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DEFENDING HUMAN RIGHTS WORLDWIDE

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HUMAN RIGHTS DEVELOPMENTS

Human rights progress in Iran was caught in a continuing political power struggle between popularly elected reformers, who controlled both the presidency and Parliament, and clerical conservatives, who exercised authority through the office of the Leader (held by Ayatollah Ali Khamenei), the Council of Guardians, the judiciary, and the armed forces. Despite landslide electoral victories in every major election from 1997 to 2002, the reformers were unable to dislodge repressive policies favored by the clerical leadership, including far-reaching restrictions on freedom of expression, association, and political participation.



The Council of Guardians repeatedly blocked bills passed by the Parliament in such areas as women's rights, family law, the prevention of torture, and electoral reform. The judiciary, deployed as one of the conservative's strongest weapons, further undermined the rule of law with arbitrary closures of newspapers and imprisonment of political activists.

Two notable political events illustrated the conflict between reformers and conservatives. On July 8, a leading cleric, Ayatollah Jalaluddin Taheri, announced his resignation as Friday Prayer Leader of Isfahan. Friday Prayer Leaders, appointed by the Leader of the Islamic Republic, were the senior religious authorities in their cities and districts. In his widely circulated letter of resignation, the Ayatollah, declaring that he would flee what he could no longer tolerate, issued a ringing denunciation of the clerical establishment. He accused Iran's clerical leaders of directing and encouraging "a bunch of club wielders" and of "marrying the ill-tempered, ugly hag of violence to religion." He observed that the centers of power were "unchecked and unbridled ...neither reproached by the executors of justice nor reproved by the law." This criticism of lack of accountability, corruption and lawlessness, coming from someone of impeccable religious credentials at the heart of the establishment, struck a deep chord. The conservative establishment sought to limit the damage by ordering official news outlets to restrict their coverage of the Ayatollah's statement, an order that was only partially successful.

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A second major political development revealed how structural contradictions within the Islamic Republic perpetuated the political conflict between reformers and conservatives. In September, President Khatami presented new bills to Parliament designed to override obstacles to his reform agenda. One new bill sought to increase the president's power to issue warnings when state institutions exceeded their constitutional functions. President Khatami had issued numerous such warnings over the years to protest the arbitrary closures of newspapers or the jailing of his supporters, but his warnings had been ignored. The bill was accompanied by another designed to curb the powers of the Council of Guardians to veto electoral candidates. By the end of the year, the bills had passed the Parliament easily, but their endorsement by the Council of Guardians was unlikely.

Attacks against the independent news media persisted. They had begun in April 2000 with a speech by the Leader identifying the reformist press as "bases of the enemy." They continued in November 2001, when the daily *Nation (Mellat)* was closed by order of the head of the Tehran Press Court, Judge Said Mortazavi. He accused the newspaper of cultural bias and of ignoring warnings. The closure followed a pattern, repeated throughout the year, in which the judiciary ignored the press law requirement for a public court hearing in front of a jury before any order to close.

On December 15, 2001, Mohammad Salamati, editor of *Our Era (Asr-e Ma)*, the mouthpiece of a group called Mojahedine of the Islamic Revolution Organization, was sentenced to twenty-six months in jail for views he expressed in the journal. The judge of the press court where he was tried ignored the jury's recommendation to commute the sentence. Salamati's sentence was reduced to seventeen months on appeal in March, and suspended after the intervention of the Ministry of Culture and Islamic Guidance. The magazine remained closed at this writing. In December 2001 and January 2002, provincial newspapers in Tabriz, Hormuzgan, Luristan, and Zanzan were closed and editors received prison terms of up to eighteen months for inciting public opinion and insulting Islamic sanctities. Other closures in January included specialist film magazines accused of offending moral decency. In April, the Tabriz general court revoked the publication license of *Shams-i Tabriz* weekly and sentenced publisher Ali Hamed Iman to seven months in jail and seventy-four lashes. Charges against Iman included publishing lies, stoking ethnic tensions, and insulting Islamic sanctities and officials.

A further wave of closures began in May. The judiciary banned the influential reformist newspaper *Foundation (Bonyan)*. Then it closed the pro-reformist newspaper Iran for twenty-four hours. The court gave no reason for the paper's suspension, but it was believed the decision was related to an allegedly blasphemous article suggesting that the Prophet Muhammad enjoyed listening to women sing and play music.

In July, the judiciary shut the leading reformist newspaper in Iran, *New Day (Norouz)*, for six months. The paper's director, Mohssen Mirdamadi, a senior reformist personality and a member of Parliament, was sentenced to six months in jail, though he had not yet begun serving the sentence at this writing. *Norouz* was the most important of the remaining reformist dailies and acted as the voice of the biggest reform political faction, the Participation Front. Mirdamadi was also fined and banned from press activities for four years. Another press court banned *New Day (Ruz-e Now)* merely because its name was similar to *Norouz*.

The Tehran daily *Mirror of the South (Ayineh-e Jonub)*, launched

nationwide only a week previously, was closed in July for allegedly publishing articles contrary to the law and spreading propaganda against the Islamic revolution. A press court subsequently banned the *Daily Report* (*Guzarish-i Ruz*), which had previously been ordered closed temporarily. The judiciary also threatened to prosecute Iran's official Islamic Republic News Agency for printing a statement by the recently banned opposition party, the Iran Freedom Movement (IFM). Further closures followed and by the end of the year the number of newspaper and magazines closed since April 2000 had reached over eighty-five titles. Any pretense that legal principles would be observed in regulating the press disappeared. Iran's press courts acted as a law unto themselves, issuing closure orders by decree without legal basis.

Iran's courts also restricted independent political activity through a series of political trials of supporters of the National Religious Alliance (NRA), a loose alliance of reform minded activists, who had been detained in March and April 2001. In November 2001, more than thirty members of the IFM, a fifty-year-old political party, went on trial before the Tehran Revolutionary Court, accused of acts against national security and planning to overthrow the government. They had been among those detained in March and April 2001.

Six of the IFM detainees--Abolfazl Bazargan, Mohammad Tavasoli, Hashem Sabaghian, Khosro Mansourian, Mohammad Naeimpour, and Alireza Hendi--were held in detention until March 2002 and released while the trial was in session. Many of the defendants were held incommunicado for months and coerced into making incriminating statements. At trial, the prosecution presented no credible evidence that the IFM defendants had engaged in anything other than legitimate, peaceful political activity. In July, the court sentenced more than thirty defendants to prison terms. Senior figures in the IFM received sentences of between eight and ten years. The court also ordered the complete dissolution of the party. Ibrahim Yazdi, the leader of the banned party, returned to Iran in April from medical treatment in the United States. He, too, was facing criminal charges based on his political activities, although his trial had not started at this writing.

In a related case, fifteen NRA activists were tried before the Tehran Revolutionary Court in January on charges of seeking to overthrow the government. Ezzatollah Sahhabi, arrested in December 2000, was held in an unknown location. The other fourteen, arrested in March 2001, were held incommunicado, most often in solitary confinement, in a Tehran detention center known as Prison 59. Nine of the detainees--Mohammad Maleki, Mohammad Hossein Rafiei, Alireza Rajaei, Reza Alijani, Mohammad Basteh Negar, Mahmoud Omrani, Massoud Pedram, Morteza Kazemian, and Mohammad Mohammadi Ardehali--were released on bail in 2001. The other five--Taghi Rahmani, Habibollah Payman, Reza Raeis-Toussi, Saeid Madani, and Hoda Saber--remained in Prison 59 until March 2002 and were only released after paying large bail sums. One detainee, Saeid Madani, paid one billion rials, a sum equivalent to more than U.S.\$500,000 at the official exchange rate.

Prison 59, located in a Revolutionary Guard military installation in Eshratyab in central Tehran, is an unregulated detention facility outside the official penal system. All of the detainees, many of whom were elderly, complained of harsh treatment while in detention, including being beaten by their captors and, for much of the time, being held in small cells where they could only lie in a cramped position.

Detention conditions for several elderly prisoners were a cause of particular

concern. Ezzatollah Sahhabi, more than seventy years old, was hospitalized twice with heart attacks. His medications were adjusted, but he was not been permitted to meet with his own doctor. Another prisoner, Dr. Habibollah Payman, sixty-six, a dentist, suffered from severe kidney and urinary tract problems, but was given only limited toilet access. He was forced to use the drinking vessel in his cell to relieve himself, rinsing it out when given access to the bathroom. Dr. Raeis Toussi, sixty-five, a law professor at Tehran University, had one interrogation session that lasted more than twenty-four hours and three that exceeded eighteen hours each, all of which exacerbated a serious back injury. He was held in solitary confinement for 168 days. During the detentions, the judiciary blocked access to the detainees and prevented President Khatami from sending an observer to visit them.

A third trial arising from the March and April 2001 arrests involved Habibollah Peyman, leader of the Militant Muslims Movement (Junbash-i Musalmanan-i Mubarez). His closed-door trial began in Tehran on April 7. He, too, was released on payment of substantial bail, after spending more than a year in detention, much of it incommunicado in solitary confinement. His lawyer complained that he was deprived of access to prosecution documents relating to the case. There was no outcome in this trial at this writing.

In other political proceedings, the conservative-dominated judiciary convicted several politicians allied with President Khatami. In January, Member of Parliament (M.P.) Hossein Loghmanian was sentenced to ten months in prison. He had been convicted for insulting the judiciary in a speech he gave to Parliament, criticizing the arbitrary closure of newspapers, and protesting the imprisonment of political prisoners. Leader of the Islamic Republic, Ayatollah Ali Khamenei pardoned the jailed reformist M.P. after a walkout by members of Parliament.

Two prominent jailed journalists, Emadedin Baqi and Akbar Ganji, remained in prison. Four other prisoners—Mohssen Youssefi Eshkevari, Ali Afshari, Khalil Rostamkhani, and Saeid Sadre—continued serving sentences for their participation in the March 2000 Berlin conference. (See *Human Rights Watch World Report 2001*.) In April, another prominent reformist journalist, Ahmed Zeid Abadi, received a twenty-three-month jail term for spreading propaganda against the state and insulting officials. He had been detained two years previously for seven months. He remained free on bail pending appeal.

On July 2, a court in Hamedan announced that it had summoned Hashem Aghajari, a leader of the Mojahedine of the Islamic Revolution Organization (MIRO), to face charges of insulting religious sanctities. The charges followed a celebrated speech he made in June criticizing the clergy's role in politics and urging disobedience of senior clerical leaders on religious grounds. MIRO was an important strand of the coalition of reformist groups in the Parliament and Aghajari's blunt comments indicated growing frustration among some reformists over the lack of progress. In November, a Revolutionary Court sentenced Aghajari to death for blasphemy and insulting the clergy. His lawyer filed an appeal against the sentence in December.

Behrouz Geranpayeh, the head of the National Institute for Opinion Polls, was detained in October and held incommunicado for more than a month while under interrogation after publishing a poll showing the majority of Iranians favored restoring relations with the United States. In November, two heads of private research institutes that had conducted the poll, Abbas

Abdi and Hossein Ali Ghazian, also prominent reformist figures, were arrested. They faced charges of "collaboration with U.S. elements and British Intelligence" and of conducting "psychological warfare" aimed at overthrowing the government.

Other notable incidents of arbitrary detention included that of Siamak Pourzand, a seventy-three-year-old journalist seized outside his sister's house in November 2001. He was then held in an unknown location before being brought to trial, in secret, in March. With their disregard for pre-trial safeguards, the proceedings flagrantly violated fair trial standards. The journalist was released in November, but remained under threat of prosecution.

In June, an Iranian dancer, Mohamad Khordadian, who had been living in Los Angeles for twenty-two years before returning to visit his family, was arrested on charges of corrupting public morality. At his trial he received a ten-year suspended prison term and was banned from returning to the United States. In September, an actress, who kissed a film director at a film festival, was also prosecuted for corrupting public morality. These high-profile prosecutions exemplified attempts by hardline conservatives to generate public concern over a supposed decline in public morality, of which they were the self-appointed guardians.

Senior Shi'a religious leaders and their supporters who dissented from the ruling clerical establishment remained targets of official persecution. A telling incident occurred in Qom in December 2001, at the funeral for Grand Ayatollah Mohammad Shirazi, a leading clerical figure who questioned the form of government in the Islamic Republic. At the funeral, his body was seized by security forces and interred in Hazrat-i Masumeh mosque, the major shrine in the city. He had expressed his wish to be buried on the grounds of his house, but the authorities apparently feared that his tomb might become a rallying point for clerical opposition.

Grand Ayatollah Hossain Ali Montazeri, the former designated successor to Ayatollah Khomeini as Leader of the Islamic Republic, remained under house arrest in Qom, although his ideas continued to circulate widely.

Iran's religious and ethnic minorities remained subject to discrimination and persecution. Representatives of the predominantly Sunni Muslim Kurdish minority protested the appointment of a new governor of Kurdistan province from the Shi'a majority. The authorities overlooked Sunni candidates for the post put forward by Kurdish parliamentarians. The lack of public school education in Kurdish language remained a perennial source of Kurdish frustration.

The banned Kurdish opposition party, the Peoples Democratic Party of Iran (PDKI), which had engaged in armed opposition to the government, announced that the Iranian government had executed Karim Toujali in Mahabad on January 24, 2002. Toujali had sought political asylum in Turkey, but had been unsuccessful in his claim. Turkish police then forcibly returned him to Iran. In October, another PDKI prisoner, Hamzeh Ghaderi, was executed in Orumieh. The PDKI claimed that another five supporters were executed with Ghaderi. Other PDKI supporters reportedly remained in jail facing execution.

The ten Jewish Iranians sentenced to prison in Shiraz in 2000 were released in October after appeals for their release by the representative of the Jewish community in Parliament, Maurice Motamed. Some of the prisoners had served longer than their allotted sentences. Throughout the

year, Motamed also drew attention to institutional discrimination against religious minorities, including continued limits on access to educational opportunities and employment. In August, in a bold move, he proposed a bill calling for equivalence in the amount of *Diye* (blood money) between Muslims and non-Muslims. The *Qisas* (retribution) system of criminal law specifies penalties for various crimes which differ according to the religion of the victim and the perpetrator. In general, non-Muslims are subject to harsher penalties and enjoy fewer protections than Muslims. Motamed's bill, which remained under consideration at the end of the year, would remove these discrepancies although it would not apply to Iran's largest religious minority, followers of the Baha'i faith.

Baha'is also continued to face persecution, including being denied permission to worship or to carry out other communal affairs publicly. At least four Baha'is were serving prison terms for their religious beliefs. Bihnam Mithaqi and Kayvan Khalajabadi, imprisoned since 1989, were informed in January that their sentences would run until 2004. Musa Talibi, imprisoned in 1994, was held in Isfahan. It was not clear whether his death sentence had been commuted. Zhabihullah Mahrami, imprisoned since 1995 and convicted of apostasy, had his death sentence commuted in March.

The campaign by conservatives against moral decline, noted above, was accompanied by an increase in public executions and corporal punishment. In October, the authorities carried out public executions of five men convicted of a series of attacks on women in Tehran. Their bodies were hoisted on mobile cranes and driven through the city. In Hamedan, on October 15, two thieves convicted of more than thirty robberies each had four fingers amputated in a public ceremony.

With the collapse of the Taliban government in Afghanistan, hundreds of thousands of Afghan refugees who had been living in Iran began to return. The United Nations High Commissioner for Refugees (UNHCR) expressed concern that Iranian authorities were exerting pressure on Afghan refugees to leave, a charge denied by the Iranian government. Some one million Afghan refugees remained in Iran at this writing.

Shadowy underground paramilitary forces, linked to hardline conservative clerical leaders unwilling to relinquish their continuing grip on power, continued to be implicated in violent unrest. Sporadic clashes in the streets between crowds and riot police supported by Basij, religious paramilitary forces, occurred at various times throughout the year. One clash took place in October 2001 following Iran's elimination from the soccer World Cup. Although these clashes and demonstrations often took on a political complexion, they tended to be small and easily contained by the authorities.

Several thousand people marched in Tehran in July in what was becoming an annual event to commemorate a 1999 raid by paramilitary forces on student dormitories at Tehran University. At least four students detained in 1999--Ahmed Batebi, Mehrdad Lohrassbi, Akbar Mohammadi and Manouchehr Mohammadi--remained in prison serving long prison terms. There were sporadic clashes with police and hardline vigilantes, but no serious disturbances. The major student organization that supported the reform movement had urged its members to stay away from the march for fear of provoking a clash with hardliners.

Students nationwide protested the death sentence imposed on Hashem Aghajari in November. Protests subsided when senior clerical leaders

threatened the students. On November 22, Ayatollah Khamenei issued an ultimatum stating that students should "return to their homes" or "the people will intervene" against them, a thinly veiled threat to unleash the same paramilitary forces that the authorities had used in July 1999 to crush student protests.

DEFENDING HUMAN RIGHTS

Access to the country for independent human rights investigators remained restricted, although the government did declare its willingness to admit U.N. special rapporteurs to the country. There continued to be lively discussion of human rights issues in the press and in Parliament, although independent local human rights groups were not permitted to function.

Several lawyers known for their defense of human rights were targets of prosecution. Mohammad Dadkhah, part of the defense team of the Iranian Freedom Movement, was sentenced to five months in prison in May. He was also banned from practicing law for ten years.

The judiciary confirmed the sentences of several lawyers associated with reformist causes, including cases relating to the assassinations of writers and intellectuals in 1998. One lawyer, Nasser Zarafshan, was sentenced to five years in prison and fifty lashes. The bar association described the flogging sentence as indefensible and unjustifiable. The appeal was dismissed. Zarafshan had probed the involvement of Ministry of Intelligence officials in the 1998 murders and claimed in the press that there were more victims of these killings than had been mentioned in the trial of officials involved in the killings.

THE ROLE OF THE INTERNATIONAL COMMUNITY

European Union

European and Iranian officials met repeatedly throughout the year to extend cooperation in a range of areas, including counter-terrorism, trade, and the promotion of human rights. The E.U. remained committed to a policy of engaging with Iranian leaders, while at the same time giving human rights a high profile in its public discourse about the relationship. E.U. Commissioner for External Affairs Chris Patten told the BBC that the dialogue was aimed at bolstering Iranian reformists, such as elected president Mohammad Khatami. "It can't seriously be anybody's idea of a good way of promoting stability in the region to think that we should isolate and cut Iran off forever," he said. "If you don't talk to the reasonable people, you fetch up with fewer reasonable people to talk to."

The improvement of relations with the E.U. remained vulnerable to interference by hardliners opposed to such normalization. In March, the planned visit to Berlin of Speaker of Parliament Hojatolislam Mehdi Karrubi was canceled when Chancellor Gerhard Schroeder declined to receive him, a decision that many observers believed resulted from political machinations by Iran's conservative judiciary. Schroeder was displeased with the apparently punitive transfer of Said Sadr to a remote and notorious prison near the Afghan border in advance of Karrubi's visit. Sadr, an Iranian employee at the German embassy in Tehran, had been imprisoned in Iran since the controversial Berlin Conference in 2000. Shortly before his planned trip, Karrubi apparently had angered hardliners by telling German

journalists that he was trying to secure Sadr's release; the judiciary responded by transferring Sadr to the remote prison, derailing the visit.

In a move likely to please the Iranian government, the E.U. recognized the Mojahedine Khalq Organization (MKO) as a terrorist group on May 3. The MKO was based in Iraq and launched armed attacks against Iranian targets. It was described as a foreign terrorist organization by the U.S. State Department. The E.U., however, did not include the affiliated National Council of Resistance in its designation.

On June 17, the E.U. placed human rights at the top of a list of four areas in which it wanted to see improvements through its policy of engagement with Iran: (1) human rights and fundamental freedoms; (2) non-proliferation; (3) terrorism; and (4) the Middle East peace process.

In September, Iran approved a new British ambassador. The move ended an eight-month diplomatic dispute following Tehran's rejection in January of David Reddaway, described by conservative newspapers in Iran as a Zionist and a spy. It was an indicator of the importance given to Iran by the E.U. and the U.K. that embarrassing incidents of this nature were not permitted to stall the momentum of engagement. British Foreign Secretary Jack Straw traveled to Iran in October to further advance the relationship but was met by an upturn in political and public executions, interpreted by many as another example of the conservatives using their control over the judiciary to seek to influence Iran's foreign policy.

United Nations

In April, during the fifty-eighth session of the U.N. Commission on Human Rights, a draft resolution criticizing the situation in Iran was defeated by a roll-call vote of twenty to nineteen, with fourteen abstentions, marking the first time in more than fifteen years that a resolution criticizing Iran's human rights practices did not pass at the commission. It brought to an end the mandate of the U.N. special representative on human rights in Iran and was seen as a major victory for Iranian diplomacy. The Iranian government regarded the special representative's mandate as political and repeatedly blocked his access to the country, despite the balanced and constructive tone of his reporting over many years.

In July, Iran said it would give immediate access to United Nations thematic rapporteurs to allow them to examine its human rights record. Iran's ambassador, Mohammed Reza Alborzi, told High Commissioner for Human Rights Mary Robinson that specialists would "be welcome." By the end of the year no visits had taken place.

United States

Possibilities for an improvement in U.S.-Iranian relations based on the shared goal of removing the Taliban from power in Afghanistan were not realized due to continuing U.S. concerns over Iranian support for terrorism. Such concerns were exemplified by the seizure of the *Karine A*, caught smuggling weapons from Iran to the Palestinian Authority.

President Bush's characterization of Iran, Iraq, and North Korea as an "axis of evil" during his January 29 State of the Union address caused anger in

Iran across all factions within the clerical leadership. It fueled expectations among parts of public opinion that the U.S. would intervene directly in Iran, as it had in Afghanistan, and change the government. The government and many Iranians resented this implied interference in their affairs.

In July, President Bush issued a subtler statement that, though barely reported in the U.S., sparked much debate in Iran. It came a few days after clashes between students and police in Tehran on the anniversary of the 1999 student demonstrations and the resignation of a prominent cleric, Ayatollah Jaleledine Taheri, who had accused the Iranian authorities of corruption and repression. In his written statement, President Bush expressed solidarity with the students, saying, "their government should listen to their hopes." In a targeted phrase, the president urged Iran's unelected leaders to abandon policies that denied Iranians the opportunities and rights of people elsewhere. In singling out unelected leaders for criticism the President appeared to be differentiating between factions within the Iranian power structure. This more measured approach to Iran made the U.S. government's statements an important influence on human rights conditions in the country for the first time in many years.

The U.S. continued to block Iran's access to loans from international financial institutions. For example, in September, the U.S. blocked the private-sector financing arm of the World Bank, the International Finance Corporation, from investing U.S.\$2 million in an Iranian company. The World Bank had planned to lend Iran hundreds of millions of dollars, but the U.S. effectively blocked the deals.

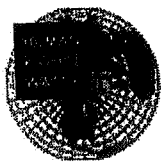
In March, the U.S. State Department's *Country Reports on Human Rights Practices for 2001* called the Iranian government's human rights record "poor" and detailed significant restrictions on citizens' right to change their government. In September, the U.S. Commission on International Religious Freedom identified Iran, together with eleven other states, as countries of particular concern with respect to violations of the rights to freedom of religion.

Iranians worried about U.S. military action in nearby Afghanistan and threatened action in Iraq, but they were also interested in the administration's strong rhetoric supporting democracy and human rights in Iran. The openness of Iranians to the U.S. was seen in September when the state news agency, IRNA, published the results of a public opinion poll showing that 75 percent of Iranians favored a dialogue between Iran and the United States, and almost 50 percent approved of U.S. policy toward the country. The judiciary responded by closing down the institute that conducted the poll and prosecuting the poll's director and the director of the news agency that published it. Some conservative leaders even called for the criminalization of advocating dialogue or normalization with the United States. However, the reformists appeared emboldened by the public mood. President Khatami admonished the critics of dialogue and expressed his own willingness to enter into discussions with the United State without preconditions.

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