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NATIONS UNIES
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POUR LES REFUGIES
Délégation régionale
pour le Benelux
et les Institutions Européennes

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UNITED NATIONS
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FOR REFUGEES
Regional Office
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VOOR DE VLUCHTELINGEN
Regionale vertegenwoordiging
voor de Benelux
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Dear Mr. Springer,

Following the CIREA meeting on Iran on 17 September 1998, please find attached some responses to outstanding questions, particularly regarding legal provisions related to audio-visual equipment and material, draft evasion and detention procedures.

% vedlagt Also attached are statistical data regarding the treatment of Iranian asylum-seekers during 1997, as requested.

Yours sincerely



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Cc: Mrs. Danielle Laveau, Council Secretariat

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UNHGR response to outstanding CIRCA questions on some provisions of the Iranian legislation

1. Use of Satellite Dish:

In conformity with the "Law on Prohibition of the Use of Equipment for Reception from Satellite", ratified on 12/02/1995, the following penalties are foreseen for persons who import, distribute or use the dish without authorization:

Article 8: Importers, producers and distributors of equipment for reception from satellite, in addition to confiscation of the discovered equipment, shall be sentenced by courts to payment of a fine of 10 up to 100 million rials.

Article 9: Persons using the equipment for reception from the satellite, in addition to confiscation of the discovered equipment, shall be sentenced to payment of a fine of 1 up to 3 million rials.

Note: Transporting, installing or repairing such equipment is also prohibited and perpetrators shall be sentenced to payment of a fine of 1 to 5 million rials.

2. "Law on the Punishment for Illegal Activities related to Audio-Visual Materials", ratified on 11/02/94

- producer, director, cinematographer, main actors of obscene (pornographic) audio-visual materials (over ten copies): if first time, one to three years imprisonment, confiscation of equipment, 100 million rials fine; second time, two to five years imprisonment, confiscation of equipment, 200 million rials fine; at any rate if the act adds up to "corruption on earth" perpetrators will be condemned to the punishment for such acts;

- other persons involved in production, reproduction and distribution of obscene materials (over 10 copies): up to 74 lashes or payment of 1 to 50 million rials;

- reproducers and distributors of less than ten copies will be sentenced to payment of 100,000 to 1 million rials or 30 to 74 lashes;

- producer, distributor, reproducer of immoral tapes and disks of shows or movies (content includes immoral scenes or is contrary to Islamic mores): if first time, three months to one year imprisonment or 2 to 10 million rials; second time, one to three years imprisonment or 5 to 30 million rials; if repeated, three to ten years imprisonment or 10 to 50 million rials and confiscation of equipment.

- anyone possessing obscene or immoral tapes or disks: 500,000 to 5 million rials of fine and confiscation of tapes and equipment.

- Revolutionary Courts are competent to examine crimes listed in this Law.

With regard to possession of unauthorized video tapes, in practice if it is the first time, the person is made to sign a commitment not to ever attempt to rent such tapes, but in case of repetition the person will be prosecuted.

3. Departure of a mother with her minor children from the country:

There are no specific provisions relating to the departure of a mother with her minor children from the country without the consent of the father. Based on the Law on Passports, authorization in writing of the guardian (Civil Code: father or paternal grandfather) is necessary for issuance of a passport for a minor (possible only in cases specified in Article 18 of the Law on Passports) or inclusion of a minor's name in a relative's passport. Therefore, if a mother has managed to obtain a travel document for her children, she has probably resorted to an illegal act based on which she can be sentenced upon return. For example she may have forged her husband's authorization and submitted it to the Passport Bureau, and could therefore be sentenced to imprisonment from two months up to two years.

4. Draft Evasion:

Article 58 of the "Law pertaining to Military Service":

- a) Draft-evaders in time of peace who present themselves in time of peace, after a decision is made as to their service or upon completion of their service shall be deprived of receiving their exemption certificate or service certificate for 6 months up to one year, and draft-evaders in time of peace who are arrested will not receive their exemption or service certificate for 1 to 2 years.
- b) Draft-evaders in time of peace who present themselves in time of war, shall receive their service card upon termination of their service or exemption card right away, and those who are arrested will be deprived of receiving their certificate for 2 to 4 years.
- c) Draft-evaders in time of war who present themselves in time of war, shall be deprived of receiving their certificate for one to two years, and those who are arrested will be deprived of receiving their certificate for three to five years.
- d) Draft-evaders in time of war who present themselves in time of peace, shall be deprived of receiving their certificate for 5 to 7 years, and those who are arrested will be deprived for 7 to 10 years.

Note: The Judge can sentence the draft-evader to other punishment (Ta'zir) as he deems fit.

5. Detention

"By virtue of Article 24 of Iranian Criminal Procedure Code, the Disciplinary Forces cannot detain the accused for more than 24 hours for the purpose of investigation. Should the detention of the accused need longer than 24 hours, the investigator must inform the prosecutor immediately. In this case, The prosecutor will order for longer detention and ask the investigator to continue the investigation."

However, arbitrary detentions are still carried out, and the allegedly accused are detained in certain places other than the known prisons/detention centers for interrogation. The most recent instances were the detentions of some district mayors of Tehran.

