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Countries at the Crossroads 2012 - Iran

2012 Scores

Accountability and Public Voice Score: 1.43

Civil Liberties Score: 1.59

Rule of Law Score: 2.08

Anti-Corruption and Transparency Score: 1.80

Introduction

The Islamic Republic of Iran was created following the 1979 revolution led by Ayatollah Ruhollah Khomeini that replaced the Pahlavi monarchy. Khomeini promised millions of Iranians freedom and justice, but 33 years later, both remain elusive. The Iranian people continue to live under an increasingly repressive and intolerant regime while having no say in their future.

The political system in the Islamic Republic is predicated on unelected institutions and undemocratic concepts. Foremost among these is Khomeini's principle of *velayat faqih*, or "rule of the supreme jurist." According to this idea, in the absence of the Hidden Imam – the 12th historical leader of the Shiites, who they believe will return to save the world – absolute religious and political authority rests in the hands of a senior cleric, the supreme leader.

The president and the parliament are at least nominally elected. The system has failed to avoid tensions between the supreme leader and the president, even though ultimate power rests in the hands of the former, currently Ayatollah Ali Khamenei, and the unelected institutions under his control. These include the Guardian Council, which must approve all election candidates and legislation; the judiciary, which has functioned as a tool for silencing critics of the regime; the Islamic Revolutionary Guards Corps (IRGC), tasked with safeguarding the principles of the revolution; and the Basij militia, a paramilitary volunteer force that operates under the IRGC's command. Khamenei, his institutions, and his allies have effectively blocked political reforms and efforts to introduce civil liberties.

Since the Islamic Republic's 10th presidential election on June 12, 2009, the Iranian establishment has hardened its authoritarian nature, relying increasingly on the security-military apparatus to maintain its rule. The vote, which resulted in the reelection of President Mahmoud Ahmadinejad amid widespread allegations of fraud, was a defining moment in the history of the country. It plunged the political system into its worst crisis since its founding and led to a confrontation between the government and millions of

citizens who took to the streets to peacefully protest the official election results in what became known as the Green Movement.

The regime at first tolerated the opposition protests in the capital and several other cities. However, following Khamenei's swift endorsement of Ahmadinejad's victory and his public warning to protesters, a postelection crackdown was launched. The authorities managed to repress the movement through coercive measures while placing its leaders and other key figures in jail or under house arrest.

Yet the demands for freedom and respect for human rights expressed by opposition members have not been forgotten. Dissenters inside and outside of prison continue to voice criticism and challenge Khamenei, whose stature was seriously damaged as a result of the postelection crisis and the brutal treatment of so many Iranian citizens. Moreover, Khamenei is now locked in a power struggle with Ahmadinejad, his former ally, over the president's repeated attempts to build an independent power base. While still dealing with the aftermath of the 2009 presidential election, Iran held another crucial vote: the March 2, 2012, parliamentary elections, which featured a showdown between forces loyal to Khamenei and those close to Ahmadinejad. Khamenei appears to have consolidated his power following the balloting, and the regime has used the relatively high official turnout figures to claim popular legitimacy.

Meanwhile, comments by Khamenei and other senior officials, including parliament speaker Ali Larijani, suggest that the establishment is considering the elimination of the presidency and the introduction of a parliamentary system headed by a prime minister. "In the country's current political system, there is a president who is directly elected by the people. This is a good and an effective method. However, if someday in the distant future, it is decided that the parliamentary system is a better way to elect the head of the executive branch, there is nothing wrong with changing the current mechanism," Khamenei was quoted as saying in November 2011.

More than three decades on, Iran's revolution has devoured many of its children. The clerical establishment that replaced the monarchy faces deep internal divisions over a number of issues, including its future path and escalating international pressure – in the form of crippling sanctions and threats of a military strike – regarding its controversial nuclear activities. The Arab Spring has also created new challenges for Iran. The government attempted to manage its implications by portraying the revolutions in Tunisia and Egypt as an "Islamic Awakening," but it has opposed the popular uprising in Syria, a key Iranian ally, and continues to suppress protests and demands for freedom in Iran itself.

The future of Iran's political system looks increasingly uncertain. In the absence of profound reform, however, the country's citizens will continue to face an abusive and repressive regime.

Accountability and Public Voice

Elections for the presidency, the parliament, local councils, and the Assembly of Experts – a body tasked with selecting and monitoring the work of the supreme leader – are held regularly. Numerous candidates register with the Interior Ministry, and voter turnout is usually high. The official turnout figure for the 2009 presidential vote was more than 80 percent. Iranian leaders use voter turnout levels to claim popular legitimacy, and they encourage citizens to vote as a holy duty. Ahead of the presidential elections there is usually a loosening of political and social restrictions in an attempt by the authorities to project a democratic image and boost voter participation. Suffrage is universal in Iran, with the minimum voting age set at 18.

However, Iran's elections fail to meet international standards of free and fair conduct. Neither the Interior Ministry, which is responsible for organizing national elections, nor the Guardian Council, which vets all candidates, is considered independent. In practice, only individuals deemed loyal to the clerical establishment are approved to run for office. The Guardian Council has a record of disqualifying all independent, reformist candidates and those who have expressed criticism of the regime. Women who have registered to stand as presidential candidates have been barred by the council based on their gender.

In past years, only "insiders," or those affiliated with the ruling conservative or reformist camps of the Iranian establishment, were allowed to participate and compete on Iran's political scene. Since the 2009 presidential vote, the circle of insiders has shrunk further, with reformists either eliminated or sidelined. Only a divided field of conservatives remains in the official political arena.

No information about campaign contributions to candidates is made public. In the run-up to the 2009 presidential vote, incumbent president Ahmadinejad was accused of trying to buy votes by handing out cash and free potatoes in small cities and rural areas. A May 2009 statement by the reformist Islamic Revolution Mujahedin Organization warned, "Attempting to win people's vote through dispensing public assets is a dangerous phenomenon employed for the first time [by Ahmadinejad's government]."^[1] Mir Hossein Mousavi, Ahmadinejad's main challenger, said before the election, "We don't have potatoes to give out free to people to buy their votes." He also mentioned the "Death to Potatoes" chants that had become one of the main slogans against Ahmadinejad.^[2]

Reformists have complained in the past that conservatives are granted more campaigning opportunities, including permission to hold public rallies and airtime on state television. In the run-up to the 2009 presidential vote, state television for the first time aired debates between the candidates as part of state efforts to generate voter enthusiasm and boost turnout. The move came after Ahmadinejad's three rivals accused state television of bias due to its extensive coverage of the incumbent's trips to the provinces.

Although prior elections had also sparked reports of vote-rigging and attempts to influence voters, the 2009 presidential contest generated unprecedented controversy and was marred by allegations of massive fraud. The official results, which gave Ahmadinejad more than 60 percent of the vote, were widely dismissed by the opposition as a charade. The speed with which they were announced raised questions as to how 40 million handwritten ballots could be counted manually in just a few hours. Another suspicious factor was Ahmadinejad's victory in the city of Tabriz, the capital of Mousavi's home province of East Azerbaijan. In addition, fellow opposition candidate Mehdi Karroubi won very few votes (about 300,000) and lost in his home province of Lorestan. There were also allegations that the IRGC played a major role in Ahmadinejad's victory by actively supporting him.^[3]

In the absence of independent monitors, allegations of fraud are difficult to confirm. Ayatollah Khamenei quickly endorsed Ahmadinejad's victory, and the Guardian Council declared the disputed vote valid after a recount of a randomly selected 10 percent of the ballots. The "meticulous and comprehensive examination" revealed only "slight irregularities that are common to any election and needless of attention," Guardian Council head Ahmed Jannati said in a letter issued via state media.^[4]

The supreme leader, who is appointed for life, is the top religious and political authority in the Islamic Republic. "The delineation of the general policies of the Islamic Republic" and "supervision over the proper execution of the general policies of the system" are among his main constitutional duties.^[5] The regular armed forces, the IRGC, the state broadcast outlets, and the judiciary are all under the authority of the supreme leader. He also appoints half of the 12-member Guardian Council, which approves laws passed by the parliament in addition to vetting election candidates. The other half of the council is nominated by the head of the judiciary, who is in turn appointed by the supreme leader. The 86-member Assembly of Experts is empowered to dismiss the supreme leader in the event that he does not fulfill his duties, but in practice he is answerable to no one and his decisions and performance go unchecked. The Assembly of Experts is known as one of the least active players on the Iranian political scene, and it has never publicly challenged any of the leader's decisions.

The parliament is charged with reviewing the performance of the president, who is the second-highest authority in the country, and his ministers. In the past two years lawmakers have summoned several of Ahmadinejad's ministers for questioning, and they have also threatened to summon the president himself. Attempts at the latter were not successful during the reporting period, at times because they were blocked by Khamenei, though Ahmadinejad was finally forced to appear before the parliament in March 2012. The parliament has appeared to act increasingly as a surrogate for Khamenei in his efforts to curtail Ahmadinejad's power.

Iran's state broadcaster, Islamic Republic of Iran Broadcasting (IRIB), is under the direct control of the office of the supreme leader. All content on the state television channels, the main source of information for many Iranians, is heavily censored and monitored, providing only the official point of view and the views of the leader's hard-line allies. Following the 2009 presidential vote, state television either ignored the opposition protests or placed them in a negative light, for example by portraying peaceful protesters as rioters.

Some content aired on state television is reportedly produced on the orders of security organs, including footage of coerced confessions by political prisoners (see Civil Liberties). The IRIB has a record of broadcasting false confessions. It aired several such "interviews" of reformist figures and journalists who were put on trial following the 2009 postelection protests. One detainee, Iranian-Canadian journalist Maziar Bahari, has said that there was complete coordination between his interrogators and the television crew. "Each of the three reporters had a set of questions and I gave the answers I was supposed to give. One was a reporter from the IRIB Persian service, one was a reporter from the English-language Press TV, and the other was a reporter from Fars News Agency. All three of them and I were reading from a script. The IRIB reporters read the interrogator's questions. When I made a mistake, just like an interrogator, the reporter would say, 'It's better if you say it this way.'"^[6] The IRIB also produces programs that target well-known opposition figures and critics of the Iranian establishment, smearing them with often-fabricated charges and not allowing them to defend themselves.

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. 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.

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.

Dozens of Iranian journalists and bloggers have ended up in jail, while others have been forced into exile. In 2011 Iran was designated by the Committee to Protect Journalists as the world's worst jailer of the press, with 42 journalists behind bars. Some of the longest prison sentences in the past two years were issued against bloggers Hossein Derakhshan and Hossein Ronaghi Maleki, who are serving 19- and 15-year terms, respectively.

The Iranian regime remains one of the world's staunchest enemies of internet freedom, banning tens of thousands of websites that are deemed immoral or threats to Iran's national security. They include news websites, sites affiliated with the opposition, and social-networking sites. Authorities have stepped up their warnings about the internet, and specifically social media, which played a significant role in spreading news about the postelection crackdown and the plight of political prisoners. Iranian officials have repeatedly claimed that social-networking sites are used by Western intelligence services to gather personal information about users and recruit spies. The warnings have not stopped Iranians from joining such sites, discussing taboo issues, and spreading information that is considered sensitive, including on the condition of political prisoners. The government has also increased its scrutiny of the online activities of its citizens, warning them and in some cases sentencing them to jail for their comments and postings.

In January 2010 Iran adopted the Computer Crimes Law, which, according to the anticensorship organization Article 19, provides the Iranian establishment with yet another instrument for harassing, intimidating, and detaining those who dare to criticize it. The group says the law is saturated with provisions that criminalize legitimate expression.^[7]

In 2011 the regime officially launched an online police unit in an attempt to tighten its control of the internet. Officials have also said that a national intranet will be created soon, generating concern that citizens' access to the global internet would be further limited.

The situation for nongovernmental organizations (NGOs) in Iran has worsened in recent years. While NGOs saw a renaissance under former president Mohammad Khatami, they have come under increasing pressure since Ahmadinejad became president in 2005. A number of NGOs, particularly those documenting human rights abuses, have come under attack, with members harassed and detained. Among them is the Center of Human Rights Defenders, cofounded by Iranian Nobel Peace Prize winner Shirin Ebadi. Its offices were shut down by authorities in late 2008, and several of its members have been detained and accused of antistate activities. In 2011, the parliament passed key parts of a law that requires all NGOs to register with a body linked to Iran's Intelligence Ministry and the Basij militia force. Many civil society organizations in the country – ranging from environmental and women's organizations to charities – are opposed to the legislation and have been actively calling on lawmakers not to pass it in its current form.^[8]

Civil Liberties

The state of civil liberties in Iran has significantly deteriorated in the past two years. The Iranian establishment responded to the mass street protests against the 2009 reelection of President Ahmadinejad with a campaign of repression, resulting in a dramatic rise in human rights violations. The government continues to severely limit the civil rights of the Iranian people, including freedom of expression and freedom of association.

The regime regards anyone who expresses the slightest dissent as a threat. Citizens who criticize the establishment, engage in peaceful protests, or advocate for human rights and democracy are intimidated, harassed, arrested, tried, imprisoned, and tortured. Political activists, journalists, bloggers, artists, student leaders, women's rights advocates, human rights lawyers, and members of religious, ethnic, and sexual minorities are routinely targeted. Security forces often use physical force and psychological pressure against these groups while leaving them without any protection. In particular, the practice of arbitrary arrests continues to be widespread, with citizens imprisoned for weeks or months without formal charges and without their family members being notified. Amnesty International and other rights groups have repeatedly expressed concern over the manner in which the arrests of political activists and human rights defenders take place in Iran.

In the aftermath of the 2009 presidential vote, some 4,000 people were arrested, according to figures released by Iranian officials. Judiciary spokesman Ali Reza Jamshidi said in August 2009 that about 3,700 had been freed within a week. Some were released after making heavy bail payments. However, dozens are still believed to be in jail. Over 100 prominent reformist figures, intellectuals, and activists arrested in the postelection crackdown underwent trials that fell short of international and even domestic legal standards, having been accused of attempting a "velvet revolution."

Members of the IRGC and the Basij used excessive force against citizens who took to the streets to protest Ahmadinejad's reelection. More than 30 people were killed in the clashes, including a number of Basij militiamen. Opposition forces put the number of dead at more than 60.^[9] No high-level officials have been held responsible for the deaths.

There has been growing state pressure on universities, which have been hotbeds of dissent. Between three and five students were killed, dozens injured, and about 100 arrested when security forces attacked the dormitories of Tehran University a few days after the June vote. Footage from the raid that surfaced on the internet about a year later shows the attackers harshly beating, insulting, and arresting the students.^[10] Similar

raids on universities were reported in other cities, including Isfahan and Shiraz, where according to opposition sources two students were killed.

More recently, the government responded with force to several 2011 protests in the Azeri-populated northwest by environmental activists demanding greater care for Lake Orumieh, one of the world's largest saltwater lakes. Protesters blamed the government and its policies for the rapid drying of the lake.^[11] In recent years, the region has been the scene of multiple clashes between ethnic Azeris and security forces, who have been accused of brutality.

Three people detained shortly after the 2009 election died as a result of torture at Kahrizak detention center in Tehran. The facility, which was intended for prisoners convicted of violent crimes and drug trafficking, was ordered closed in late July 2009 by supreme leader Khamenei, after growing criticism over the atrocities committed there. So far no high-level officials have been prosecuted for the deaths in prison.

The leaders of the opposition Green Movement – Mousavi and Karroubi, along with their wives, Zahra Rahnava and Fatemeh Karroubi – were put under house arrest in February 2011 after their call for demonstrations in support of the uprisings in Tunisia and Egypt attracted tens of thousands of citizens in Tehran and several other cities. Karroubi's wife was subsequently released. No official charges have been brought against them, nor have they been put on trial. They have only been allowed to meet with family members on a few occasions.

Prison conditions in Iran are poor. Facilities are old and overcrowded, there is a lack of hygiene, and prisoners often complain of inadequate health services. In June 2011, prominent religious activist Hoda Saber died in prison following a hunger strike to protest the death of a fellow dissident. His wife accused prison authorities of negligence and said they delayed his transfer to a prison hospital for six hours. There has been no independent investigation into Saber's death, nor into similar cases that have occurred in past years.^[12]

Iran continues to subject jailed political activists to solitary confinement for long periods of time, denying them access to family members, legal representation, and any news from the outside world. Psychological torture, including mock executions, as well as physical torture and rape have been reported by political prisoners and prisoners of conscience.^[13] Housing political prisoners with convicted criminals is another method the authorities use to punish dissenters. Some former detainees have said that, after being tortured in jail, they were forced to sign a document upon release saying that they were never mistreated.^[14]

A prominent example of forced confessions emerged from the 2009 trial of the roughly 100 reformist politicians and others accused of attempting to foment a coup. The defendants, who had been in jail for some two months without access to lawyers, read their confessions in court, with some expressing regret over their "mistakes." A number of relatives of the defendants said their loved ones had been drugged and pressured to confess in court. Moreover, the content of the charges was seen as clearly politicized. "The text of the indictment is so close to the literature of the editorials of [hard-line daily] *Kayhan* that even a baked chicken would laugh," the country's main reformist political group, the Islamic Iran Participation Front, said in a statement.^[15] Lawyer and activist Shirin Ebadi said the trials violated the Islamic Republic's own laws on trials, interrogations, and arrests. "We can describe [the trials] as a parody of justice," she said.^[16]

In another example, jailed journalist Mehdi Mahmoudian reported that prisoners in Kahrizak detention center in 2009 were compelled to confess during interrogations in which they were blindfolded and both physically and psychologically tortured. Mahmoudian said that in two cases, the wives of the prisoners were also detained, and the prisoners were told that if they refused to confess, their spouses would be sentenced to heavy prison terms. In another case he described how the teenage child of a prisoner was interrogated in front of his parent. Authorities allegedly told the prisoner that if he refused to cooperate, his child would be sentenced to prison on drug-smuggling charges.

Relatives of political prisoners also come under state pressure if they publicize the plight of their loved ones through media interviews and other actions. In one high-profile case, the "Mothers of Laleh Park," a group of women whose children were killed or detained during the 2009 postelection crackdown, staged peaceful protests in parks. Seven of the group's members have been sentenced to jail, while others have been detained and threatened.^[17]

As part of its campaign against any form of dissent, the regime similarly pressures and harasses the Iran-based relatives of political activists and journalists working outside of the country, such as broadcasters with Radio Farda, the Persian service of U.S.-funded Radio Free Europe/Radio Liberty (RFE/RL). In a May 31, 2012, press release on the problem, RFE/RL president Steve Korn called the phenomenon "a proxy war against Radio Farda."

Iranian women have made significant gains in education since the 1979 revolution, now accounting for 60 percent of university entrants. But they face major legal discrimination and an establishment that has no tolerance for women seeking greater rights.

The law deprives women of equal rights in marriage, divorce, child custody, inheritance, and other areas. A woman's testimony in court is officially worth half that of a man, and a woman needs the permission of her father or husband to travel. Women can run for seats in the parliament and city councils, but they cannot stand as candidates for the presidency or the Assembly of Experts.

The regime has escalated its crackdown on women's rights activists, arresting them and sentencing them to prison. Women were at the forefront of the 2009 postelection protests, and since then at least 80 women's rights activists have been arrested, 30 of whom are currently in jail. Activist Mahboubeh Abbasgholizadeh said in a June 2011 interview that others had been temporarily released but were still waiting for their final verdicts.^[18] Those behind bars include student activist Bahareh Hedayat and lawyer Nasrin Sotoudeh.

In 2011 the parliament debated a controversial Family Protection Bill, first put forward by the Ahmadinejad government in 2007, that would significantly erode women's rights by allowing men to take up to three additional wives without the consent of the first wife. Under existing law a man can have up to four wives, but only after obtaining a court order confirming the permission of the preceding spouses and his ability to treat them all equally.

Iranian state media promote traditional roles for women as mothers and wives, rather than as active professionals. Some officials, including President Ahmadinejad, have encouraged women to devote more time to their families and work either part time or from home.

Persians constitute a slight majority of Iran's estimated population of over 78 million people. Other ethnic groups include Azeris, Kurds, Baluchis, and Arabs. Iran's constitution guarantees the rights of all ethnic groups and tribes. In practice, however, ethnic minorities often face discrimination and marginalization, live in underdeveloped and neglected regions, and are not allowed to use their languages in official media and schools. The government has reacted to ethnic grievances and unrest either by ignoring or dismissing them, or by forcibly suppressing them. In the past two years, repression of ethnic minorities has increased. In April 2011 the authorities cracked down on a protest in Ahvaz during which demonstrators, the majority of whom were ethnic Arabs, called for an end to political, social, and economic discrimination. More than 10 people were reportedly killed in clashes with security forces, and 150 were arrested.^[19]

The state has responded harshly to terrorist attacks claimed by the Baluchi militant group Jundullah in Sistan-Baluchistan Province, one of the most economically deprived regions in Iran. A number of suspected members or supporters have been arrested and executed. Jundullah's leader, Abdolmalek Rigi, was hanged in June 2010 after being found guilty of multiple crimes, including armed robbery, ties with Israeli and American intelligence agents, involvement in the killing of dozens of security force officers, and kidnapping.

Sunni Muslims, despite constituting the majority of Muslims worldwide, make up about 10 percent of the population in Iran. Most Baluchis, Kurds, and Turkmens are Sunni Muslims. The constitution of the Islamic Republic declares Shia Islam to be the official state religion, but it grants Sunni Muslims higher status than other religious minorities in the country. According to Article 12 of the constitution, "full respect" should be given to other schools of Islam, and they should be free to practice their religious rituals. In reality, Iran's Sunni Muslims experience discrimination and marginalization, and Shiites hold all political power. Sunnis have not been allowed to build mosques in major cities, including Tehran, and there has not been a single Sunni among government ministers and deputy ministers since 1979.

Zoroastrians, Jews, and Christians are recognized as religious minorities by Iran's constitution, which gives them the right to perform their religious ceremonies. A total of five seats in the parliament are reserved for these three groups, but they are banned from holding senior government jobs.

In recent years evangelical Christians and members of the Nematollahi Gonabadi order of Sufi Muslims have come under pressure in Iran. The country's laws stipulate that a Muslim who converts to another faith can face the death penalty for apostasy. Dozens of evangelical Christians have been arrested for converting from Islam, including Pastor Yousef Naderkhani. During hearings held in September 2011, Naderkhani was reportedly told by authorities that he could have the apostasy charge withdrawn if he embraced Islam and renounced his faith in Christianity, but he has refused to do so. His case is currently being reviewed.^[20]

Nematollahi Gonabadi dervishes are apparently persecuted because of their more open interpretation of Islam and the growing popularity of their beliefs, which is regarded as a threat by Iran's Shiite clerical establishment. Their houses of worship in several cities have been destroyed, and scores of the order's members have been jailed.^[21]

The constitution does not recognize the Baha'i faith, despite the fact that its 300,000 adherents form the country's largest non-Muslim religious minority. Baha'is, deemed heretics and apostates by Iran's leaders, are systematically persecuted and deprived of their basic rights, including the right to higher education. In recent years a campaign of demonization of Baha'is has escalated in conservative media, and a growing number of them have been jailed on politically motivated charges. Seven Baha'i leaders were arrested in 2008 and put on trial after 20 months' imprisonment without charge. The five men and two women have now been sentenced to 20 years in prison on a number of charges, including acting against national security and collaborating with a foreign country.^[22] Baha'is involved in teaching the members of their community who are banned from university have also been targeted. Seven of these instructors received between four and five years in prison in October 2011.^[23]

Article 27 of the constitution recognizes the right to peaceful "unarmed assemblies and marches," but in practice only progovernment groups are allowed to hold demonstrations. Opposition members, women's rights groups, and workers have in the past been denied the right to hold public protests. As noted above, demonstrations by the Green Movement and ethnic minorities have been broken up violently by security forces.

Independent labor unions are banned in Iran. Only Islamic labor councils sponsored by the state are permitted. The government has threatened and arrested labor activists, teachers, and other workers who have called for more rights. Some have been sentenced to prison, including Mansour Osanloo and Ebrahim Madadi, leading members of the Syndicate of Tehran and Suburbs Bus Company (Sherkat-e Vahed).

The authorities have continued to enforce restrictions on citizens' dress. Young men and women whom police find to be inappropriately dressed are harassed, detained, or forced to pay fines. Officials also continue to interfere in the private lives of citizens. In November 2011, a young woman in the city of Shiraz jumped to her death from a building to escape a raid by security forces at a mixed-gender party she was attending.^[24] Homosexuality remains a crime in Iran, and those convicted of *lavat* (penetrative and nonpenetrative sexual acts between men) can face the death penalty.

Rule of Law

Iran's judiciary is largely under the authority of the supreme leader, who appoints its head for five-year terms. The judiciary has played a key role in undermining political reform and suppressing dissent by prosecuting and imprisoning scores of reformist politicians, journalists, student activists, and human rights advocates on vague security-related charges. Prosecutors and judges have also clashed with the administration of President Ahmadinejad by detaining and sentencing some of his aides to prison in cases that at times appear to be politically motivated. The judiciary seems to have sided with Khamenei in his power struggle with Ahmadinejad.

Iran has not defined what constitutes political crimes, leading to claims by officials – including the head of Iran's prison agency, Gholam Hossein Esmaili, and the president himself – that there are no political prisoners in the country. Nevertheless, human rights monitors have documented the cases of dozens of people who are in prison because of their beliefs and political activities.^[25]

Under Iranian law, defendants are generally entitled to an open trial by a jury, but this requirement has been ignored in practice. According to Article 165 of the constitution, trials are to be held openly unless the court determines that an open trial would be "detrimental to public morality or discipline," or both parties in a private dispute request a closed hearing.

Many jailed activists and critics of the government were convicted on vaguely defined charges such as "acting against national security," "spreading propaganda against the system," "insulting Iran's leaders," and "participating in an illegal gathering."

Iran's judicial officials disregard fair trials and due process rights guaranteed in the constitution, including freedom from arbitrary arrest, presumption of innocence, and the right to select a lawyer or be provided with legal counsel. Lawyers defending political prisoners and detainees have said that judges lack independence and are often under the influence of intelligence officials. The Bar Association has been dismantled, and access to counsel has been steadily limited. In his October 2011 report, Ahmed Shaheed, the UN special rapporteur on the situation of human rights in Iran, noted several allegations that prosecutors were aware of the sentence to be imposed prior to the defendant's appearance in court for sentencing.^[26]

Human rights lawyer Mohammad Seifzadeh, who has handled numerous political cases in recent years, detailed extensive violations of judicial rights in a letter he wrote to former president Mohammad Khatami while in prison in 2011. He said that none of the defendants in 6,000 political and media-related cases prosecuted since Khatami was elected president in 1997 had received a fair trial in accordance with the constitution. He also claimed that none of his 180 to 200 fellow prisoners in Ward 350 of Tehran's Evin Prison had received a fair trial.^[27]

Several letters issued from prison by those jailed in the 2009 postelection crackdown illustrate the judiciary's politicization and its failure to uphold the rule of law. In his September 2010 open letter to the supreme leader, Abdollah Momeni, the spokesman of the alumni association of Iran's largest student reformist group, Advar Tahkim Vahdat, said that he had been subjected to harsh treatment including solitary confinement for 86 days, beatings, abusive language directed at him and his relatives, and threats of sexual assault and execution. He also said authorities had pushed his head into a toilet until he swallowed feces, all in an effort to force him to make false confessions and incriminate himself in court. Momeni added that his testimony in court, where he appeared without access to a lawyer of his choice, had been dictated by his interrogators under orders from the Intelligence Ministry.^[28]

In another letter made public in May 2011, jailed journalist Mehdi Mahmoudian described how the postelection trials had been carefully orchestrated through cooperation between security and judicial officials. He said that two days before the trials, prisoners were trained in front of cameras, in the presence of the presiding judge and other judicial officials, on how to make their confessions look natural during the actual court session.^[29]

As already indicated, political prisoners have repeatedly reported being forced to give up their right to choose a defense attorney, a violation of Article 35 of Iran's constitution. Lawyers who take up the cases of political detainees have themselves come under attack by the judiciary. Since 2009 more than 40 attorneys have faced government persecution, including detention and prison sentences, over their representation and advocacy for the rights of defendants in political cases. They include Seifzadeh, mentioned above, who was sentenced to nine years in prison and a 10-year ban on practicing law, and Nasrin Sotoudeh, who was sentenced to 11 years in prison and a 20-year ban on practicing law. Both were charged with "acting against national security." Several attorneys handling sensitive political cases have been forced into exile.

Judges have set astronomical bail amounts, ranging from \$100,000 to \$800,000, for the temporary release of political prisoners. The amounts are often beyond the financial capability of the prisoners and their families, who are forced to borrow money from relatives and friends or sell their properties. The bail deposits are sometimes not returned for years.

Public officials accused of abuse of power or human rights violations have typically enjoyed impunity. In 2010 Tehran's chief prosecutor, Saeed Mortazavi, and two unnamed judges were suspended over the deaths in prison of three postelection protesters (see Civil Liberties). So far none of them has faced legal proceedings. Mortazavi had ordered the transfer of the postelection protesters to Kahrizak. He had also reportedly interrogated Iranian-Canadian photographer Zahra Kazemi in 2003, and was suspected of direct involvement in her death in custody. Mortazavi was nicknamed the "butcher of the press" because of his role in the closure of scores of reformist publications and the imprisonment of journalists, some of whom have said that he personally interrogated and mistreated them. His suspension was widely seen as a political move by the Iranian establishment to regain some of the legitimacy it lost during the brutal postelection crackdown, rather than as a step aimed at improving the rule of law in the Islamic Republic.^[30]

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, Sadegh Larijani, publicly endorsed the IRGC's greater influence in the political sphere, saying that it is more than a military force.^[31] 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.

The judiciary has stepped up its imposition of the death penalty. According to Shirin Ebadi, many executions take place behind closed doors and without the involvement of lawyers, access to a fair trial, or advance notification of the individual's family.^[32] In addition to murder, crimes including rape, adultery, drug trafficking, espionage, and the poorly defined *moharebeh* (enmity for God) are punishable by death. At least nine political prisoners convicted of *moharebeh* have been hanged since 2009. There has also been an increase in public executions, and Iran is also one of the few countries that executes juvenile offenders. Human Rights Watch reported on July 6, 2010, that there were currently more than 100 juvenile offenders on death row in the Islamic Republic.

Anti-Corruption and Transparency

In its 2011 Corruption Perceptions Index, Transparency International ranked Iran 120 out of 183 countries evaluated, with a score of 2.7 on a 0-10 scale.^[33] The result was a slight improvement from the previous year, when Iran received a score of 2.2 and ranked 146 out of 178 countries. Reports suggest that corruption remains endemic despite regular calls by the authorities to tackle the problem.

The state's excessive involvement in the economy, its lack of transparency and accountability, inefficient oversight bodies, weaknesses in laws and regulations, burdensome bureaucracy, and poorly paid public servants are among the major factors behind the country's extensive corruption. Bribery, favoritism, and cronyism are normal

aspects of daily life for Iranians, who often have to pay bribes or rely on personal connections to obtain services, conduct business, speed up bureaucratic procedures, or settle legal disputes efficiently. According to the head of Iran's Inspectorate Office, Hojatolislam Mostafa Pourmohammadi, "unhealthy" relations in the administrative and economic spheres have a more damaging effect on the country than the international sanctions associated with its nuclear activities.^[34]

The head of the Supreme Audit Court, Abdolreza Rahmani Fazli, has said that a lack of "financial discipline" is the main reason behind Iran's corruption, as the exact amount of state revenues and expenditures is unknown. Fazli has also indicated that in recent years, bypassing the law has become a widespread practice among senior officials. He cited scams, bribery, embezzlement, illegal seizure of state properties, interference of government employees in state transactions, trafficking of goods and foreign currency, tax evasion, and money laundering among the many cases under review by his institution.^[35]

The IRGC has become a major player in the national economy. Its business activities began some 20 years ago under former president Akbar Hashemi Rafsanjani, but its role has increased significantly under President Ahmadinejad. Current oil minister Rostam Ghasemi is the former commander of Khatam ol-Anbia, a major construction contractor and the economic arm of the IRGC. His post gives him enormous influence in Iran's oil-dominated economy.

Some observers have argued that many supposed privatizations of state-owned companies have in fact amounted to takeovers by the IRGC, further empowering the organization and reducing transparency and oversight. In September 2009, a consortium called Etemad Mobin, which was said to have close links to the IRGC, bought a 51 percent stake in the previously state-owned Telecommunication Company of Iran (TCI), the country's main provider of telephone and internet service. The deal was reportedly the largest in the history of the Islamic Republic.^[36] According to a report by the parliament, only 13 percent of privatizations have been genuine, with other assets transferred to "quasi-governmental companies."^[37] Analysts believe these companies are fronts run by the IRGC. A 2009 report by the Rand Corporation notes, "From laser eye surgery and construction to automobile manufacturing and real estate, the IRGC has extended its influence into virtually every sector of the Iranian market." The report also says the organization "controls a vast shadow economy of illicit enterprises that are hidden from public view." The IRGC has been accused of involvement in the black market, including the trafficking of alcohol and other goods that are banned in Iran.^[38]

Bonyads, or endowed foundations, which account for a large portion of Iran's economy, are also above scrutiny. They are run by regime insiders, including clerics and former IRGC commanders, and have been accused of corruption and waste. Bonyads are only accountable to the supreme leader, who appoints their directors. They ostensibly serve as charities but also function as "vehicles for patronage and the enrichment of the elite."^[39]

The lack of a free press and the fetters on civil society contribute to corruption and make its extent difficult to assess. In general, citizens have very limited information about government operations and spending. Supervisory bodies that are supposed to inspect and audit state expenditures and revenues and investigate financial wrongdoing are not independent. For example, the Supreme Audit Court is under the supervision of the parliament, and its verdicts can be overturned by the judiciary. The State Inspectorate Organization, the senior anticorruption body, works under the judiciary.

The government also has a separate anticorruption task force, though some lawmakers have accused its head, Mohammad Reza Rahimi, of involvement in a ring that forged state documents and stole millions of dollars.^[40] Rahimi has also been accused of forging his doctoral degree. A member of the parliament's national security and foreign policy committee, Avaz Heidarpour, told the Iranian Labour News Agency (ILNA) in May 2010 that he had "doubts" about the "authenticity" of Rahimi's degree and had asked Ahmadinejad's minister of science, research, and technology to investigate the fraud allegation.^[41] In a similar case in 2008, Interior Minister Ali Kordan was sacked over a fake honorary degree from Oxford University.^[42]

While specific corruption accusations against state officials are generally considered taboo, they have increased in recent years. However, the accusations do not seem to have led to serious investigations or punishments. A \$2.6 billion banking fraud case exposed in 2011 has been called the country's biggest instance of embezzlement. According to Iranian officials, the businessman at the center of the case forged letters of credit from the Saderat Bank and used them to access credit from other banks, which he then used to purchase assets, including state-owned companies. It is not clear how the forged letters of credit avoided detection. The scandal has been tied to senior politicians, including Ahmadinejad's chief of staff, Esfandiar Rahim Mashaei. The government has denied any link to the case. However, the directors of Bank Saderat and Bank Melli lost their jobs over the scandal, a number of banking officials were arrested, and the director of Bank Melli fled to Canada. Prosecutor General Gholamhossein Mohseni Ejei has said that the perpetrators of the fraud may receive the death penalty.^[43] Meanwhile, the supreme leader criticized officials for failing to prevent the embezzlement and said they had not correctly implemented his instructions for combating corruption. At the same time, Khamenei called on the press not to "stretch" the issue further.^[44]

The absence of efficient regulatory and oversight mechanisms and a scarcity of well-trained auditors have been blamed by observers for the massive fraud. Iran's economy minister, Shamseddin Hosseini, was quoted as saying that the fraud occurred because of "inefficiencies in the banks' supervisory regulations" that allowed "one group to fraudulently hold an enormous volume of banking resources for months."^[45] The case has led to media criticism and complaints among the public about the lack of transparency and cronyism that paved the way for the embezzlement. Many Iranians are skeptical about whether justice will be served, and have expressed suspicions that the case is not unique.

Recommendations

- To meet democratic standards, the Islamic Republic of Iran must amend its constitution to safeguard the rights of all its citizens, including freedom of expression and freedom of assembly. It must then translate those codified protections into action.
- Iran must repeal any law that discriminates against women or ethnic and religious minorities.
- Iran must ensure that elections are free and fair. Supervision by the Guardian Council, which vets all election candidates, should be abolished. Measures should be taken to ensure adequate governmental checks and balances and political pluralism.
- Iran should institute a moratorium on executions and all forms of degrading and cruel punishments and torture. All political prisoners and prisoners of conscience who have not used or advocated violence should be released. Unwarranted charges and onerous bail conditions imposed on such individuals should also be lifted. The system should ensure that all detainees are given a fair trial based on international standards.
- The country should allow an independent truth-seeking commission to investigate the 2009 postelection human rights abuses, including the allegations of killing and torture of protesters, and bring all those responsible to justice. Other allegations of human rights abuses committed over the past three decades should also be investigated, and perpetrators should be held accountable.
- The state should stop the prosecution of journalists, bloggers, artists, and other individuals who express their views peacefully. It should discontinue all censorship of news media, books, films, and the internet.

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