 1200 items and the MOHME has issued 3800 production licenses to manufacturers.

‘However, the pharmaceutical industry is restricted by the price control strategy imposed by the MOHME to keep the cost of pharmaceuticals low and affordable. The substantially low prices of locally produced generic medicines encourage irrational use and smuggling of medicines to neighbouring countries. The MOHME over the past few years has gradually withdrawn the access of the pharmaceutical industry to subsidized hard currencies and this has increased the price of pharmaceuticals.’ [28d] (p27)

26.06 A WHO Bulletin dated August 2008 reported on the establishment of ‘health houses’ in Iran of which there are around 17,000: ‘According to Dr Mohammad Esmael Motlaq, the director of the Centre for Healthcare Promotion affiliated with the Ministry of Health, more than 90% of the Islamic Republic of Iran’s 23 million rural population enjoys health-care services through the health houses staffed by these community health workers. “People enjoy primary health care services free of charge,” Motlaq says.’ [28c]

See the WHO [Country Cooperation Strategy](#) of 2011 for more detailed information on health services in Iran, including ‘health houses’ in rural areas and ‘health posts’ in urban areas. [28d] (p23)

26.07 A 2011 BioMed Central article reported that, ‘Although the majority of the population is covered by health insurance, the fact that some medications and non-medical therapies are not covered might hinder the access of some poor patients to them.’ [126a] (p9)

26.08 The International Organisation for Migration ‘[Country Fact Sheet, Iran](#)’, dated October 2011, stated:

‘Despite the fact that Islamic Republic of Iran is one of the producers of medicines in the world and is a pacemaker in production and testing the new medicines, pharmaceutical products are vastly imported under the supervision of Ministry of Health.

‘The Red Crescent has been determined as the focal point for import of some specific medicines and provides such medicines for special patients through designated pharmacies. In general, all medicaments are available in Iran. Medicaments are usually only distributed in small quantities in order to avoid resale on the black market.’ [48a] (p5)

26.09 On 15 October 2012, Radio Free Europe/Radio Liberty reported that:

‘Sanctions imposed on Iran over its controversial nuclear activities are said to be taking a toll on the population, including seriously ill patients who find it increasingly difficult to access needed drugs.

'Iranian media report that the country is facing shortages of medicine needed for the treatment of a number of illnesses - including life-threatening conditions like cancer and heart disease, pulmonary problems, hemophilia, and multiple sclerosis.

"Tejaratnews," an Iranian trade publication, published a list over the weekend of 50 imported drugs that it says have become rare as a result of financial sanctions. Several types of antibiotics and at least two types of birth-control pill are also in short supply.

'The website reports that some 40 drugs made inside the country are also difficult to obtain. The report says some cancer and diabetes patients are trying to buy from pharmacies large amounts of medicine, apparently to avoid interruption or delay in their supplies, which could have deadly consequences.' [42d]

- 26.10 BBC News also reported on the impact of sanctions on medical supplies on 24 November 2012:

'Hospitals, clinics and pharmacies in Iran are running out of medicine as the government cuts health funding because of international sanctions, putting the lives of thousands of people at risk...

'Although trade in medicine is exempt from international sanctions imposed by the UN Security Council and the unilateral sanctions announced by the US and EU, Iranian importers say Western banks have been declining to handle it...

'Iranians suffering from diseases such as the blood disorders thalassemia and haemophilia, and various types of cancer, so far have been hardest hit.' [21r]

- 26.11 An April 2013 report by the International Campaign for Human Rights in Iran (ICHRI), 'A Growing Crisis: the Impact of Sanctions and Regime Policies on Iranians' Economic and Social Rights', stated that:

'The crisis in the country's healthcare system has become particularly severe. Iran is critically dependent on imports in this sector: its stock of medical equipment is almost entirely imported, and its pharmaceutical industry depends on imports for 80 percent of the raw materials they utilize to manufacture their products.

'Advanced drugs used to treat life-threatening diseases (which afflict some six million Iranians) are all imported. Yet due to the banking sanctions and Iran's expulsion from SWIFT, there are no viable channels to make payments to Western suppliers.

'The Iranian government has greatly exacerbated the situation by not allocating the requisite hard currency to the medical sector. As a result, there are acute shortfalls in medicines and equipment, and long delays in transporting medicine to Iran. The most vital drugs for cancer and other severe diseases are now unavailable. Shortages, and the devaluation of the rial, have produced a 350 percent inflation rate in medical costs, making what is available increasingly out of reach for most Iranians.' [52aa] (p13-14)

See section on Medicine and Healthcare in the [ICHRI report](#) for further information on the impact of sanctions and the Iranian government's policies. [52aa] (p143-151)

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26.12 Information from the Foreign and Commonwealth Office (FCO) dated 20 August 2013 advised that:

'The state of Iran's medical sector is more fluid than it has been previously. It has faced challenges during the last few years due to inflation, subsidy reduction, government mismanagement including partial and delayed funding of the health sector, and import difficulties. However, Iran maintains a well-developed and comprehensive medical sector.

'There are two types of hospitals in Iran, private and governmental. Depending on the circumstances, both private and Government hospitals can be used by anyone, although treatment can be considerably cheaper at a government run hospital. As in the UK, private hospitalisation, treatment and operations can be very expensive in Iran.

'If the patient belongs to a social security scheme whereby an employer pays the subscriptions for the employee, this then entitles them to subsidised medical treatment and medication. This insurance cover applies to all government hospitals and some private hospitals too. Patients' contributions have reportedly increased in both relative and absolute terms.

'In Tehran and all 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 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.

'The price of most medications has increased considerably in the last two years. There are periodic reports of temporary shortages of some specific medicines, particularly imported ones. However, most drugs are available in Iran. There has also been considerable development in the pharmaceutical industry in Iran during the last decade. The essential raw materials for the majority of medicines are imported from overseas and then the medicine is produced and packaged locally. This is again subsidised by the Government. In terms of imported medicines, there has been a shift from European to Chinese and Indian supplies. Care should be taken that the medicines prescribed comply with international standards.' [26a]

See also Children, subsection [Health and Welfare](#) for further information on the impact of sanctions.

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HIV/AIDS – anti-retroviral treatment

26.13 The most recent available UNAIDS statistics on the UNAIDS website, accessed 21 August 2013, were for 2011 and these indicated that an estimated 96,000 people were living with HIV in Iran, of whom approximately 13,000 were women aged over 15. Furthermore, an estimated 8,300 people had died of AIDS. [10v]

- 26.14 The '[2012 UNAIDS Report on the Global AIDS Epidemic](#)', published on 20 November 2012 included further statistics on AIDS in Iran. [10o]
- 26.15 A report by the National AIDS Committee Secretariat, Ministry of Health and Medical Education, Iran, dated March 2012, stated:
- 'ARV Therapy: procurement and distribution of ARV drugs began within the framework of the national health and treatment system in 1997. There are currently 14 types of ARV drugs available in Iran. This variety allows for the provision of a wide range of three-drug combination regimens in Iran. ARV drug prescriptions are free across the country through medical-sciences-university affiliated behavioral disease counselling centers in accordance with the aforementioned guidelines. There are no limits either in terms of quotas or prioritization of access based on patients' sex, age, or social stratum. All cases identified that are indicated for ARV therapy (in accordance with the national guidelines) who wish to receive treatment are covered by ARV therapy free of charge.' [85b]
- 26.16 The same National AIDS Committee Secretariat report also noted that:
- 'At the end of the year 2010, 2209 persons (including 518 female and 1691 male) were receiving Antiretroviral Therapy. In December 2011, the number raised up to 2752 persons (including 684 female and 2068 male).' [85b] The same report also noted, 'Estimated by Spectrum Software, the number of people who need ART across the country was 21620 and 35255 persons in 2010 and 2011 respectively...In December 2010 and December 2011, 10.2% and 7.8% of the total people who needed antiretroviral therapy received it respectively.' [85b]
- 26.17 The US Department of State's, International Narcotics Control Strategy Report (INCSR) 2013, published March 2013, covering the period 1 January to 31 December 2012, stated:
- '[Drug] Addiction rates within Iran are among the highest in the world. The Iranian government officially cites 1.2 million registered addicts and 800,000 casual users; other informed estimates are higher. Iran's demand reduction and treatment programs are among the most visible and comprehensive in the region. Addicts are treated as patients and treatment services include several hundred detoxification centers and methadone substitution clinics. According to Iran's Ministry of Health, Treatment and Medical Education, intravenous drug use has accounted for the transmission of approximately 70 percent of HIV cases in the country since 1986.' [4b]
- 26.18 Information on the website of the UN Office on Drugs and Crime (UNODC), accessed on 21 August 2013, stated:
- 'The Islamic Republic of Iran is a pioneer country in the fields of opium substitution therapies and prevention and treatment of HIV/AIDS. Many communities benefit from outreach programmes, drop-in centres and other initiatives. Almost 88% of treatment, rehabilitation and social supports offered to drug-dependents are provided by the private sector or NGOs. Successful programmes on HIV prevention and treatment are being rolled out in the prison setting.' [10c]
- 26.19 The USSD Report 2012 stated that 'Persons with HIV/AIDS reportedly faced discrimination in schools and workplaces.' [4a] (Section 6)

See also [Overview of availability of medical treatment and drugs](#) for latest information on availability of drugs in Iran and the impact of sanctions.

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Mental health

26.20 The World Health Organization Assessment Instrument for Mental Health Systems [WHO-AIMS] report dated 2006, stated that ‘A mental health policy and programme was initially formulated in 1986. The main components are advocacy, promotion, prevention, treatment and rehabilitation. The main strategy has been to integrate the mental health pr[o]gram within the Primary Health Care system.’ [28b] (p8) The same report also noted that within Iran’s mental health policy, ‘...a list of essential medicines is present. These medicines include: (1) antipsychotics, (2) anxiolytics, (3) antidepressants, (4) mood stabilizers, and (5) antiepileptic drugs.’ [28b] (p10)

26.21 A 2011 BioMed Central research article reported the results of a study undertaken in Tehran. The article noted:

‘Since the late 1980s, Iran has pursued full integration of mental health care into the national primary care structure. The aim was to establish a hierarchical, pyramid-like referral system, which would improve physical access to mental health services. Reports have pointed to the limited integration in urban areas, showing very poor case detection. The urban coverage of the programme has also been lower when compared with rural areas (21.7% and 82.8%, respectively, in 2004). Despite the fact that the majority of mental health professionals, including all psychiatrists, are currently working in large cities, service delivery is disorganized and most services are hospital- and clinic-based. The majority of the users are treated in medical-oriented outpatient clinics and mental hospitals (948 and 129.4 patients per 100,000 people, respectively). The rate of users consulting day treatment facilities and community residential facilities, where extra services such as rehabilitation or counselling are offered, is low (2.8 and 6.0 per 100,000 people, respectively).’ [126a] (p2-3)

26.22 The BioMed Central article also reported on mental health facilities in Tehran, where:

‘There are five mental health hospitals offering comprehensive mental health services under the supervision of public medical universities. The city is divided into five main areas (North, South, East, West and Central), and each hospital covers one part. Referrals from the different divisions and from other cities are common. These hospitals provide inpatient as well as outpatient services. University mental health hospitals have the highest referral level and all of their facilities are integrated with the mental health outpatient facilities. Patients can choose freely where they want to be treated. Medical costs are covered by social health insurance. For patients without insurance coverage, the fee for services is lower than in the private sector.’ [126a] (p3)

26.23 The WHO’s ‘Mental Health Atlas 2011, Iran profile’, provided information on mental health services in the country. The profile noted that:

‘An officially approved mental health policy exists and was approved, or most recently revised, in 2011. Mental health is also specifically mentioned in the general health policy...Mental health expenditures by the government health department/ministry are 3.6% of the total health budget. Mental hospital expenditures are 16.69% of the total

mental health budget...Prescription regulations authorize primary health care doctors to prescribe and/or to continue prescription of psychotherapeutic medicines.' [28g]

- 26.24 Regarding the availability of mental health services in Iran, the WHO's 'Mental Health Atlas 2011' noted that there were 1074 mental health outpatient facilities; 92 day treatment facilities; 1487 psychiatric beds in general hospitals; 82 community residential facilities; 4350 beds/places in community residential facilities; 41 mental hospitals and 5505 beds in mental hospitals. [28g]

See the WHO Mental Health Atlas 2011, [Iran profile](#) directly for more detailed information and statistics.

- 26.25 For further background information on the provision of general mental health services in Iran since 1986, see the review article, '[Urban Mental Health in Iran: Challenges and Future Directions](#)' by Vandad Sharifi, MD, published in the 2009 Spring and Summer edition of the Iranian Journal of Psychiatry and Behavioral Sciences (IJPBS).' [17a]

See also [Overview of availability of medical treatment and drugs](#) for latest information on availability of drugs in Iran including the impact of sanctions.

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27. Freedom of movement

For more information about movement into and out of Iran, see [Exit and Return](#)

- 27.01 The US Department of State's 'Country Report on Human Rights Practices 2012, Iran', released on 19 April 2013, (USSD Report 2012) stated:

'The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government placed some restrictions on these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) with regard to refugees from Afghanistan and Iraq.

'In-country Movement: Women, especially in rural areas, sometimes faced official and unofficial harassment for traveling alone. Rural women's freedom of movement outside the home or village was particularly restricted, often requiring a male guardian's permission or a male chaperone...

'Refugees faced restrictions on in-country movement, including travel and residency limitations in at least 19 of the country's 31 provinces, two more than in the previous year [2011]. In April [2012] the deputy governor general of Mazandaran Province announced that Afghans would be required to leave the province by July 2.

'Foreign Travel: The government required exit permits for foreign travel for all citizens. Some citizens, particularly those whose skills were in demand and who were educated at government expense, had to post bond to obtain an exit permit. The government restricted foreign travel of some religious leaders, members of religious minorities, and scientists in sensitive fields. It increasingly targeted journalists, academics, opposition politicians, and activists - including women's rights activists - for travel bans and passport confiscation during the year.

'For example, on June 20, Ministry of Interior officials banned Reza Khandan, the husband of jailed human rights lawyer Nasrin Sotoudeh, and his 13-year-old daughter Mehraveh, from foreign travel. Authorities lifted the travel ban on Mehraveh in December, 49 days after Sotoudeh began a hunger strike to protest harassment of her family.

'Exile: While many dissidents practiced self-imposed exile to express their beliefs freely, the government rarely used forced external exile. However, well-known actress Golshifteh Farahani was banned from returning to the country after she exposed her breasts in a photograph in the French newspaper Le Figaro. According to her Facebook page, she posed "to protest censorship." Subsequently, Le Figaro and Facebook removed the photo from their Web sites, and her parents claimed that the photo was a fabrication.' [4a] (Section 2d)

- 27.02 Information on the Iran Human Rights Documentation Center's (IHRDC) website, 'Fundamentals of freedom of movement in Iran', dated 2011, stated, 'Iran limits the freedom of movement within its borders of political activists and others it deems threats to the State party... Iran also interferes with individuals' freedom of movement by subjecting former detainees to frequent and arbitrary arrests, and requiring them to check in at a court or office... Iran interferes with individuals' freedom of movement by arbitrarily preventing them from leaving the State.' [51g]

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28. Foreign Refugees

- 28.01 The US Department of State's 'Country Report on Human Rights Practices 2012, Iran', released on 19 April 2013, (USSD Report 2012) stated that, 'The country's laws provide means for granting asylum or refugee status to qualified applicants. While the government reportedly had a system for providing protection to refugees, the UNHCR [United Nations High Commissioner for Refugees] did not have any information as to how the country made asylum determinations.' [4a] (Section 2d)

- 28.02 The 2012 UNHCR country operations profile on Iran, undated, accessed 7 November 2012, stated:

'The Islamic Republic of Iran hosts one of the largest and most long- staying refugee populations in the world, comprised of Afghans who have been in the country for more than 30 years... Most refugees in the Islamic Republic of Iran reside in urban areas, with only some 3 per cent living in settlements.

'UNHCR has assisted almost 886,000 Afghan refugees to return home voluntarily since 2002. The repatriation continues under the auspices of tripartite agreements signed by the Islamic Republic of Iran, Afghanistan and UNHCR.' [10r]

- 28.03 In their Global Report 2012, published in June 2013, UNHCR stated that there were a total of 868,300 refugees in Iran, including 824,100 Afghans and 44,100 Iraqis. [10y]

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- 28.04 A report by the Institute of Peace and Conflict Studies dated 25 July 2012 considered Iranian policy towards Afghan refugees, stating:
- ‘The Iranian government has been attempting to induce repatriation by imposing several restrictions on Afghan refugees and taking steps to increase their cost of living in the country. Such measures include the cutback of subsidies on healthcare, unemployment insurance and access to free education, and passage of laws prohibiting Iranians from hiring undocumented Afghans. Simultaneously, the number of work permits issued by the government to Afghan refugees has been cut drastically and the cost for renewing the previously issued permits has been hiked. This has made more Afghan refugees susceptible to deportation. There has also been a substantial increase in the number of “Afghan-free provinces” with them being prohibited from living in certain Iranian provinces or cities – the most recent being Mazandaran province. These measures have been denounced as being racist and discriminatory by critics of the government.
- ‘Iran has carried out a number of forcible repatriation drives in recent years and though it claims that it only seeks to deport unregistered refugees, there are reports citing the deportation of Afghans with proper legal documents.’ [127a]
- 28.05 The USSD Report 2012 stated that, ‘According to reports, most provinces imposed restrictions on refugees’ movements, and 19 of the country’s 31 provinces were partially or fully closed to refugees. Authorities generally required registered refugees in “no-go areas” to either relocate to refugee settlements, sometimes in other parts of the country, or repatriate.’ [4a] (Section 2d)
- 28.06 The 2012 UNHCR country operations profile reported:
- ‘In June 2011, the Iranian Government began re-registering Afghan refugees extending the validity of the [identification] card to one year and linking the Amayesh residence permits with the issuance of the work permits. During the exercise, which receives financial support from UNHCR, the Government has identified vulnerable refugees to be granted exemption from payment of municipality taxes and school tuition fees. Such fees are normally obligatory for registered Afghan refugees.
- ‘In May 2011, following an agreement with the Government and a private insurance company, UNHCR launched a Health Insurance Scheme for refugees in Iran. The scheme complements UNHCR’s support for the Ministry of Health programme to provide free primary health care to refugees. UNHCR contributes some 40 per cent of the cost of each policy, which covers secondary and tertiary medical health care, with refugees paying the rest. The insurance plan will allow refugees to have 70 per cent of their medical bills reimbursed by the insurance company.’ [10r]
- 28.07 The 2012 UNHCR country operations profile reported that: ‘In June 2011, the Iranian Government began re-registering Afghan refugees extending the validity of the [identification] card to one year and linking the Amayesh residence permits with the issuance of the work permits.’ [10r] In 2012, ‘UNHCR and the Government of the Islamic Republic of Iran completed the re-registration of Afghan refugees and issued some 850,000 Amayesh refugee cards in total. Holders of Amayesh cards and Afghan national passports were able to apply for temporary work permits.’ (UNHCR, Global Report 2012, June 2013) [10y]

- 28.08 The USSD Report 2012 noted, 'Legally registered Afghan refugees (Amayesh card holders) were allowed to work in the country; many refugees worked as day laborers or in other unskilled jobs, such as agriculture.' [4a] (Section 2d)
- 28.09 The UNHCR Global Report 2012, published in June 2013 noted that, 'Refugees were given greater access to State educational facilities, with more than 330,000 enrolled in schools. More than 850,000 refugees benefited from basic primary health care, and close to 330,000 benefited from secondary and tertiary health insurance coverage, the result of the collaboration between UNHCR and the Ministries of Health and Education.' [10y]
- 28.10 The same UNHCR report, however, also noted the following constraints during 2012:
 'The socio-economic situation of refugees in the Islamic Republic of Iran is being affected by the economic changes in the country, inflation and international sanctions. During the reporting period banks were unable to provide UNHCR with hard currency to pay refugee repatriation grants. Hyper-inflation increased the cost of operations, with the result that UNHCR was able to provide assistance to a smaller number of refugees than originally planned. The rising cost of health services was one of the reasons the Government decided to stop providing direct assistance to refugees suffering from a number of serious medical conditions.' [10y]
- 28.11 Regarding access to basic services, the USSD Report 2012 noted:
 'Registered refugees received free primary health care from the Ministry of Health through a health insurance system implemented in partnership with the UNHCR; the insurance system also provided specialized care to most refugees. Refugee camps provided refugees education services as well. In a June 20 report, the NGO Justice for Iran maintained that those without refugee cards were not eligible for public schooling or medical care, as they were considered illegal economic migrants. Justice for Iran also reported that the government sometimes charged the children of registered Afghan refugees school fees, prompting some refugee children to study in illegal, self-governed schools that the government sometimes forced to close. Most provinces in the country imposed residency limitations on refugees, which effectively denied them access to public services, such as public housing, in those provinces.' [4a] (Section 2d)
- 28.12 The USSD Report 2012 reported that, 'Migrant workers, most often Afghans, were subject to abusive working conditions, including below minimum wage remuneration, nonpayment of wages, and compulsory overtime.' [4a] (Section 2d)

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Identity cards

- 28.13 The United States Committee for Refugees and Immigrants World Refugee Survey on Iran 2009 (USCRI 2009), released on 17 June 2009, stated that: 'Iran issues Special Identity Cards (SIDs) with greater privileges to Afghan refugees who are religious students, disabled in the Iran-Iraq war, relatives of martyrs, or married to Iranians. Children of registered refugees receive refugee cards upon reaching school age. Law-enforcement officials, judiciary, and local authorities all recognize the residence cards issued in the 2008 registration.' [35a]

28.14 A report by the Afghanistan Research and Evaluation Unit on second-generation Afghans in Iran, published in April 2008, explained 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.’ [110a] (p49)

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29. Citizenship and nationality

29.01 The US Office of Personnel Management (USOPM) 2001 report, ‘Citizenship Laws of the World’ stated that citizenship is based upon the Iranian Civil Code as follows:

‘BY BIRTH: In general, birth within the territory of Iran does not automatically confer citizenship. The following are instances where birth within the territory of Iran does confer citizenship:

‘Child born to unknown parents;

‘Child born to non-citizens, one of whom was born within Iran;

‘Child born to non-citizens, who, after reaching the age of 18, continues to reside within Iran for at least one year.

‘BY DESCENT: Child born to an Iranian father regardless of the child’s country of birth.

‘MARRIAGE: Foreign woman who marries an Iranian man is entitled to citizenship.

‘BY NATURALIZATION: Iranian citizenship may be acquired upon fulfillment of the following conditions: Person must be at least 18 years of age, have resided in Iran for

five years, not be a military service escapee, and not have been convicted of a major crime in any country. The wives and minor children (under 18) of naturalized Iranian citizens are also considered Iranian citizens.’ [32a]

29.02 The same source stated that dual citizenship is not recognised, with the following exceptions: ‘Child of an Iranian father, who acquires citizenship due to birth in a foreign country. A foreign woman who marries an Iranian is automatically granted Iranian citizenship, whether it is requested or not. [32a]

29.03 Regarding loss of citizenship, the USOPM report referred to voluntary and involuntary losses as follows:

‘VOLUNTARY: Person seeking to voluntarily renounce Iranian citizenship must have reached the age of 25, have performed military service, have settled all affairs in the country, and acquired the permission of the Council of Ministers. Though the rules for renunciation of citizenship are stated in Iranian Law, practical experiences have shown that Council permission is difficult to obtain, thus hindering legal renunciation of Iranian citizenship.

‘INVOLUNTARY: Voluntary acquisition of a foreign citizenship does not lead to automatic loss of Iranian citizenship. According to Iranian law, any Iranian national who acquires foreign citizenship without due observance of legal procedures will not have a renunciation of citizenship recognized by the government of Iran. In the eyes of the government, a male (and, in some cases, his wife and children) is still considered a citizen of Iran, regardless of the individual’s status in the new country of citizenship.’ [32a]

29.04 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]

29.05 The United Nations Children’s Fund (UNICEF) report, ‘Birth Registration in Iran’, dated July 2005 set out the relevant laws regarding Iranian nationality:

‘Article 976 of the Civil Code provides that the following persons are regarded as Iranian nationals:

- ‘1. All residents of Iran except those whose foreign nationality is proven; the foreign nationality of those whose documents of nationality are not objected by the Government of the Islamic Republic of Iran is indisputable;
- ‘2. A person whose father is an Iranian national regardless of his/her place of birth;
- ‘3. A person born in Iran and whose parents are not known;
- ‘4. A person born in Iran whose parents are not Iranian nationals but one of whom was born in Iran;
- ‘5. A person born in Iran whose father is a non-Iranian national but who has resided in Iran for at least one year before reaching the age of 18;
- ‘6. Any non-Iranian woman who marries an Iranian national;
- ‘7. Any previously non-Iranian national who has legally adopted Iranian nationality.

‘Note: Children whose parents are diplomats and consular agents are not subject to paragraphs 4 & 5 of this article.

‘Article 977 of the Civil Law states: Whenever the persons specified in Paragraph 4 of Article 976 reach 18 years of age and desire to adopt their father’s nationality, they must

forward their written request and enclose to it the approval of the government of the country their father is a national of, stating that they shall recognize their status of nationality, to the Ministry of Foreign Affairs within one year.

'If the persons specified in Paragraph 5 of Article 976 reach 18 years of age and desire to preserve the nationality of their father, they must forward their written request and enclose to it the approval of the government of the country their father is a national of, stating that they shall recognize their status of nationality, to the Ministry of Foreign Affairs.

'Granting nationality... Most states confer nationality according to the principle of jus soli (which translates literally as "law of the soil") or jus sanguinis ("law of blood") or a combination of the two. By civil law, Iranian nationality is conferred mostly by jus sanguinis on the paternal side; children cannot acquire the nationality of their mothers.

'Iran has not ratified the 1961 Convention on the Reduction of Statelessness, which provides that children should acquire the nationality of the State in which they were born if they are not granted nationality by any other State, or if such children fail to make the proper applications to obtain this right, then they should be entitled to the nationality of one of their parents. So far, no measures have been adopted by Iranian Registry Law to ensure the child's right to acquire a nationality, in particular where the child would otherwise be stateless. Those born of Iranian mothers married to foreign men who have abandoned them are often left without a nationality or a birth certificate because of prevailing laws.

'According to Article 1060 of Civil Law, the marriage of an Iranian woman to a foreign national - provided there is no legal prohibition - is allowed only if the Government issues special permission.' [10h] (p7-8)

29.06 The USSD Report 2012 stated:

'Citizenship is derived from a child's father, regardless of the child's country of birth. In general, birth within the country's borders does not confer citizenship except when a child is born to unknown parents; when both parents are noncitizens, but at least one parent was born in the country; or when a child born to noncitizens continues to reside in the country for at least one year after age 18. The birth registration law requires that all births be registered within 15 days. According to UNICEF, 13 percent of births were not reported in 2005; more recent statistics were not available.' [4a] (Section 6)

29.07 The same report also noted that, 'Women cannot transmit citizenship to their children or to a noncitizen spouse. According to media reports, there were officially 30,000 citizens married to Afghan men, although the number was likely much higher. As a result there were more than 32,000 children without refugee identification cards, making them effectively stateless and barred from receiving government support, education, health care, or travel documents...' [4a] (Section 2d)

29.08 The Freedom House report, 'Women's Rights in the Middle East and North Africa 2010 – Iran', published 3 March 2010, noted:

'Women cannot pass on nationality and citizenship to their children or their husbands. Children's nationality and citizenship are determined through their fathers only. A Muslim man can marry non-Muslim women with no legal problem or state intervention, as it is assumed that the wife's religion and citizenship are determined through her husband. A Muslim woman can marry a previously non-Muslim man only if it is proved

that he has converted to Islam, and even in this case, a non-Iranian man cannot earn citizenship through his Iranian wife. These citizenship restrictions have affected thousands of Iranian women, particularly those married to Afghan or Iraqi refugees, as well as expatriate Iranian women married to non-Iranians. As Iran has pushed millions of such refugees to return to their homelands in recent years, many Iranian women have been forced to choose between their native country and their noncitizen husbands and children.’ [112c] (Nondiscrimination and access to justice)

29.09 On 7 May 2012, Payvand News reported that:

‘New legislation passed by the Iranian Parliament grants permanent residency to children to [sic] born to Iranian mothers and foreign fathers. The Khaneh Mellat website reports that the legislation gives such children a citizen's rights to education, health insurance, social security and government cash benefits, but they will not be given automatic Iranian citizenship.

‘According to previous laws, children born to Iranian women and foreign men could apply for Iranian citizenship after they reached the age of 18, but prior to that they were denied residency and all citizenship rights. The new legislation was widely expected to also grant citizenship to such children but it does not. Until now, children born to Iranian mothers and foreign national fathers had to acquire a visa to travel to Iran and faced residency permit problems if they wanted to live there permanently with their mothers. Children born to Iranian fathers and foreign national women do not face such restrictions.’ [130e]

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Identity cards

29.10 An article by an Iranian election analyst, posted on the Tehran Bureau website on 4 May 2012 noted:

‘For years, Iranians have voted by presenting their shenasnameh, a document similar to a passport. Typically, voters could cast their ballot anywhere in the country by presenting the shenasnameh, which was then stamped. Iran has not maintained separate voter registration lists, nor has it required that voters cast their ballots at a specific precinct. Iranians often refer to the shenasnameh as a “birth certificate” as it is typically issued at the time and location of a person's birth. It is the responsibility of the local issuing agencies to report to the national authorities the documents they have issued, which they appear to have done less than systematically, especially in the countryside. If a shenasnameh is reported lost, a new document can usually be issued, again locally. For that and many other reasons, the Interior Ministry has since 2008 issued each Iranian aged 15 and over, in addition to the shenasnameh, a national identity card (cart-e melli), which is recorded in a national database with a unique number and a photo.’ [118b]

29.11 Information on the Middle East Consultancy Services website dated 9 September 2012 stated:

‘Iranian authorities started to issue national IDs almost 10 years ago. Today every Iranian nation [sic] needs to have one national ID card as well as having a birth certificate. Each national ID card contains a ten digit ID number which is exclusive to

each card holder. Iranian national ID cards are issued by Sazman Sabte Ahval i.e. individuals registry office. This ID number is requested by authorities on various occasions such as issuing passport, marriage certificates and land registry. Each individual is traceable and identifiable by this ID number.’ [57a]

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30. Forged and fraudulently obtained official documents

30.01 The Joint report from the Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council’s fact-finding mission to Tehran, Iran, Ankara, Turkey and London, United Kingdom ‘On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures’, 9 to 20 November 2012 and 8 to 9 January 2013, published February 2013 [Danish fact finding report 2013], stated that:

‘A Western embassy (1) mentioned that it is possible to buy legal documents in Iran and obtain genuine documents in a fraudulent manner. The source distinguished between genuine documents with false information and forged documents. It was noted that more often than not, it is the documents without any spelling mistakes that are found to be forgeries...

‘Regarding the issue on exiting Iran, a well-educated Iranian woman with links to international communities noted that it is possible to purchase forged documents, but that this is less common than in other countries such as for example Pakistan. She had heard of companies that sold Schengen visa and thereby offered services to get a person into a country. This was companies arranging events or exhibitions abroad that would allow a larger group of people, for example 15-20 persons, to get visas “by the bulk”. Some of the visas were then sold for 7-8.000 USD to persons whom they knew would not return to Iran.

‘According to consular officers of the U.S. embassy in Ankara, documents are easy to get in Iran through bribery and connections. It is also possible to change documents through bribery. For instance, the source has seen cases where applicants for immigration benefits via a marriage to a U.S. citizen have been able to erase mention of a current spouse in Iran from their documents through a bribe to a civil official.

‘Consular officers of the US Embassy in Ankara commented that this is also the case with civil documents. The source has often requested a given civil document from an applicant, only to have them procure that document in an unrealistically short amount of time. The source speculates that while some documents are simply forged, others are genuine documents fraudulently obtained through bribery to state whatever the applicant needs to evidence.’ [86a] (p68)

30.02 A response by the Canadian Immigration and Refugee Board (CIRB) dated 6 May 2009 included the following information on forged court documents in Iran: ‘AI [Amnesty International] has no information on the relative difficulty in obtaining forged or false court documents in Iran. Anecdotal evidence suggests that within Iran forgeries are rarely used since the provenance of a document can be easily checked by reference to court or office registers. It is impossible to determine whether forged court documents found outside Iran are produced within or outside the country.’ [2a]

30.03 Two other sources consulted by the CIRB for the same response of 6 May 2009, the International Campaign for Human Rights in Iran and an attorney with a legal firm in London, said that they had no reliable information on forged documents in Iran. [2a]

See also [Exit and return](#) and [Corruption](#).

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31. Exit and return

This section should be read in conjunction with [Freedom of movement](#).

Legal entry and exit

31.01 Regarding the issuing of passports and permission to travel, the Joint report from the Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council's fact-finding mission to Tehran, Iran, Ankara, Turkey and London, United Kingdom, 'On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures', undertaken from 9 November to 20 November 2012 and 8 January to 9 January 2013, published February 2013 [Danish fact finding report 2013] reported that:

'According to Mr. Hossein Abdy, Head of Passport and Visa Department, there are three kinds of passports that Iranian nationals can acquire; service passports issued for government functionaries, diplomatic passports and ordinary passports. All Iranians have the right to acquire a passport and may do so by submitting an application complete with his or her documents. An application is lodged to the General Department for Passports which is part of the police department. The documents required for such an application include the application itself, two photos as well as copies of one's national identification documents, Shenashameh and national ID card. An applicant must go in person to an office of the police department which is responsible for receiving passport applications, bringing along his or her original identification documents, and hand in an application. In this process the identity of the person is confirmed by submission of one's papers personally.

'Mr. Hossein Abdy explained that the department will check that the information presented in the documents matches the information available in the database of National Registration of Personal Status upon which a passport is issued. A passport is valid for five years.

'Once a person is issued his or her passport, he or she can travel outside of Iran. According to the Civil Code of Iran, any person under 18 years must have the consent of his or her guardian to leave the country and thereby be issued a passport [NB. Mr Hossein Abdy was reported as also saying that, 'According to Iranian law, all persons under 18 years of age are required to have the consent of the father in order to be issued a passport.' [86a] (p73)]

'With regards to exit stamps, Mr. Hossein Abdy explained that an exit stamp is stamped in one's passport upon exiting Iran where the date of departure is stated. This is similar upon entering Iran, where a stamp is stamped into one's passport with the date of entry.' [86a] (p70-71)

31.02 The Consular Services section of Iran's Ministry of Foreign Affairs' (MFA) website, dated 2013, accessed 20 June 2013, provided information on passports and permits and may be accessed directly for more detailed information. [128a]

31.03 Regarding a husband's consent for his wife to travel abroad, the Danish fact finding report 2013 reported that:

'According to Mr. Hossein Abdy, Head of Passport and Visa Department, the consent of the husband can be given by the husband accompanying the woman in connection with the submission of her application for a passport and giving his consent in person. Alternately, the husband can go to a notary public where a written consent is signed which the woman may present when applying for a passport.

'Mr. Hossein Abdy stated that the regulation of husband's consent, applies to women who have residence inside of Iran. With regard to women who reside outside of Iran, this regulation does not apply and a woman who lives abroad is not required to present any consent from her husband in order to be issued a passport. The purpose of the law is to protect the family as an entity.

'According to Mr. Hossein Abdy, the consent given by the husband is valid for five years, i.e. the length of time that the passport is valid. When asked if such a consent given by the husband can be annulled, it was further explained that a husband that has an outstanding issue with his wife has the option of going to the courts in order to get the consent annulled. However, if the husband is living outside of Iran, he cannot get his consent annulled.

'Mr. Hossein Abdy further explained that the place of residence of the passport holder is stated in his or her Iranian passport. If a person's place of residence is outside of Iran, for example Denmark, this is written in the passport. Mr. Hossein Abdy explained that no permission is needed from anyone if a woman has her permanent place of residence outside of Iran.' [86a] (p71)

31.04 The Danish fact finding report 2013 also reported:

'Regarding the permission a woman has to have from her husband in order to travel, a well-educated Iranian woman with links to international communities explained that the husband would sign a form before a notary public. The husband would consent to either a single exit or unlimited exits throughout the validity of the passport, by ticking either the "one time only" box or the box "permanently". But even if consent was given "permanently", it would only take a phone call to the Airport Security or a letter to prevent the wife from exiting Iran. The husband could call any level of Airport Security, be directed to the right person, revoke the consent and prevent his wife from leaving. He would be asked to send in a handwritten statement as well as a copy of his identification card (Kart e- Melli). This could be arranged from the time the wife left the house to before she had arrived to the airport. She would be denied exit at the passport control and told to get the issues sorted out before she could leave. This situation affects primarily the high- and middle-income women. The low-income women were less affected. These women are not used to travelling, do not know other languages and would not dare travel outside Iran on their own. High- and middle-income women would be the ones choosing to leave the country in case of for instance divorce or abuse from their husbands. And since numbers on both divorce and abuse are high, it was her impression that a significant number of women are affected.' [86a] (p71-72)

31.05 The same source further noted, 'With regards to children, a mother who wishes to take her children outside of Iran must have the consent from the father of the children in order to do so. Mr. Hossein Abdy, Head of Passport and Visa Department, stated that the father would always be able to travel with his children outside of Iran as he is the legal guardian of the children, unless a court has ruled otherwise.' [86a] (p72)

See the [Danish Fact Finding Report 2013](#) directly for further detailed information on possible consequences for women who taking their children out of the country without their father's consent. [86a] (p72-73)

31.06 The Danish fact finding report 2013 also provided information on security measures at Imam Khomeini International Airport:

'According to an employee of a Western embassy (5), it would not be possible to pass the airport authorities at the Imam Khomeini International Airport without sufficient documentation, at least not without their knowledge. He stated that according to his knowledge, most Iranians who end up as illegal migrants have left Iran with their original documents. The source explained that this happens either by obtaining a genuine visa to a certain country or by obtaining a forged visa. Additionally, many travel to Turkey where there is no visa requirement for Iranians and from there travel onwards using forged documents. It was added that a lot of visa cheating is taking place in the form of forged visas or visas obtained through false information. The source did not consider it possible to exit the Imam Khomeini International Airport with a forged passport, but would not rule out the possibility of a person being able to bribe his way out of the airport - though the price would probably be high. The source indicated that the price could be as high as 8-10,000 Euros. It was added that the source considered that the right connections were also important if one was to bribe one's way out of the airport. When asked if an average Iranian could pay the necessary bribe, the employee commented that, "Everybody has connections in Iran". The source indicated that many illegal Iranian migrants abroad have left Iran using original national passports but there were also examples of people having left on foreign forged passports.' [86a] (p67)

31.07 Regarding security procedures, the Danish fact finding report 2013, stated that:

'An employee of a Western embassy (5) explained regarding the security procedure at the Imam Khomeini International Airport that the airport authorities and the airlines conduct separate document checks of both passport and visa. However, what the check conducted by the airline more specifically involves, very much depends on the airline. Regarding the authorities' check of the visa, the source found that this was of no use as they are not competent in this regard.' [86a] (p67)

31.08 The Danish fact finding report 2013 further stated:

'On the issue of when a person is unable to exit Iran, Mr. Hossein Abdy stated that when a passport is issued and handed over to a person, he or she is able to leave the country. If there is a court verdict regarding him or her that prevents exit from the country, the police would attempt to inform the person of this fact. If the police is unable to access the person in question, then he or she would be informed at the point of departure by the authorities in place that he or she is not able to leave the country. After the matter is settled in court, he or she may travel once again. When asked if a person released on bail, before any ruling has been made by the court, is able to exit Iran, Mr. Hossein Abdy explained that whether or not such a person would be able to leave the

country depends on the bail and what is stated explicitly by the court issuing the bail regarding possible issues in this regard.’ [86a] (p69)

See also [Military Service](#) for information on restrictions to young men leaving Iran.

31.09 The Danish fact finding report 2013 further noted:

‘AIIS [Amnesty International International Secretariat] stated that the organization had little knowledge on issues regarding exit from Iran. While the law does not permit a person to leave the country through official channels if there is a criminal case pending, in practice, since 2009, the authorities have appeared to lift such restrictions in order to allow such individuals to leave Iran.

‘On whether a person who had participated in demonstrations would be able to leave the country, a Western embassy (3) stated that there could be examples of cases involving prominent demonstrators being able to exit the country legally and that this could be the case if the authorities just want to be rid of them.

‘When asked whether the authorities at the point of exit have a means of checking if there is a travel ban on a certain person, Mr. Hossein Abdy, Head of Passport and Visa Department, stated that in some cases, it could take the court up to three months to issue a ban. It depends very much on the circumstances of the individual case, how long it would take to place such a ban on exit. There can be cases of urgency, for example in a case involving homicide, where border points would be alerted as quickly as possible. Persons who have been politically active are not subject to any exit ban, according to Mr. Hossein Abdy.’ [86a] (p70)

31.10 The Iran Human Rights Documentation Center report, *Silencing the Women’s Rights Movement in Iran*, August 2010, stated:

‘Article 133 of Iran’s Procedures for Criminal Prosecution provides that individuals may be barred from traveling abroad, but only if an active prosecution case is underway (and the individual is out of prison on bail or a third-party financial guarantee). According to the Iranian Passport Law, “persons will not be issued a passport to leave the country ... [if] according to the written announcement of the judicial officials, [they] are banned from exiting the country.” If such persons, according to this law, have already been issued a passport, upon attempting to exit the country, “the passport will be confiscated” and “the person will not be permitted to leave the country” until the restriction on the persons traveling is lifted...

‘...Mohammad Saleh Nikbakht, an Iranian attorney who has represented people who were banned from leaving Iran, reports that in recent cases, it appears there was no judge’s order putting the ban in place. “Political and human rights activists, artists, writers and other civil activists ... have been exit banned. However, no reason or reasons for their exit ban has so far been issued to them.” Nikbakht adds that such people are then referred to various organs for follow up on their case, but to no avail. According to Nikbakht, the authority issuing the ban is never announced.

‘Activists who are not in judicial proceedings have had their passports confiscated at the airport. For example, in March 2010, Simin Behbahani, the 83-year-old Iranian poet, was prevented from travelling to Paris. As with her case, there is little to no indication that the banned individuals constitute legitimate security threats based on either their activities or their affiliations. As such, these travel bans appear to violate Iranian and

international human rights law and simply serve to intimidate and control activists.’ [51c] (p49-50)

- 31.11 A Christian Science Monitor (CSM) article dated 7 January 2010 commented on security procedures at Tehran’s Imam Khomeini International Airport (IKIA) which reopened in 2007 under the auspices of the Revolutionary Guards. The article noted that although

‘...several prominent journalists and human rights activists have been detained at the airport, a surprisingly large number believed to be on government watchlists have slipped through, thanks to bureaucratic delays and also because Tehran’s new airport may not be integrated into the country’s security network...Passengers entering and leaving the country are checked against two watchlists issued by the Ministry of Intelligence and Security (MOIS) and the Revolutionary Guard. Those flagged are either arrested on the spot, allowed to pass through and surveilled while in the country, or have their passports confiscated and enter Iran on the condition they attend interrogation sessions at MOIS offices.

“Those on the list are normally allowed entry, only to have their movements inside the country monitored and [later] be arrested at the airport when they are leaving Iran,” said Nader Uskowi, a Washington-based Iran expert and consultant to the US government on Afghanistan.’ [68a]

- 31.12 The same CSM article also stated that:

‘Nicola Pedde, the director of the Rome-based Institute for Global Studies and a frequent visitor to Iran, said that the Turkish-constructed IKIA is a “middle-level security standard international airport like a Turkish or Egyptian one.” Although cameras are fitted, it is unknown whether they are equipped with facial recognition technology or the equipment to machine-read passports. Officers tap names and passport codes manually into their computers.

‘The authorities may also be alerted to Individuals of interest when their tracked cellphones enter the airport cellphone towers’ coverage area...

‘Ultimately, one of the simplest ways to identify persons of interest is also one of the most time-tested. Spotters keep watch for up to 200 suspects whose pictures they memorize.’ [68a]

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Illegal entry and exit

- 31.13 The Canadian Immigration and Refugee Board (CIRB), in a report dated 3 April 2006, stated:

‘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 Balouchistan 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).' [2b] (p3)

31.14 The Danish fact finding report 2013 reported on the possibility of bribing officials:

'Concerning the issue of bribery in Imam Khomeini International Airport, a Western embassy (1) stated that there are easier ways to leave Iran illegally and pointed to the land border with Turkey. The source explained that security measures are efficient and air lines are strict on control of documents, but added that anything is possible in Iran. The embassy would not rule out that a person could bribe his way out of the airport in Iran.

'The possibility of bribing one's way through the airport was rejected by a well-educated Iranian woman with links to international communities, referring to the very strict security. It was considered that this would be extremely difficult. On whether it would be possible to exit the airport with a forged passport, it was considered that this would have to be a very good forgery, if it at all happens.

‘On the issue of leaving Iran by use of bribery, AIIS [Amnesty International’s International Secretariat] referred to one case it had heard of after 2009, in which a woman was able to leave the airport through paying 10,000 USD in advance. It was added that the borders to Turkey and Iraq are porous and there are well-established smugglers’ routes. Many people have been able to leave the country illegally.

‘Reference was made to a case where a person had left Iran illegally but later managed to obtain a forged Turkish entry stamp in his passport as well as get his details put into the Turkish system, thus facilitating a normal exit – the person had a Schengen visa. AIIS had no information as to the frequency of such incidents, although such high cost deals are presumably out of reach of people without sufficient financial resources to make them.’ [86a] (p67-68)

See also [Corruption](#) and [Forged and fraudulently obtained official documents](#).

See also [Political dissidents outside Iran](#) regarding the treatment of those who have criticised the regime whilst abroad.

See also [Forged and fraudulently obtained documents](#) and [Corruption](#)

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Failed asylum seekers

31.15 On 6 May 2011, Amnesty International (AI) reported that ‘Nineteen-year-old student activist Arash Fakhavar was reportedly arrested on arrival in Tehran after returning from France where he was an asylum-seeker. The circumstances of his departure from France are unclear. His current whereabouts are unknown, and he may have been subjected to enforced disappearance.’ [9q] The AI report elaborated:

‘Mohammad Reza Fakhavar (known as Arash) was arrested on 31 December 2010 after participating in demonstrations against the authorities which took place in Iran in late December 2009 during the Ashoura religious commemorations. He was held for 30 days in solitary confinement. A family member told Amnesty International that on 19 January 2011, he was tried on charges of “insulting the Supreme Leader, and taking parts in riots and unrest”. He was given a suspended prison sentence, which could be activated if he were to be convicted of having undertaken similar actions at any point over subsequent five years.

‘In late January 2011, he fled Iran for Iraq where he registered with UNHCR as an asylum-seeker. He travelled to France on 29-30 January, where he was an asylum seeker. In March and April 2011, Arash Fakhavar took part in demonstrations against the Iranian government in France.

‘His family in Iran and abroad have so far been unable to find out where he is since his reported return to the country and they are concerned about the circumstances of his return.’ [9q]

31.16 The same source also reported that, ‘In February 2011, Rahim Rostami, a 19-year-old member of Iran’s Kurdish minority who had arrived in Norway as an unaccompanied minor, and whose asylum claim had been rejected by the Norwegian authorities, was

forcibly returned by Norway to Iran where he was reportedly arrested. He is believed to still be detained, with bail reportedly having been denied.’ [9q]

- 31.17 Al’s report, “We are ordered to crush you” Expanding repression of dissent in Iran, published February 2012 reported:

‘Failed asylum seekers ... risk arrest if they return to Iran, particularly if forcibly returned, where their asylum application is known to the authorities. A report issued by a Swiss refugee agency quotes an unnamed judge as saying:

“Asylum seekers are interrogated on return, whether or not they have been political activists in Iran or abroad. If they have tried to conduct propaganda against Iran, then they are culpable and are detained until a judge decides the sentence. In recent years many people have tried to destroy the reputation of Iran and this must be stopped. Such people help the opposition groups and their culpability is plain. Returnees will therefore be held for a few days until it is clear to the police, that they have not been involved in political activity. If the police can prove that the person was not active and has not done or said anything that could damage the reputation of the Islamic Republic, then they are released. If the person was either politically active in Iran before leaving, or has been active abroad, they must be tried and receive a punishment appropriate to their activities.”

‘This report followed an article written by a former Supreme Court judge which appeared in Iran newspaper, a daily paper published by the Iranian government, on 17 February 2011. Referring to existing laws that enable Iran’s judiciary to bring charges against Iranians for alleged violations of Iranian law committed while outside Iran, the article stated that failed asylum-seekers could be prosecuted for making up accounts of alleged persecution. On 26 April 2011, Kayhan newspaper, which is controlled by the Office of the Supreme Leader, also reported that Iranians are seeking asylum “on the pretext of supporting the opposition”.’ [9x] (p56)

See also section on [Torture](#) for information on the reported treatment of some Iranians on their return to Iran from the UK.

- 31.18 Regarding the possibility of obtaining documents, the Foreign & Commonwealth’s Gov.uk website, accessed 10 September 2013, noted that:

‘Since an attack by government-sponsored militias on the British Embassy in Tehran on 29 November 2011, the British Embassy in Tehran and the Iranian Embassy in London have both been closed. This does not amount to the severing of diplomatic relations in their entirety. It is action that reduces our relations with Iran to the lowest level consistent with the maintenance of diplomatic relations...

‘Sweden has established a British Interests Section based in the Swedish Embassy in Tehran. This Section includes the provision of limited consular assistance to British nationals in Iran. Iran’s interests in the UK are represented by the Embassy of the Sultanate of Oman in London.’ [26e]

The [Gov.uk website](#) should be accessed directly for up to date information on the situation regarding the British and Iranian embassies. [26e]

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32. Employment rights

- 32.01 The US Department of State's, 'Country Report on Human Rights Practices 2012, Iran', released on 19 April 2013 (USSD Report 2012) stated:

'The constitution provides for freedom of association, but neither the constitution nor the labor code guarantees trade union rights. The labor code states that workers may establish an Islamic labor council or a guild at any workplace, but the rights and responsibilities of these organizations fall significantly short of international standards for trade unions. In workplaces where an Islamic labor council has been established, no other form of worker representation is permitted. The law requires prior authorization for organizing and concluding collective agreements, and it does not provide for the right to strike. Strikes are prohibited in all sectors, although private sector workers may conduct "peaceful" campaigns within the workplace. The labor code does not apply to establishments with fewer than five employees.

'Freedom of association and the right to collective bargaining were not respected in practice. The government severely restricted freedom of association and interfered in worker attempts to organize. The government and the judiciary imprisoned and aimed to silence labor activists...

'According to international media reports, security forces continued to respond to workers' attempts to organize or conduct strikes with arbitrary arrests and violence. Strikes and worker protests often prompted a heavy police response, and security forces routinely monitored major worksites. In Sanandaj, security forces allegedly attacked a May Day march with tear gas and batons.' [4a] (Section 7a)

See the [USSD Report 2012](#) directly for further information on the treatment of individuals. [4a] (Section 7a)

- 32.02 The Freedom House report Freedom in the World 2013 – Iran, published on 10 April 2013, stated, 'Iranian law does not allow independent labor unions, though workers' councils are represented in the Workers' House, the only legal labor federation. Workers' public protests and May Day gatherings are regularly suppressed by security forces. In 2012, the authorities denied workers the right to hold a May Day rally for a fifth consecutive year.' [112f]

- 32.03 AI's '2012 Annual Survey of Violations of Trade Union Rights – Iran', published on 6 June 2012, reported:

'In 2011, as in previous years the authorities detained, questioned, harassed, threatened and imprisoned scores of people for their labour rights activities. Activists were often released only upon payment of extremely high bail bonds. For example, on 8 January, Pedram Nasrollahi, a labour movement and women's movement activist, was released on payment of 40 million tomans (29,300 Euros) bail. In early January, according to reports published by the Free Union of Workers in Iran, jailed labour activist Behnam (Asad) Ebrahimzadeh was sentenced to 20 years in prison. Behnam is a member of the workers' group Pursuit Committee for the Formation of Labour Organisations. Behnam worked at a polyethylene pipe-manufacturing plant in the outskirts of Tehran. He had already spent nearly seven months in prison since his arrest in June 2010. He had been previously detained along with scores of other worker activists, at a rally on Labour Day 2009.' [9n]

See AI's, '[2012 Annual Survey of Violations of Trade Union Rights – Iran](#)' of 6 June 2012 for more detailed information on the treatment of trade unionists and labour activists. [9n]

32.04 See the International Trade Union Confederation's (ITUC) '[2013 Annual Survey of Violations of Trade Union Rights – Iran](#)', published on 6 June 2013 for further information on events in 2012. [19a]

32.05 A report by the International Federation for Human Rights (FIDH) and the League for the Defence of Human Rights in Iran (LDDHI), '[Iran: Rising poverty, declining labour rights](#)', published in June 2013, reported:

'A number of rather large independent unions with wide followings as well as smaller unions have emerged in recent years seeking to represent the interests of their membership. The authorities have refused to recognise these entities...

'Activists and leaders of this new movement, however, have paid a high price for their activities. They have been dismissed from work, gone to prison and faced other forms of harassment and persecution, including against family members. These Labour activists have faced harassment and persecution, including at the judicial level. Iran may be one of the few countries in the world, in which independent trade unionists seeking to organise their fellow workers are imprisoned on charges such as 'acting against national security' and 'propaganda against the system.' [56h]

See the [FIDH/LDDHI report](#) directly for further information on trade unionists and their treatment by the authorities. [56h] (Section 7)

See also [Political affiliation](#), [Economy](#) and [Children](#)

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Annex A

Chronology of major events

A chronology of key events from 550-330 BC to June 2013 may be found on the British Broadcasting Corporation (BBC) News website: [Timeline: Iran](#), updated 17 June 2013 [21p].

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Annex B

Political organisations

Princeton University's Iran Data Portal, last updated on 24 July 2013, included profiles of the major political parties and factions in Iran. The Portal noted that, 'There are a number of political parties prohibited to operate inside the Islamic Republic of Iran, the Mojahedin-e Khalq-e Iran (the People's Mojahedin of Iran) being one of the most prominent among them. Parties profiled here only include those competing in elections in Iran.

'The list of political parties includes:

- Association of the Devotees of the Islamic Revolution (Isargaran)
- Assembly of Militant Cleric (MRM)
- Assembly of Researchers and Lecturers of Qom Seminary
- The Association of the Women of the Islamic Republic
- Executives of Construction Party
- The Freedom Movement of Iran
- Islamic Coalition Party (Motalefeh)
- Islamic Iran Participation Front (IIPF)
- National Trust
- The Office for Strengthening Unity (DTV)
- Organization of the Mojahedin of the Islamic Revolution of Iran
- The Society of the Militant Clergy of Tehran (JRM) [102a]

See the [Iran Data Portal](#) directly for profiles of the above parties. The Portal also includes information on the Law of Political Parties, and a list of registered parties. [102a]

A [short review of political parties in Iran](#), dated 17 July 2012, can be found on the Iran Spectrum website. [114a]

See also the [Central Intelligence Agency \(CIA\) World Factbook](#), updated 22 August 2013, for further information on political parties in Iran. [111a] (Government, political parties)

The following is a short description of some other political parties:

Anjoman-e Padeshahi-e Iran (API) also known as the Kingdom Assembly of Iran

The API is a banned Monarchist group. (British Broadcasting Corporation (BBC) News, 28 January 2010) [21g] 'API seeks to overthrow the Islamist regime and to restore the monarchy. It is also staunchly anti-Islam, instead emphasizing Iran's pre-Islamic Persian heritage in what it labels as its struggle to inspire a Persian Renaissance... The late Dr. Froud Fouladvand founded API abroad before disappearing on January 17, 2007 along the Turkish-Iranian border, during what his supporters described as a mission to 'liberate' Iran. Fouladvand operated his anti-regime activities from London.' (Jamestown Foundation, 20 May 2008) [23a]

Daftar-e Tahkim-e Vahdat (Office for Strengthening [Fostering] Unity)

'A national organisation of Islamist university students that supported Khatami's presidential bid in 1997 and reformist parliamentary candidates in 2000. Since then, in 2002, the organisation has undergone splits over tactical and ideological issues. The majority wing, known as the Neshast-i Allameh, wanted to withdraw from mainstream politics, whereas the minority wing,

known as the Neshast-i Shiraz, preferred to continue its support for the reformists.’ (Jane’s Sentinel Security Assessment, 25 June 2012) [61a] (Internal Affairs)

See also [Student Activists](#)

Free Life Party of Kurdistan (Partiya Jiyana Azada Kurdistan – PJAK)

See section on [Partiya Jiyana Azada Kurdistan \(PJAK\) – Kurdistan Free Life Party](#)

Hezb-e Etemad-e Melli (National Trust Party)

‘This party whose English name is also known as National Confidence Party was established in 2005 by the former speaker of Majlis Mahdi Karrroubi. It is regarded at the reformist and populist party with liberal views. The party had a newspaper with the same name (Etemaade Melli Newspaper) and both were banned in 2009.’ (Iran Spectrum, 17 July 2012) [114a]

Hezb-e Islami-ye Kar (Islamic Labour Party)

‘This [reformist] party announced its formation in February 1999. Its initial platform was described as “protecting the rights of the workers and labourers”. Spokeswoman Soheila Jelodarzadeh is also an advocate of women’s issues. Founding members were part of the Workers House (Khaneh-yi Kargar), which supported Khatami to become president in 1997.’ (Jane’s Sentinel Security Assessment, 25 June 2012) [61a] (Internal Affairs)

Islamic Revolution Mujahideen Organisation

BBC News reported on 27 September 2010 that this leading reformist party had been banned. The party had supported opposition leader Mir Hossein Mousavi in the 2009 presidential election and some party members had been imprisoned during the mass protests that followed the election. [21d]

Jebhe-yi Mosharekat-i Islami-i Iran (Islamic Iran Participation Front - IIPF)

‘The creation of this organisation was announced in September 1998 as a partnership between former members of the Executives of Construction, members of the Tehran Militant Clergy Association (Jameh-yi Ruhaniyat-i Mubarez-i Tehran) and former student activists. The current secretary-general is Mohsen Mirdamadi, who took over in early 2005 from Mohammad Reza Khatami (the former president’s brother).’ (Jane’s Sentinel Security Assessment, 25 June 2012) [61a] (Internal Affairs)

On 18 April 2010, Agence France Presse reported that the party’s leader, Mohsen Mirdamadi, had been sentenced to ‘...six years in jail and barred from involvement in politics or journalism for 10 years...’ after being found guilty of ‘...harming national security and propaganda against the regime.’ [14b]

BBC News reported on 27 September 2011 that the Islamic Iran Participation Front, a leading reformist party, had been banned. The party had supported opposition leader Mir Hossein Mousavi in the 2009 presidential election and members of the party had been imprisoned during the mass protests after the election. [21d]

See also Princeton University’s [Iran Data Portal](#) for more information on the IIPF [102a]

Jundullah (Soldiers of God) aka People’s Resistance Movement

Founded in 2002 to defend the Sunni Muslim Baluchi minority in south-east Iran [21h]; its leader was Abdolmalek Rigi until 20 June 2010 when he was executed for ‘terrorist’ activities (BBC News, 20 June 2010). [21s] The organisation was accused of carrying out the suicide bombing on 18 October 2009 which killed members of the Revolutionary Guards. (BBC News,

19 October 2009) [21h] Jundullah has also claimed responsibility for other high profile attacks in Sistan-Baluchistan province. [21s]

See also [People's Resistance Movement of Iran \(PMRI\)](#) aka Jondallah or Jundullah

Komala Party of Iranian Kurdistan, or Komaleh or, the Revolutionary Organisation of the Toilers of Iran

See section on [Komala \[Komalah, Komaleh\]](#)

Kurdistan Democratic Party of Iran (KDPI) or, Democratic Party of Iranian Kurdistan (DPIK)

Formerly known as Komala; based in Iraq since 1984; called off armed activities in 1991. (Human Rights Watch, 9 January 2009) [8h] KDPI leader, Dr Abd al-Rahman Qasemlu was assassinated in Vienna in 1989. Another leader, Dr Sadeq Sharafkandi was also assassinated in Berlin in 1992. (Chatham House, December 2007) [73a] (p6)

See also section on the [KDPI](#)

KDPI (Revolutionary Leadership) (KDPI RL)

Formed as a result of the KDPI leadership split in 1988. (Chatham House, December 2007) [73a] (p6)

Lejnat al-Wafaq al-Eslami (Islamic Unity Party - IUP)

The International Federation for Human Rights (FIDH) and the Iranian League for the Defence of Human Rights (LDDHI) report, 'The Hidden Side of Iran: discrimination against ethnic and religious minorities', published October 2010, noted that this party represented Arabs and their leader was Jasem Shadidzadeh Al-Tamimi. [56c] (p13) 'Mr. Shadidzadeh, having been disqualified from standing for parliamentary election in 2004, was detained and later released without charge. The IUP had engaged in lawful peaceful activities to represent the rights of the Arab population and its list of all-Arab candidates had won all the seats with the exception of one in the municipal council elections in Ahvaz in 2003. Nevertheless, the authorities outlawed the IUP in November 2006.' [56c] (p14)

Majma-yi Ruhaniyun-i Mubarez (Militant Clerics Association)

'This group broke away from the original Tehran Militant Clergy Association and is now considered the left-leaning clergy association. Prominent members of this group include former President Mohammad Khatami, Mehdi Karroubi (the former speaker of parliament) and Mohammad Asqar Musavi-Khoeniha.' (Jane's Sentinel Security Assessment, 25 June 2012) [61a] (Internal Affairs)

Mujahidin-e-Khalq (MEK) (Holy Warriors of the People) or, People's Mojahedin Organisation of Iran (PMOI)

See section on the [MEK/MKO](#)

National Council of Resistance of Iran (NCRI)

The NCRI's [website](#), accessed 9 September 2013, stated:

'National Council of Resistance of Iran, a broad coalition of democratic Iranian organizations, groups, and personalities, was founded in 1981 in Tehran, Iran on the initiative of Massoud Rajavi, the leader of the Iranian Resistance.

‘The NCRI is an inclusive and pluralistic parliament-in-exile that has more than 500 members, including representatives of ethnic and religious minorities such as the Kurds, Baluchis, Armenians, Jews and Zoroastrians, representing a broad spectrum of political tendencies in Iran. The NCRI aims to establish a secular democratic republic in Iran, based on the separation of religion and state. Women comprise 50 percent of the Council’s members. There are five organizations represented in the NCRI, including the People’s Mojahedin Organization of Iran (PMOI/MEK), the largest and most popular resistance group in Iran.’ [138a]

Nehzat-e Azadi-ye Iran (Liberation Movement of Iran or Freedom Movement of Iran)

On 20 March 2011, Voice of America reported that the leader of the Freedom Movement of Iran, Ibrahim Yazdi, had been released from prison and had announced his resignation as leader of the movement, which is ‘...a banned opposition group that opposes Iran’s clerical rule and seeks democratic change. Iranian authorities detained Yazdi in 2009 during the wave of unrest which followed the disputed re-election of President Mahmoud Ahmadinejad. Yazdi had been speaking out against what he saw as a rigged election.’ [98a]

Sazeman-e Mujahidin-e Enqelab-e Islami (Mujahedin of the Islamic Revolution)

‘This group emerged shortly after the Islamic revolution when several underground organisations merged, and much of its membership consists of former members of the militant Mujahedin-e-Khalq organisation. It dissolved in the early 1980s but re-emerged in the late 1990s. Some of its members served in the Islamic Revolution Guards Corps. Among those responsible for its revival are former Minister of Heavy Industry Behzad Nabavi-Tabrizi, former deputy Minister of the Interior Mostafa Tajzadeh, parliamentarian Mohsen Armin, Professor Hashem Aghajari and former Tehran council member Said Hajjarian.’ (Jane’s Sentinel Security Assessment, 25 June 2012) [61a] (Internal Affairs)

See also [Political system](#) and [Political affiliation](#)

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Annex C

Prominent people

The list below is a selection of prominent figures in Iran; it is not intended to be a comprehensive list of all Iranians of political, social, economic or cultural significance.

Political leadership

Supreme Religious Leader (Wali Faqih):	Ayatollah Sayed Ali Khamenei [21e]
President:	Hassan Rouhani [21w]

At the time of writing, the new cabinet had not been agreed following the election of President Hassan Rouhani in June 2013.

AHMADINEJAD, Mahmoud

President of Iran from June 2005 to August 2013. Hassan Rouhani took over as President after winning the June 2013 presidential elections. (Congressional Research Service, 17 June 2013) [78c] 'Mahmoud Ahmadinejad was re-elected as Iran's president in June 2009, amid a bitterly contested poll result which led to the most serious internal unrest seen in the country since the 1979 Islamic revolution.' (BBC News country profile, Iran, updated 2 September 2012) [21e]

EBADI, Shirin

'Shirin Ebadi, an Iranian lawyer and former judge, won the Nobel Peace Prize in 2003 for her pioneering efforts to promote democracy and human rights, particularly for women and children. She was the first person from Iran and the first Muslim woman to receive the award. Ms Ebadi's outspoken campaigns have often brought her into conflict with the Iranian government and the country's conservative clerics, particularly since the disputed presidential election in June 2009. Though she has not been arrested since becoming a Nobel laureate, many of her close associates have been targeted, and last year [2008] the authorities closed the Human Rights Defenders Centre in Tehran, a leading non-governmental organisation she founded in 2001.

'Ms Ebadi left Iran for a conference the day before President Mahmoud Ahmadinejad's re-election and has not returned since. She says she has been sent "threatening messages" warning her to stop working for human rights and calling for reform, while her husband was recently arrested in Tehran and "severely beaten". She has nevertheless criticised the authorities for their suppression of opposition protests, and urged the international community to reject the outcome and called for a new election monitored by the UN.' (BBC News, 27 November 2009) [21i]

KARRUBI (KAROUBI), Mehdi

'A founder of the leftwing Association of Combatant Clerics... Mehdi Karrubi was Speaker of the Majles during, 1989-1992 and 2000-2004. Formed a separate pro-reform 'National Trust' faction after losing 2005 election. Ran again in 2009, but received few votes and subsequently emerged, along with Musavi, as a leader of the Green Movement.' Has been under house arrest since February 2011 (Congressional Research Service, 28 May 2013) [78a] (p5)

KHAMENEI, Sayed Ali

The BBC News country profile, Iran, updated 2 September 2012, stated that Ayatollah Ali Khamenei is:

'The Supreme Leader – the highest power in the land – appoints the head of the judiciary, military leaders, the head of radio and TV and Friday prayer leaders. He also confirms the election of Iran's president. Moreover, the Supreme Leader selects six members of the 12-member Guardian Council, an influential body which has to pass all legislation and which can veto would-be election candidates. The Leader is chosen by the clerics who make up the Assembly of Experts. Ayatollah Ali Khamenei was appointed for life in June 1989, succeeding Ayatollah Khomeini, the founder of the Islamic republic. He previously served two consecutive terms as president in the 1980s. He has intervened on behalf of conservatives, coming into conflict with former president Mohammad Khatami and other reformists.' [21e]

KHATAMI (KHATEMI), Mohammed

A Congressional Research Service (CRS) report of 5 September 2012 stated that:

'Mohammad Khatemi was elected president on a reformist platform in May 1997, with 69% of the vote; reelected June 2001 with 77%...He declined to run again for president in 2009 elections and endorsed fellow reformist Mir Hossein Musavi. Khatemi declined to run in the 2013 presidential election. Although still [sic] a reformist, Khatemi is perceived as open to a political compromise that stops short of replacement of the regime, and voted in March 2, 2012, election, ignoring reformist boycott. Now heads International Center for Dialogue Among Civilizations. Visited United States in September 2006 to speak on "dialogue of civilizations" but says he has not been allowed outside Iran since 2009 because of his reformist/Green Movement links.' [78a] (p5)

KHOMEINI, Ruhollah (Ayatollah)

BBC History, accessed 11 September 2013, stated that, 'Khomeini was an Iranian religious and political leader, who in 1979 made Iran the world's first Islamic republic... Khomeini died on 4 June 1989.' [21k]

LARIJANI, Ali

The CRS report of 28 May 2013 stated:

'Ali Larijani has been Majles Speaker since 2008 but did not run again for president in the 2013 election after losing in 2005. Was state broadcasting head (1994-2004) minister of culture and Islamic guidance (1993), and head of Supreme National Security Council and chief nuclear negotiator (2005—2007). Considered amenable to a nuclear deal with the international community. Politically close to Khamene'i and a leading antagonist of Ahmadinejad.' [78a] (p4)

LARIJANI, Sadeq (Ayatollah)

The CRS report of 28 May 2013 stated that Ayatollah Sadeq Larijani had been 'Judiciary head since August 2009. Like brother, Ali Larijani, is close to the Supreme Leader and an opponents of Ahmadinejad. Takes hard line against dissidents.' [78a] (p5)

MONTAZERI, Hussein Ali

He was an influential dissident cleric whose death in December 2009 triggered clashes between opposition supporters and security forces in which eight people died. (BBC News, Iran – Timeline, 17 June 2013) [21p]

MOUSAVI [MUSAVI], Mir Hossein

The CRS report of 28 May 2013 stated:

'Now titular leader of the Green movement, Mir Hossein Musavi, a non-cleric, is about 70. An architect by training, and a disciple of Ayatollah Khomeini, he served as foreign minister (1980),

then prime minister (1981-1989), at which time he successfully managed the state rationing program during the privations of the Iran-Iraq War but often feuded with Khamene'i, who was then president. At that time, he was an advocate of state control of the economy. His post was abolished in the 1989 revision of the constitution.

'Musavi supports political and social freedoms and reducing Iran's international isolation, but supports strong state intervention in the economy to benefit workers and lower classes. Appeared at some 2009 protests, sometimes intercepted or constrained by regime security agents. However, he is not respected by harder line opposition leaders who criticized his statements welcoming reconciliation with the regime. He and his wife (prominent activist Zahra Rahnevard), along with fellow Green Movement leader Mehdi Karrubi, have been under house arrest since mid-2011.' [78a] (p5)

Mousavi stood as a moderate in the 2009 presidential election and was the main challenger to President Ahmadinejad. (BBC News, 16 June 2009) [21q]

PAHLAVI, Mohammad Reza Shah

Born in 1919 in Tehran; King (Shah) of Iran 1941-1979. The Shah's government collapsed following widespread uprisings in 1978-1979, prior to the establishment of the Islamic Republic. He left Iran in January 1979 and died in exile in Egypt on 27 July 1980. (Iran Chamber Society, 2009) [58b]

PAHLAVI, Reza

The CRS report of 28 May 2013 stated:

'Some Iranian[s] outside Iran, including in the United States, want to replace the regime with a constitutional monarchy led by Reza Pahlavi, the U.S.-based son of the late former Shah and a U.S.-trained combat pilot. The Shah's son, who is about 57 years old, has delivered statements condemning the regime for the post-2009 election crackdown and he has called for international governments to withdraw their representation from Tehran.... A younger brother, Ali Reza Pahlavi, committed suicide in January 2011.

'Pahlavi has always had some support particularly in the older generation in Iran, but he reportedly is trying to broaden his following by advocating democracy and asserting that he does not seek to reestablish a monarchy in Iran. Since March 2011, he has been increasingly cooperating with - and possibly attempting to co-opt - younger student leaders... Since early 2013, he has been assembling a "National Council of Iran" (NCI) modeled on similar bodies representing revolutions in Libya and Syria; he and over 30 opposition groups formally established the Council at a conference in Paris on April 27-28, 2013. The NCI, which has a 35 member "high council" elected by the opposition groups of the NCI, has drafted a set of principles for a post- Islamic republic Iran which advocates democracy and the protection of human rights.' [78a] (p13)

QALIBAF, Mohammad Baqer

The CRS report of 28 May 2013 stated that Mr Qalibaf is the:

'Current mayor of Tehran and second-time candidate for president in June 2013 election. Former Revolutionary Guard Air Force commander and police chief, and critic of Ahmadinejad. Encourages comparisons of himself to Reza Shah, invoking an era of stability and strong leadership. Lost in 2005 presidential elections, but supporters won 9 out of 15 seats on Tehran city council in December 2006 elections, propelling him to become mayor of Tehran.' [78a] (p4)

Qalibaf finished second behind Hassan Rouhani in the June 2013 Presidential election. (BBC News, 15 June 2013) [21v]

RAFSANJANI, Ayatollah Ali Akbar Hashemi

The CRS report of 28 May 2013 stated that Mr Rafsanjani was:

'Born in 1944, a longtime key regime strategist, Khomeini disciple, and advocate of "grand bargain" to resolve all outstanding issues with United States. Was Majles speaker during 1981-1989 and president 1989-1997. One of Iran's richest men, family owns large share of Iran's total pistachio production. Ouster as Assembly of Experts chairman in 2011 was attributed to his tacit support of Green challenge to Ahmadinejad 2009 reelection. Rafsanjani funded much of Musavi's election campaign and criticized crackdown on Green protests. These actions undoubtedly contributed to COG [Council of Guardians] denying his candidacy in 2013 presidential elections, even though Khamene'i had reappointed him Expediency Council chair in March 2012.

'Political activities of his children remain a liability for Rafsanjani in regime circles. Daughter Faizah participated in several 2009 protests, was detained briefly in February 2011 for protesting, and was jailed in September 2012 for opposition activities. She was moved to solitary confinement as of early 2013. Five Rafsanjani family members arrested in June 2009 (and another briefly detained in March 2010), and his son, Mehdi, was released on bail in December 2012.' [78a] (p4)

RAJAVI, Massoud

Leader of the Mojahedin-E Khalq (MEK), also known as the MKO and People's Mojahedin Organization of Iran (PMOI). (CRS, 17 June 2013) [78c] (p13) On 29 September 2012, BBC News reported that the US had removed the MEK from its 'terror blacklist'. [21c]

See [Mujahidin-e-Khalq \(Holy Warriors of the People\)](#) above.

RAJAVI, Maryam

Wife of Massoud Rajavi; leader of the MEK (aka MKO and PMOI) with her husband, Massoud Rajavi. (CRS, 17 June 2013) [78c] (p13)

See [Mujahidin-e-Khalq \(Holy Warriors of the People\)](#) above.

REZA'I, Mohsen

Former Revolutionary Guard commander-in-chief; now the Expediency Council's executive officer. (CRS, 28 May 2013) [78a] (p4) Approved as a candidate in both the 2009 and 2013 Presidential elections. (CRS, 28 May 2013) [78a] (p9, 11) Finished fourth in the June 2013 Presidential elections. (BBC News, 15 June 2013) [21v]

ROUHANI, Hassan

A [BBC News Profile](#) of 4 August 2013 stated that, 'Hassan Fereydoon Rouhani, 64, was elected president of Iran in June 2013 - the only cleric to contest the poll. His campaign slogan "moderation and wisdom" continued to be a theme as he was inaugurated in August. His promises of reform, of working to ease sanctions, of helping to free political prisoners, of guaranteeing civil rights and a return of "dignity to the nation" drew large crowds when he was on the campaign trail.' [21w]

SOLTAN, Neda

'Neda Agha Soltan, born on January 23, 1983, was fatally shot during a protest against the results of the 2009 presidential election on Saturday, June 20, 2009, in Tehran's Amirabad neighborhood at the intersection of Khosravi and Salehi Streets. So far, it is not clear who shot and killed her, and no one has taken responsibility for her death. During the months following her death, the state radio and television and some Iranian authorities offered different versions of her death on several occasions. Over the past four years, the police and security forces have restricted or shown violence to those who visit her gravesite to conduct observance ceremonies for her.' (International Campaign for Human Rights in Iran, 24 June 2013) [52x]

Soltani, Abdolfattah

'Abdolfattah Soltani, a prominent lawyer and co-founder of the [CHRD Centre for Human Rights Defenders] who has been held in Tehran's Evin Prison since his September 2011 arrest, is currently serving a 13-year prison sentence.' (Amnesty International, 1 October 2012) [9ab]

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Annex D

List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
FIDH	International Federation for Human Rights
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICHRI	International Campaign for Human Rights in Iran
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
IRGC	Iranian Revolutionary Guards Corps
ISNA	Iranian Student's News Agency
LDDHI	Iranian League for the Defence of Human Rights
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
RSF	Reporters sans Frontières [Reporters without Borders]
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
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
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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Annex F

Correspondence from Foreign and Commonwealth Office (FCO)

[26a]

To: Country of Origin Information Service, Home Office

20 August 2013

Re: Country of Origin Information report – Iran – Medical Facilities

The state of Iran's medical sector is more fluid than it has been previously. It has faced challenges during the last few years due to inflation, subsidy reduction, government mismanagement including partial and delayed funding of the health sector, and import difficulties. However, Iran maintains a well-developed and comprehensive medical sector.

There are two types of hospitals in Iran, private and governmental. Depending on the circumstances, both private and Government hospitals can be used by anyone, although treatment can be considerably cheaper at a government run hospital. As in the UK, private hospitalisation, treatment and operations can be very expensive in Iran.

If the patient belongs to a social security scheme whereby an employer pays the subscriptions for the employee, this then entitles them to subsidised medical treatment and medication. This insurance cover applies to all government hospitals and some private hospitals too. Patients' contributions have reportedly increased in both relative and absolute terms.

In Tehran and all 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 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.

The price of most medications has increased considerably in the last two years. There are periodic reports of temporary shortages of some specific medicines, particularly imported ones. However, most drugs are available in Iran. There has also been considerable development in the pharmaceutical industry in Iran during the last decade. The essential raw materials for the majority of medicines are imported from overseas and then the medicine is produced and packaged locally. This is again subsidised by the Government. In terms of imported medicines, there has been a shift from European to Chinese and Indian supplies. Care should be taken that the medicines prescribed comply with international standards.

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[26b]

Foreign and Commonwealth Office

27 January 2010

The UK Border Agency contacted the Foreign & Commonwealth Office (FCO) for information on the situation for juveniles convicted of murder. The FCO consulted the United Nations Children's Fund (UNICEF) in Tehran on this matter. They provided us with the following information:

In general, children who are accused of committing a crime or have been sentenced following judicial processes, are detained in "Juvenile Correction and Rehabilitation Centres (JCRCs)" or Kanoon-e Eslaah va Tarbiat (in Persian).

In each province, there is one JCRC which is a sub-department of the Prisons' Organization. The latter is one of the Judiciary's main bodies. The Head of Judiciary appoints the Prisons' Organizations' manager.

All children and juveniles in conflict with the law are sent to the JCRC through competent courts. The JCRC plays no role in sentencing and/or releasing these juveniles. These offenders are held in the Centre until the time that a decision is made on their cases. This can be enforcement of judgement and/or acquittal.

Article 19 of the JCRC's by-law declares that "JCRCs are centres for keeping, correcting and educating children below the age of puberty and offenders below the age of 18".

The JCRCs collaborate with international organizations e.g. UNICEF, government institutions e.g. Education and Labour Ministries, and NGOs with regards to child rights-related issues.

Upon entering the Centres and admission, the juveniles are placed in a temporary settlement section and undergo medical checks. Then a judicial file is established for each individual.

Juveniles on death row

The JCRCs are also involved in cases of juveniles condemned to death i.e. on death row. The JCRC staff is very much involved in mediation and resolution of such cases at managerial and/or technical level, with a view to settling these cases through obtaining the pardon of the victim's family and/or collection and payment of dieh (blood money). They also coordinate internally with the Prisons' Organizations in order to refrain from sending former juveniles who have reached the age of 18, to adult prisons.

Regarding the situation of juveniles suspected/convicted of murder, the Centres have a separate section for these delinquents. However, despite being held in separate quarters, it should be emphasised that they receive the same support/protection services that other juveniles in conflict with the law receive.

Nobody can officially and/or precisely say how long it takes for a murder case to be closed by the judicial system, due to the complexity and uniqueness of each individual case. In general, for murder cases, there are many aspects to be considered by various relevant institutions i.e. the police's specialized units, Forensic Medicine Organization, and Penal Courts (including First Instance and Appeal and Supreme Court).

After exhaustion of the entire routine judicial process for penal cases, regarding murder cases with qesas (execution) punishment, the Judgement Enforcement Department needs to ask for

the authorization of the Head of the Judiciary (Estizaaan) to proceed with the execution/qesaas.

This final filter at the Head of Judiciary's level may

a) send the case back to the first stage i.e. first instant court to review the case from the beginning; or

b) send the case to Dispute Settlement Councils at provincial level to try and settle the case before carrying out the execution.

An exception in this regard is the cases of juveniles in conflict with the law who have been accused of committing an act against national security. In that case, applying special mechanisms, a case may start and be finalized in a month.

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[26c]

11th May 2010

Foreign and Commonwealth Office
King Charles Street
London
SW1A 2AH

Country of Origin Information Service
UK Border Agency (UKBA)

Dear Sir/Madam,

Re: Iran: Rule of Law

Although the Iranian Constitution, procedural penal code and procedural civil code set out the rights of detainees and the fundamentals of due process, these are regularly ignored. The televised show-trials in August 2009 and trials against seven Baha'i leaders in early 2010 all violated Iranian procedural law. Particularly in political cases, lawyers are regularly not granted the rights guaranteed by law, specifically: contact with clients, access to the relevant files and free questioning of witnesses. Sentences are issued, but not always communicated to the accused or his/her lawyer. Those arrested are often held for months without charge.

The independence of lawyers, previously protected to a degree by the Iranian Bar Association, is being threatened by a directive strictly regulating the activities and membership of the Bar. In February 2010, nearly 40 candidates for the Bar Board of Directors were disqualified for political reasons. A second, parallel Bar (the Article 187 Lawyers), directly subordinate to the Judiciary, has been set up. To practice in Iran, every lawyer must be a member of one of these two organisations.

Since the Presidential Elections in 2009 there have been numerous, credible reports of arbitrary arrest and detention. Often those in custody for political reasons are not charged, and those who are, are charged with catch-all crimes such as espionage, threatening national security and contact with foreign entities. As set out below, there are rules for the application of such qualifications, but there are numerous, credible reports of political interference in the judicial process - particularly since the 2009 Presidential elections. There is also considerable flexibility in the application of qualifications. There is a right of appeal process, and appeals are overseen by a different judge.

It appears that as soon as the penalty for a crime is codified, the judge has little (or no) autonomy in determining the sentence. However, the judge has some ability to apply qualifications in certain cases e.g. threat to national security, or moharebeh (enemy of God). There are some rules around the application of such qualifications e.g. in the case of moharebeh the crime must have involved armed activity against the state. But the use of the qualification is based, it would appear, solely on the presumed 'intent' of the accused and application is up to the judge's discretion. Further, in the case of moharebeh the precise nature of 'arms' is open to dispute. It has been reported in the press that a recent moharebeh sentence was brought against the accused for throwing stones during the Ashura protest. The penalty for moharebeh is automatically death.

Where there is a gap in the codified law, judges may fall back on (their interpretation of) Sharia to determine the punishment. Unlike the UK, there is no strong system of case law. Further, there are also some Islamic penalties that may be applied e.g. stoning for adultery. Despite a circular from the previous Head of the Judiciary condemning the use of stoning, the circular does not have the force of law and some (provincial) judges have continued to sentence people to death by stoning.

In the case of murder it is usual for a qysas sentence to be handed down. A qysas sentence means either the payment of blood money to the victim's family (at which point the accused is freed) or a death sentence. The decision rest solely with the family of the victim - they cannot choose a third alternative (e.g. a lengthy gaol term).

Yours faithfully,

Iran Co-ordination Group

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[26d]

30 May 2013

Foreign and Commonwealth Office
Consular Directorate
King Charles Street
London
SW1A 2AH

To Whom It May Concern,

RE: Family Tracing in Iran

Please be aware that the Foreign and Commonwealth Office (FCO) and British Embassies overseas cannot search for or investigate possible missing persons, both British and non-British nationals. This is a matter for the local authorities in the country concerned.

With regards to locating Iranian nationals, we advise contacting the nearest Iranian mission or the local police in the UK to see if they can make any enquiries via Interpol.

There are some names a contact details of charities and NGOs that maybe able to offer assistance when someone is missing overseas in our missing persons publication. This can be found at the following link: <https://www.gov.uk/government/publications/missing-persons>

Kind regards

Consular Directorate
Foreign and Commonwealth Office

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