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IRAN

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

Date 28 June 2011

SECURING OUR BORDER CONTROLLING MIGRATION

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Preface

i This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 13 May 2011. The 'Latest News' section contains further brief information on events and reports accessed from 14 May to 21 June 2011. The report was issued on 28 June 2011.

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

iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links may be provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

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

v The information included in this Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. 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 information provided in different source documents though COI Service will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different 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 faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

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

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

ix Reports are published regularly on the top 20 asylum intake countries. Reports on countries outside the top 20 countries may also be produced if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.

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

Country of Origin Information Service
UK Border Agency
St Anne House
20-26 Wellesley Road
Croydon, CR0 9XB
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 the UK Border Agency 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 the UK Border Agency
5th Floor, Globe House
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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8 The main text of this COI Report contains the most up to date publicly available information as at 13 May 2011. Further brief information on recent events and reports has been provided in the Latest News section to 21 June 2011.

Latest News

EVENTS IN IRAN FROM 14 MAY TO 21 JUNE

The Latest News provides a non-exhaustive selection of significant events since 14 May 2011. Further information may also be available from the list of useful sources below.

The Home Office is not responsible for the content of external websites.

21 June "Iran has freed human rights campaigner Emadeddin Baghi after he served a year-long jail term on charges of spreading 'propaganda against the regime.' The release was announced by Baghi's lawyer, Saleh Nikbakht. Baghi was sentenced in July 2010 to a one-year jail term and was banned for five years from political activities."

Radio Free Europe/Radio Liberty
Iran Frees Jailed Human Rights Activist, 21 June 2011
http://www.rferl.org/content/iran_frees_jailed_human_rights_activist/24241837.html
Date accessed 22 June 2011

14 June "Iranian men have been banned from wearing necklaces in the latest crackdown by the Islamic regime on 'un-Islamic' clothing and haircuts. Thousands of special forces have been deployed in Tehran's streets, participating in the regime's 'moral security plan' in which loose-fitting headscarves, tight overcoats and shortened trousers that expose skin will not be tolerated for women, while men are warned against glamorous hairstyles and wearing a necklace."

The Guardian
Necklace ban for men as Tehran's 'moral police' enforce dress code, 14 June 2011
http://www.guardian.co.uk/world/2011/jun/14/necklace-ban-men-tehran-police
Date accessed 15 June 2011

12 June "Arrests and clashes have been reported in Tehran on the anniversary of the disputed 2009 reelection of Iranian President Mahmud Ahmadinejad that led to mass street protests. Opposition websites and witnesses say dozens were arrested in the Iranian capital on June 12 while marching silently to mark the anniversary. The opposition Kalame website reported that several hundred Iranians were detained on Vali Asr Street while marching peacefully."

Radio Free Europe/Radio Liberty
Silent Tehran Protesters Arrested On Anniversary of Disputed Vote, 13 June 2011
http://www.rferl.org/content/iran_silent_protest_arrests_tehran/24232984.html
Date accessed 14 June 2011

8 June "According to official and semi-official Iranian news agencies including ISNA [Iranian Students' News Agency] and IRNA [Islamic Republic News Agency], Tehran General and Revolution Prosecutor Abbas Ja'fari-Dolatabadi disclosed on 29 May, 2011 that 300 death sentences had been issued to people charged with drug trafficking and others in possession of at least 30 grams of heroin, in his jurisdiction in the capital, Tehran, alone. He admitted that there were hardly any 'large-scale drug traffickers' among them. Furthermore, in the same report,

he revealed that most drugs-related cases concern the Sistan-Baluchistan, Kerman provinces (respectively in southeast and south of Iran) and the city of Mashhad in the northeast. Tehran has relatively fewer drug-related cases. It should be noted that these figures do not include a large number of death sentences issued for murder."

International Federation for Human Rights (FIDH)
Prosecutor says hundreds to be executed in Iranian capital Tehran, 8 June 2011, via http://www.unhcr.org/refworld/country,,,,IRN,,4df05e452,0.html
Date accessed 9 June 2011

6 June "Iran's supreme court has quashed the death sentence for Saeed Malekpour, a web programmer who was facing execution on charges of developing and promoting porn websites. The 35-year-old was convicted of designing and moderating adult materials online although his family said he was a web programmer whose photo uploading software was used by a porn website without his knowledge. Defence lawyers said the conviction was quashed after they provided the court with expert evidence. Malekpour, a Canadian resident who was arrested in October 2008 on arrival in Tehran, will remain in jail while a judicial review into his case is held."

The Guardian
Iran court quashes death sentence in 'porn' case, 6 June 2011
http://www.guardian.co.uk/world/2011/jun/06/iran-reprieves-saeed-malekpour-porn-accusation
Date accessed 7 June 2011

2 June "Iranian President Mahmud Ahmadinejad today appointed a caretaker oil minister after an earlier decision by the Iranian president to name himself to that post drew strong resistance from the country's parliament. Ahmadinejad named political ally Mohammad Aliabadi to the post…Parliament claimed Ahmadinejad's decision to assume the post of oil minister was a violation of the constitution and reported it to the judiciary."

Radio Free Europe/Radio Liberty
Ahmadinejad appoints caretaker oil minister, 2 June 2011
http://www.rferl.org/content/iran_oil_minister_ahmadinejad/24213729.html
Date accessed 7 June 2011

1 June "A number of people who attended the funeral of a prominent Iranian dissident on June 1 are reported to have been taken into custody, RFE/RL's Radio Farda reports. Ezatollah Sahabi, a former member of parliament and prominent opposition figure, was buried on June 1 after he died of a stroke in Tehran on May 31. Sahabi's daughter, Haleh, an opposition activist and women's rights campaigner, died shortly after the funeral following what opposition supporters described as a scuffle with security forces at the ceremony…Haleh Sahabi, who was serving a two-year jail sentence on charges of 'spreading propaganda against the regime' and 'disrupting public order,' had been granted leave from prison to attend her father's funeral."

Radio Free Europe/Radio Liberty
Mourners at Iranian dissident funeral 'detained', 2 June 2011

10 The main text of this COI Report contains the most up to date publicly available information as at 13 May 2011. Further brief information on recent events and reports has been provided in the Latest News section to 21 June 2011.

http://www.rferl.org/content/mourners_at_iranian_dissident_funeral_detained/24213022.html
Date accessed 7 June 2011

21 May "According to the Baha'i International Community (BIC), Iranian authorities arrested at least 30 Baha'is in a series of coordinated raids in Tehran, Karaj, Isfahan, and Shiraz, targeting a community initiative to provide higher education to Baha'i students barred from university admission. Diane Ala'i, the BIC representative in Geneva, said that all those arrested in the latest raids were affiliated with the Baha'i Institute for Higher Education. The Institute is an online/correspondence university established in 1987 in response to the government's policy of depriving Baha'i students of the right to pursue higher education."

International Campaign for Human Rights in Iran (ICHRI)
Government Attacks Baha'i Online University, Detains 30 Instructors, 23 May 2011
http://www.iranhumanrights.org/2011/05/bahai-university-attacked/
Date accessed 7 June 2011

18 May "On 14 May 2011 the Revolutionary Court of the northern city of Bandar Anzali acquitted twelve Protestant Christians of the specific charge of 'forming a society with the intent of disrupting national security.'…The acquitted defendants, including Pastor Abdolreza Ali-Haghnejad and Zainab Bahremend, the 62-year-old grandmother of two other defendants, are all Christian converts and members of a group called the Church of Iran. The court found that all evidence showed the defendants were simply practicing their Christian religion… Moreover, the court rested its decision on the legal finding that the defendants' religious practices are protected by Iran's Constitution."

International Campaign for Human Rights in Iran (ICHRI)
Protestants Acquitted of Political Charges, Recognized Under Iran's Constitution, 18 May 2011
http://www.iranhumanrights.org/2011/05/protestants-acquitted-recognized-under-constitution/
Date accessed 23 May 2011

14 May "Iran has postponed blinding a man with acid following an international outcry over the retributive punishment [*qesas*] imposed after he was found guilty of doing the same to a woman who refused to marry him. In a literal application of the sharia law of an eye for an eye, Majid Movahedi was scheduled to be rendered unconscious in Tehran's judiciary hospital today while his victim, Ameneh Bahrami, dropped acid in both his eyes. But Iran's semi-official ISNA news agency reported that officials had postponed the sentence on Friday night and not indicated when the punishment might be carried out in future."

The Guardian
Acid blinding sentence postponed by Iran after international outcry, 14 May 2011
http://www.guardian.co.uk/world/2011/may/14/acid-blinding-postponed-iran-outcry
Date accessed 7 June 2011

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

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REPORTS ON IRAN PUBLISHED OR ACCESSED BETWEEN 14 MAY AND 21 JUNE 2011

The Home Office is not responsible for the content of external websites.

The World Justice Project
Rule of Law Index 2011, 13 June 2011
http://worldjusticeproject.org/sites/default/files/wjproli2011_0.pdf
Date accessed 14 June 2011

United States Institute of Peace (USIP): The Iran Primer
Escalating sanctions on Iran, 3 June 2011
http://iranprimer.usip.org/blog/2011/jun/03/escalating-sanctions-iran
Date accessed 6 June 2011

The Diplomat
Inside Iran's most secretive region, 16 May 2011
http://the-diplomat.com/2011/05/16/inside-iran%E2%80%99s-most-secretive-region/
Date accessed 19 May 2011

Congressional Research Service (CRS)
Iran: U.S. Concerns and Policy Responses, 13 May 2011
http://www.fas.org/sgp/crs/mideast/RL32048.pdf
Date accessed 7 June 2011

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Background Information

1. GEOGRAPHY

1.01 Europa World online, accessed 18 January 2011, noted: "The Islamic Republic of Iran lies in western Asia, bordered by Armenia, Azerbaijan and Turkmenistan to the north, by Turkey and Iraq to the west, by the Persian (Arabian) Gulf and the Gulf of Oman to the south, and by Pakistan and Afghanistan to the east." **[1a] (Location, Climate, Language, Religion, Flag, Capital)** It has an area of 1.6 million square km. (636,295 square miles, slightly larger than Alaska). The capital of Iran is Tehran. Other cities are Isfahan, Tabriz, Mashhad, Shiraz, Yazd and Qom. The estimated population of Iran in July 2010 was 67.0 million. (US State Department (USSD) Background Note, 23 July 2010) **[4u] (Geography/People)**

1.02 Europa World online, accessed 18 January 2011, observed that: "The principal language is Farsi (Persian), spoken by about 50% of the population. Turkic-speaking Azeris form about 27% of the population, and Kurds, Arabs, Balochis and Turkomans form less than 25%." **[1a] (Location, Climate, Language, Religion, Flag, Capital)**

1.03 The USSD Background Note updated 23 July 2010 stated: "Most Iranians are Muslims; 89% belong to the Shi'a branch of Islam, the official state religion, while about 9% belong to the Sunni branch." Non-Muslim minorities constitute 2% of the population and include Zoroastrians, Jews, Baha'is, and Christians. **[4u] (People)**

For further details about ethnic and religious groups see the sections on Freedom of religion and Ethnic groups

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MAPS

Iran

1.04 Map of Iran from the United Nations (UN) Cartographic Section dated 2004 **[10i]**:

An August 2004 UN map shows the location of Iran in the Middle East. **[10n]**

Tehran

1.05 This 2009 map of Tehran, shows the different areas of the city. (Google maps via Mappery) **[72a]**

CALENDAR

1.06 The Iran Chamber Society, undated, accessed 18 January 2011, 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] "The Iranian year begins on March 21st, and contains 31 days in each of the first six months, 30 days in the next five months and 29 in the 12th month (30 in every fourth year). The system relates to the Prophet Mohammed's flight from Mecca in 622 AD, but, unlike the Islamic calendar, follows solar years. The Gregorian equivalent can be found by adding 621 years to the Iranian date." (Economist Intelligence Unit Country Report, January 2011) [24a] (p23)

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

Public holidays

1.07 Europa World online, undated, accessed 18 January 2011, noted that: "The Iranian year 1389 runs from 21 March 2010 to 20 March 2011, and the year 1390 from 21 March 2011 to 20 March 2012." [1h] (Public Holidays) Public holidays in 2011 were noted as:

"**2011** 24 January* (Arbain); 1 February (Demise of Prophet Muhammad and Martyrdom of Imam Hassan); 2 February* (Martyrdom of Imam Reza); 10 February (Victory of the Islamic Revolution); 20 February (Birth of Prophet Muhammad and Birth of Imam Jafar Sadegh); 20 March (Day of Oil Industry Nationalization); 21–24 March‡ (Norouz, Iranian New Year); 1 April (Islamic Republic Day); 2 April (Sizdah-bedar, Nature Day—13th Day of Norouz); 6 May (Martyrdom of Hazrat Fatemeh); 4 June (Death of Imam Khomeini); 5 June (1963 Uprising); 14 June* (Birth of Imam Ali); 28 June* (Prophet Muhammad receives his calling); 16 July* (Birth of Imam Mahdi); 20 August* (Martyrdom of Imam Ali); 30 August* (Eid-e Fitr, end of Ramadan); 23 September* (Martyrdom of Imam Jafar Sadeq); 6 November* (Qorban, Feast of the Sacrifice); 14 November* (Eid-e Ghadir Khom); 4 December* (Tassoua); 5 December* (Ashoura).

"* These holidays are dependent on the Islamic lunar calendar and may vary by one or two days from the dates given.

"‡ This festival begins on the date of the Spring Equinox." [1h] (Public Holidays)

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2. ECONOMY

2.01 The United States (US) Congress Research Service (CRS) paper, *Iran's Economic Conditions: US Policy Issues*, dated 22 April 2010, provided an overview of the country's economic situation:

"Since 2000, Iran has enjoyed broad-based economic growth. However, strong economic performance has been hindered by high levels of inflation and unemployment and low levels of foreign investment…

"Iran has long been subject to U.S. economic sanctions, and more recently, to United Nations sanctions, over its uranium enrichment program and purported support for terror activities. Such sanctions are believed by some analysts to contribute to Iran's growing international trade and financial isolation. Iran's economy is highly dependent

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on the production and export of crude oil to finance government spending, and consequently is vulnerable to fluctuations in international oil prices.

"Although Iran has vast petroleum reserves, the country lacks adequate refining capacity and imports gasoline to meet domestic energy needs. Iran is seeking foreign investment to develop its petroleum sector. While some deals have been finalized, reputational and financial risks may have limited other foreign companies' willingness to finalize deals." **[78c] (Summary)**

2.02 The same source noted that:

"In recent years, Iran's economic growth has been hampered by double-digit rates of inflation. Although high inflation is widespread among the oil-exporting countries in the Middle East and Central Asia, Iran has one of the highest. Iran's average Consumer Price Index (CPI) inflation level was above 25% at year-end 2008. Through 2009, the CPI inflation level dropped, but remained above 13%...

"Domestic factors contributing to the uptick in inflation include expansionary government economic policies and growing consumption demands. External factors include international sanctions against Iran and rising international food and energy import prices. Inflation levels have been associated with Ahmadinejad's efforts to curb banking interest rates for loans to subinflation levels. The Central Bank, the Bank Markazi, has opposed these hikes.

"The unemployment rate remains high, reaching an estimated 11.8% in 2008. Some observers contend that the unemployment rate is higher than figures reported by the Iranian government. At least one-fifth of Iranians lived below the poverty line in 2002. Iran has a young population and each year, about 750,000 Iranians enter the labor market for the first time, placing pressure on the government to generate new jobs. The emigration of young skilled and educated people continues to pose a problem for Iran. The IMF [International Monetary Fund] reported that Iran has the highest 'brain drain' rate in the world." **[78c] (p5-6)**

2.03 The CRS paper also noted the following basic economic facts:

Gross Domestic Product (GDP) at Price Purchasing Parity	US$876 billion (2009 estimate)
Growth Rate	2.6% (2009 estimate)
GDP Composition by Sector	Industry, 45.2%; services, 43.9%; agriculture, 10.9% (2009 estimate)
GDP Per Capita	US$12,900 (2009 estimate)
Population Below Poverty Line	18% (2007 estimate)
Inflation Rate (Consumer Prices)	16.8% (2009 estimate)
Export Commodities	Petroleum, chemical and petrochemical products, fruits and nuts, carpets
Import Commodities	Industrial raw materials and intermediate goods, capital goods, foodstuff and other consumer goods, technical services

[78c] (p2)

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2.04 On 9 June 2010, the United Nations (UN) News Centre reported that:

"The Security Council voted today to impose a fourth round of United Nations sanctions against Iran, while demanding that the country suspend its enrichment activities and peacefully resolve outstanding concerns over the nature of its nuclear programme. The text which received the support of 12 Council members – Brazil and Turkey voted against and Lebanon abstained – cited the proliferation risks posed by Iran's nuclear programme and its continued failure to cooperate with the International Atomic Energy Agency (IAEA)." **[10t]**

2.05 British Broadcasting Corporation (BBC) News reported on 17 June 2010 that European Union (EU) leaders had approved new sanctions against Iran that went further than the United Nations measures. The day before, the US had announced its own fresh sanctions, implementing the UN measures. **[21t]**

2.06 A CRS paper dated 4 March 2011, reported that:

"…in October 2010, [Ahmadinejad] won Majles approval to reduce state subsidies on staple goods—which cost Iran at least $30 billion per year according to outside estimates (the government puts the cost at close to $100 billion per year)—over the subsequent five years.

"After several delays to plan for anticipated unrest, the subsidy elimination program began on December 19, 2010, with the lifting of prices for gasoline…To defuse popular unrest over the plan, direct cash handouts ($40 for the first two months) were deposited in the accounts of poorer Iranians, available for withdrawal when the plan began. Those amounts will be deposited each month subsequently for eligible recipients. To date, unrest over the plan (separate from unrest over political grievances) is said to have been minimal." **[78d] (p10-11)**

2.07 The exchange rate as of 4 May 2011 was £1: 17.272 Rial (IRR). (xe.com) **[40a]**

See also 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 17 February 2011 **[4u]**
http://www.state.gov/r/pa/ei/bgn/5314.htm
Iran Chamber Society website **[58a]**
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 17 February 2011, stated: "The ancient nation of Iran, historically known as Persia, has traditionally been a

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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." **[4u] (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." **[4u] (History)**

3.03 The USSD Background Note updated 17 February 2011 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." **[4u] (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 2011 – Iran,* covering events in 2010, released on 12 May 2011 (Freedom House Report 2011) noted:

"A popular revolution ousted Iran's monarchy in 1979, bringing together diverse political interests that opposed the regime's widespread corruption and misguided modernization efforts. However, the revolution's democratic and secular elements were largely subsumed under the leadership of the previously exiled Ayatollah Ruhollah Khomeini. Although the new constitution drafted by Khomeini's disciples provided for an elected president and parliament, an unelected Council of Guardians was empowered to approve candidates and certify that the decisions of elected officials were in accord with Sharia (Islamic law). Khomeini was named supreme leader and vested with control over the security and intelligence services, the armed forces, and the judiciary. Soon after the establishment of the Islamic Republic, Iraqi leader Saddam Hussein launched an invasion to settle a long-running border dispute. The ensuing 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 popularity

of his predecessor. The constitution was changed to consolidate his power and give him final authority on all matters of foreign and domestic policy." **[112a]**

3.05 The Freedom House Report 2011 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 legitimize, but not radically alter, the existing political system." **[112a]**

3.06 Europa World online, accessed 18 January 2011 noted:

"In the months following his election, President Khatami appeared conciliatory towards the West, and also urged toleration of dissent in Islamic societies among groups who remained 'within the framework of law and order'. Khamenei, meanwhile, continued to denounce the West's military and cultural ambitions, particularly those of the USA and Israel…

"Iran's first local government elections since the Islamic Revolution took place in February 1999, when some 60% of the electorate voted to elect representatives in 200,000 council seats. The elections resulted in considerable success for 'reformist' candidates, notably in Tehran, Shiraz and Esfahan, while 'conservatives' secured control of councils in their traditional strongholds of Qom and Mashad." **[1b] (Contemporary Political History)**

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FROM 2000 TO 2008: PARLIAMENTARY ELECTIONS

3.07 The Freedom House Report 2011 observed:

"The 2000 parliamentary elections prompted a backlash by hard-line clerics. Over the four years after the polls, the conservative judiciary closed more than 100 reformist newspapers and jailed hundreds of liberal journalists and activists, while security forces cracked down on the ensuing student protests. Khatami was reelected with 78 percent of the vote in 2001, but popular disaffection stemming from the reformists' limited accomplishments, coupled with the Council of Guardians' rejection of the candidacies of most reformist politicians, allowed hard-liners to triumph in the 2003 municipal and February 2004 parliamentary elections.

"The Council of Guardians similarly rejected the candidacies of popular reformists ahead of the 2005 presidential election, though the victory of Tehran mayor Mahmoud Ahmadinejad over other approved candidates reflected the public's desire for change. He became Iran's first nonclerical president in more than two decades, having campaigned on promises to fight elite corruption and redistribute Iran's oil wealth to the poor and middle class. Nevertheless, his hard-line administration oversaw a crackdown

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on civil liberties and human rights, and stricter enforcement of the regime's 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. In an effort to compel Iran to halt the uranium enrichment, the UN Security Council imposed trade sanctions on the regime in December 2006, and expanded them over the subsequent four years as negotiations failed to make progress.

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

See also Economy for further information on international sanctions

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FROM 2009 TO MAY 2010

Presidential election – 12 June 2009

3.08 The Congressional Research Service's (CRS) Report *Iran: US Concerns and Policy Responses*, dated 1 April 2010 noted that: "A total of about 500 candidates for the June 12, 2009, presidential elections registered their names during May 5-10, 2009. The Council of Guardians decide[d] on the final candidates on May 20— permitting only four to run: Ahmadinejad, Musavi, Mehdi Karrubi, and Mohsen Reza'i. **[78e] (p8)** All female nominees were excluded. (Amnesty International, 10 December 2009) **[9t] (p16)**

3.09 The Amnesty International (AI) report, *Election contested, repression compounded*, dated 10 December 2009 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." **[9t] (p15)**

See also section on the Green Movement

3.10 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'". **[9t] (p16)**

3.11 The CRS report of 1 April 2010 stated:

"The outcome of the election was always difficult to foresee. Polling results were inconsistent. Musavi supporters held large rallies in Tehran, but pro-Ahmadinejad rallies were large as well. During the campaign, Khamene'i met with Musavi and, in mid-May 2009, visited Musavi's father at his home, suggesting neutrality, although the two were often at odds during the Iran-Iraq war, when Khamene'i was President and Musavi was Prime Minister. 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 totals were announced on Saturday, June 13, 2009, as follows:

• Ahmadinejad: 24.5 million votes—62.6%
• Musavi: 13.2 million votes—33.75%
• Reza'i: 678,000 votes—1.73%
• Invalid: 409,000 votes—1%
• Karrubi: 333,600 votes—0.85%

"Almost immediately after the results were announced, Musavi supporters began protesting the results on June 13, as he, Karrubi, and Reza'i asserted outright fraud and called for a new election, citing the infeasibility of counting 40 million votes so quickly; the barring of candidate observers at many polling stations; regime shut-down of Internet and text services; and repression of postelection protests." **[78e] (p9-10)**

3.12 President Ahmadinejad was sworn in on 5 August 2009 for a second five year term "…but the inauguration ceremony was boycotted by a number of senior leaders, highlighting the mounting divisions within the country's political and clerical elite…" Of the 21 people nominated, 18 of the President's cabinet nominees were approved by the 'conservative-dominated' Majlis. (Keesing's News Digest for September 2009) **[12a]**

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Demonstrations and aftermath of the election

3.13 The House of Commons Library report *The Islamic Republic of Iran: An introduction* dated 11 December 2009 stated that:

"Immediately following the announcement of the official results, Iran's Supreme Leader, Ayatollah Ali Khamenei, publicly endorsed the legitimacy of the vote and the re-election of Ahmadinejad, describing the outcome as a 'divine assessment', despite the fact that Iranian law required a three-day period during which any objections to the outcome could be registered. Khamenei also called on the Iranian people to rally behind Ahmadinejad…

"However, his call fell on deaf ears. As soon as the results were known, thousands of supporters of the defeated reformist candidates took to the streets in protest at the official outcome of the poll and at what they considered to be vast and rampant fraud conducted by Iranian authorities determined to return Ahmadinejad to the presidency. Iran's capital, Tehran, erupted in violence and civil disobedience over the weekend following the Friday [12 June] election. Protesters hurled rocks, lit fires, smashed shop windows, tore up Iranian flags and chanted anti-government slogans including 'down with dictatorship' and 'give my vote back['']. Rioting continued throughout the weekend and build [sic] steadily over the following days. Protesters clashed with the Basji [Basij]

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militia and hundreds of demonstrators were arrested, beaten and fired upon by police. On 14 June alone, 170 people were arrested in a series of raids across Tehran. These were not just protesters; they included reformist politicians, including Mahammed Reza Khatami, the brother of a former president of Iran, and other people suspected of organising the demonstrations. Reformers, intellectuals, civil leaders and human rights activists were imprisoned or went missing. Reuters reported that former Vice-President Mohammad-Ali Abtahi and former presidential adviser Saeed Hajjarian had been arrested. There were also reports that the [sic] Mousavi himself had been placed under house arrest, though the authorities denied this…On 15 June, over a million people took to the streets of Tehran, numbers which dwarfed the victory day celebrations of Ahmadinejad the day before. Between 13 June and 19 June 2009, protests build [sic] steadily as ever greater numbers of Iranians participated in public protests. These were especially large in Tehran, but spread to other cities too, including Esfahan, Tabriz, Orumieh, Rasht and Shiraz. As early as 13 June, the Middle East broadcaster Al Jazeera described the situation in Iran as the 'biggest unrest since the 1979 revolution'." **[18a] (p36)**

3.14 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:

"On 20 June [2009], Neda Agha Soltan, a young woman accompanying her teacher, was killed from a shot to the chest during a demonstration in Tehran. The incident received widespread international attention following its wide circulation via the Internet. The authorities dispute the circumstances under which she was killed and state that the case is being investigated. There is no accurate measure of the number of casualties during the protests, but numerous media reports have cited at least 20 people killed and many more injured during the demonstrations.

"As the protests grew, numerous foreign media outlets reported that their websites had been blocked and that the Iranian authorities had implemented new restrictions that required journalists to obtain explicit permission before leaving the office to cover any story. Journalists were also banned from attending any unauthorized demonstrations. The authorities also sought to block the use of social networking and other websites that had been used to broadcast information and visual images of the protests internationally." **[10g] (p7-8)**

3.15 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)**

3.16 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)**

3.17 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]**

3.18 The CRS report dated 1 April 2010 noted further demonstrations during the course of 2009, stating that:

"Green movement protests lessened by June 22, but continued sporadically thereafter, including on the July 9 anniversary of the suppression of the 1999 student riots; the August 5, 2009, official inauguration of Ahmadinejad; and September 18 'Jerusalem Day.' The opposition made considerable use of Internet-based sites (Facebook, Twitter) to organize their demonstrations around official holidays when people can gather easily. Several demonstrations—on November 4, 2009, the 30th anniversary of the takeover of the U.S. embassy in Tehran, and particularly the occasion of the Ashura Shiite holy day (December 27, 2009, which also marked the seventh day since the death of Ayatollah Montazeri, a major critic of Khamene'i)—were marked by resistance to the security forces as well as the spreading to smaller cities and the involvement of older generation and even religious persons. In the December 27 [2009] protests, demonstrators seized and burned several police vehicles and some anti-riot police are said to have refused to beat protesters." **[78e] (p10)**

3.19 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]**

3.20 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)**

3.21 On 5 January 2010, the *Guardian* reported that:

"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]**

3.22 On 12 February 2010, the *Times* reported that:

"The Iranian regime thwarted Opposition plans to hijack the 31st anniversary celebrations of the Islamic revolution yesterday by shipping in tens of thousands of supporters and violently suppressing anti-government protests.

"The Opposition leaders Mehdi Karroubi and Mohammed Khatami were attacked by security forces, as was Zahra Rahnavard, the wife of Mir Hossein Mousavi.

"Zahra Eshraghi, the reform-minded granddaughter of Ayatollah Khomeini, the leader of the 1979 revolution, was arrested briefly. A protester named Leila Zareii, 27, was reportedly shot and killed." **[15e]**

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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4. RECENT DEVELOPMENTS (JUNE 2010 TO 13 MAY 2011)

4.01 The *Guardian* reported on 10 June 2010 that:

"Iran's opposition leaders have called off plans for rallies to mark last year's disputed presidential election to avoid clashing with the regime – a decision that will be widely seen as a serious setback for the pro-democracy Green movement. Mir Hossein Mousavi, who claims he beat Mahmoud Ahmadinejad last June [2009], and his fellow reformist candidate Mehdi Karroubi, announced that protests would not go ahead on

Saturday [12 June] 'in order to preserve people's lives and property'. But they said the struggle against an 'illegitimate' government would carry on.

"The Islamic regime had been expected to flood the streets with huge numbers of security personnel and supporters to ensure that opposition protesters were intimidated and silenced. The authorities had made clear that unrest would not be tolerated." **[16j]**

See also Political affiliation, Events during and after the 2009 Presidential elections and the Green Movement

4.02 The Freedom House report *Freedom in the World 2011 – Iran*, published 12 May 2011, covering events in 2010, observed that:

"The postelection confrontations created a new political landscape, in which a loosely knit alliance of Revolutionary Guards and other hard-liners faced off against an increasingly frustrated Shiite clergy and politicians ranging from reformists to mainstream conservatives. The shift also included a deterioration of basic freedoms and a growing militarization of political affairs. In a sign of the hard-line leadership's concerns about dwindling popular and elite support, the parliament passed legislation in July 2010 that postponed local elections scheduled for the end of 2010 until 2013." **[112a]**

4.03 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]**

4.04 On 13 December 2010, the *Guardian* reported that President Ahmadinejad had sacked Iran's foreign minister Manuchehr Mottaki and replaced him temporarily with Ali Akbar Salehi, one of 12 vice-presidents and the head of Iran's atomic energy authority. **[16l]** On 30 January 2011, Fars News Agency reported that the Iranian parliament had voted in favour of appointing Mr Salehi as the country's new foreign minister. **[27a]**

4.05 Voice of America reported on 6 February 2011 that "Three American hikers have pleaded not guilty in an Iranian court to charges of spying and illegally entering Iran in 2009. Shane Bauer, Josh Fattal and Sarah Shourd were arrested along the border of Iran and Iraq's northern Kurdish region, where they were hiking." **[98a]** "Shourd was freed on bail in September 2010 on health grounds, and returned to the United States. Her fiance, Shanee [sic] Bauer, and friend Josh Fattal, both still imprisoned in Tehran, are due to start a second session of their trial on 11 May." Sarah Shourd has said she will not return to Iran to stand trial due to her suffering from post traumatic stress disorder. (The *Guardian*, 4 May 2011) **[16c]**

4.06 The *Guardian* reported on 14 February 2011 that:

"Thousands of defiant protesters in Iran's capital have clashed with security officials as they marched in a banned rally. One person was reported killed, with dozens injured and many more arrested.

"Supporters of the Green movement appeared in scattered groups in various locations in central Tehran and other big cities in what was seen as the Iranian opposition's first attempt in more than a year to hold street protests against the government.

"The riot police and government-sponsored plainclothes basiji militia used teargas, wielded batons and opened fire to disperse protesters who chanted 'death to the dictator', a reference to both Iran's supreme leader, Ali Khamenei, and the president, Mahmoud Ahmadinejad." **[16a]**

See also the Green Movement

4.07 On 25 February 2011, BBC News reported that the UN's nuclear watchdog, the International Atomic Energy Agency (IAEA), had "…received new information on 'possible military dimensions' to Iran's nuclear development programme" which "…raised 'further concerns' about Iran's activities. It [the IAEA] urged Tehran to co-operate fully with its investigations in[to] alleged weapons experiments, saying it had not done [so] since 2008. Iran insists its nuclear programme is entirely peaceful." **[21j]**

4.08 BBC News reported on 2 March 2011 that:

"Iran's opposition says more than 200 people were arrested on Tuesday [1 March 2011] while trying to protest in Tehran. Opposition websites said security services rounded up protesters in several locations in the capital and were helped by police in plain clothes. Another 40 people were said to have been detained in the city of Isfahan.

"Opposition groups had called for rallies over the reported imprisonment of their leaders – Mir Hossein Mousavi and Mehdi Karroubi. The two men had been placed under house arrest several weeks ago as authorities cracked down on protests staged in solidarity with the uprisings in Tunisia, Egypt and elsewhere. Their families say that on Monday [28 February] they were taken to prison, although the government denies this." **[21m]**

4.09 On 27 April 2011, the *Guardian* reported that a rift had emerged between President Ahmadinejad and the Supreme Leader which had prompted several members of the Iranian parliament to call for the President's impeachment. **[16f]** A later Guardian article of 9 May 2011 stated:

"The unprecedented confrontation at the top of the Iranian regime began only a month ago when Khamenei, the supreme leader, intervened in a cabinet appointment by reinstating a minister who had initially resigned 'under pressure from Ahmadinejad'.

"In reaction to the reinstatement of Heydar Moslehi, the intelligence minister at the centre of the row, Ahmadinejad apparently staged an 11-day walkout from the presidential palace and refused to chair cabinet meetings...

"On Sunday [1 May], Ahmadinejad, under pressure from Khamenei's camp to accept the reinstatement of Moslehi, finally appeared in a cabinet meeting with the presence of the intelligence minister." **[16h]**

4.10 On 10 May 2011, Radio Free Europe/Radio Liberty (RFE/RL) reported that "The Russian company that built Iran's first nuclear power station has announced that the Bushehr plant has begun running at a low level in a crucial step towards bringing it fully into operation." **[42e]**

See also Latest News.

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5. CONSTITUTION

5.01 Europa World online, accessed 19 January 2011, recorded that "A draft constitution for the Islamic Republic of Iran was published on 18 June 1979. It was submitted to an Assembly of Experts, elected by popular vote on 3 August, to debate the various clauses and to propose amendments. The amended Constitution was approved by a referendum on 2-3 December 1979. A further 45 amendments to the Constitution were approved by a referendum on 28 July 1989." **[1c] (Constitution and Government)**

5.02 The Iran Chamber Society website, accessed 19 January 2011, 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]**

5.03 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)**

5.04 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)**

5.05 The *2011 Annual Report* of the United States Commission on International Religious Freedom (USCIRF), covering the period 1 April 2010 to 31 March 2011, released on 28 April 2011, stated that: "The Constitution of the Islamic Republic of Iran proclaims Islam, specifically the doctrine of the Twelver (Shi'a) Jaafari School, to be the official religion of the country. It stipulates that all laws and regulations, including the Constitution itself, must be based on Islamic criteria." **[88a]** Zoroastrians, Jews, and

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Christians are recognised as religious minorities under the constitution (Freedom House 2011) **[112a]**

5.06 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)**

5.07 The Freedom House report *Freedom in the World 2011 – Iran*, published 12 May 2011, covering events in 2010, 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 political and economic discrimination." **[112a]**

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 *Country Report on Human Rights Practices 2010*, Iran, released on 8 April 2011 (USSD Report 2010), stated: "The Islamic Republic of Iran, with a population of approximately 77 million, is a constitutional, theocratic republic in which Shia Muslim clergy, and political leaders vetted by the clergy, dominate the key power structures." **[4f] (Introduction)**

6.02 The Freedom House report *Freedom in the World 2011 – Iran*, published 12 May 2011, stated that:

"Iran is not an electoral democracy. The most powerful figure in the government is the supreme leader (*Vali-e-Faghih*), 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 vetted list of candidates. The supreme leader, who has no fixed term, is head of the armed forces and appoints the leaders of the judiciary, the chiefs of state broadcast media, the commander of the IRGC [Islamic Revolutionary Guards Corps], the Expediency Council, and half of the Council of Guardians. 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, the Interior, and Intelligence.

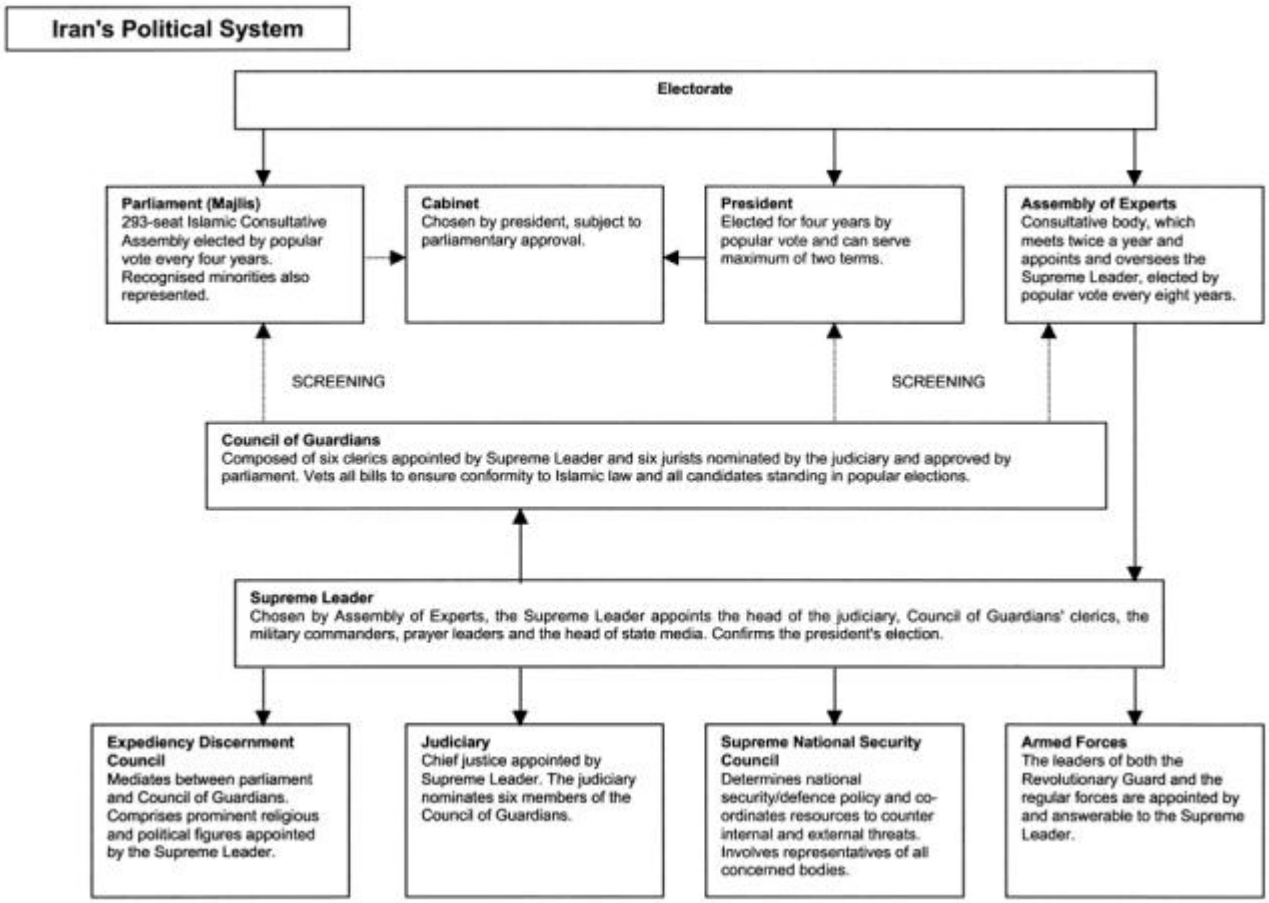
"All candidates for the presidency and the 290-seat, unicameral parliament are vetted by the Council of Guardians, which consists of six clergymen appointed by the supreme leader and six civil law experts selected by the head of the judiciary, all for six-year terms (the latter are nominally subject to parliamentary approval). The Council of Guardians also has the power to reject legislation approved by the parliament; disputes between the two are arbitrated by the Expediency Council, another unelected, conservative-dominated body. Both it and the Assembly of Experts are currently headed by former president Ali Akbar Hashemi Rafsanjani, who has at times sided with the reformist camp to curb the influence of his rival, current president Mahmoud Ahmadinejad." **[112a]**

6.03 The USSD Report 2010 noted that:

"The constitution provides citizens the right to peacefully change the president and the parliament through free and fair elections, but the authority of unelected representatives over the election process severely abridged this right in practice…There was no separation of state and religion, and clerical influence pervaded the government. The supreme leader also approved presidential candidates." **[4f] (Section 3)**

6.04 The USSD Background Note updated 17 February 2011 stated that suffrage is universal at 18. **[4u] (Government)**

6.05 Jane's *Sentinel Security Assessment*, updated 4 June 2010 included the following diagram detailing how the political system in Iran operates **[61f] (Internal Affairs)**:



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POLITICAL PARTIES

6.06 Political parties in Iran were banned in 1987 and legalised again 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." (Global Security, 7 September 2009) **[70a]**

6.07 Jane's *Sentinel Security Assessment*, updated 4 June 2010, stated that:

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"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." **[61f] (Internal Affairs)**

6.08 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)**

6.09 The Freedom House report *Freedom in the World 2011 – Iran*, 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." **[112a]**

6.10 Europa World online, accessed on 28 April 2011, stated that:

"Numerous political organizations were registered in the late 1990s, following the election of former President Khatami, and have tended to be regarded as either 'conservative' or 'reformist', the principal factions in the legislature. There are also a small number of centrist political parties. Under the Iranian electoral system, parties do not field candidates *per se* at elections, but instead back lists of candidates, who are allowed to be members of more than one party." **[1f] (Political Organisations)**

6.11 Jane's *Sentinel Security Assessment*, dated 4 June 2010, 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." **[61f] (Internal Affairs)**

6.12 On 27 September 2010, British Broadcasting Corporation (BBC) News reported that an Iranian court had banned two leading reformist parties, the Islamic Iran Participation Front and the Islamic Revolution Mujahideen Organisation. Judiciary spokesman Gholam Hossein Mohseni Ejeie was reported as saying that the parties had been "dissolved" and were "…not allowed to have any activities." The two parties had supported opposition leader Mir Hossein Mousavi in the 2009 presidential elections. "Members of both parties were jailed during the government's efforts to stifle the mass protests that followed. Earlier this year, a political watchdog affiliated with Iran's interior ministry accused the parties of undermining national security." **[21d]**

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 The Human Rights Watch (HRW) *World Report 2011 – Iran*, released on 24 January 2011 and covering events in 2010, stated:

"Iran's human rights crisis deepened as the government sought to consolidate its power following 2009's disputed presidential election. Public demonstrations waned after security forces used live ammunition to suppress protesters in late 2009, resulting in the death of at least seven protesters. Authorities announced that security forces had arrested more than 6,000 individuals after June 2009. Hundreds-including lawyers, rights defenders, journalists, civil society activists, and opposition leaders-remain in detention without charge. Since the election crackdown last year, well over a thousand people have fled Iran to seek asylum in neighboring countries. Interrogators used torture to extract confessions, on which the judiciary relied on to sentence people to long prison terms and even death. Restrictions on freedom of expression and association, as well as religious and gender-based discrimination, continued unabated." **[8f]**

7.02 The Foreign and Commonwealth Office's (FCO) *Annual Report on Human Rights 2010*, released March 2011, observed that:

"The year 2010 was marked by a determined government crackdown against protesters and a continuation of the suppression of rights that followed the disputed June 2009 presidential election. January saw a further wave of arrests, and riot police and armed militia members were a visible presence on streets across the capital Tehran; peaceful vigils were broken up, and on 28 January, two young political prisoners were executed. By mid-February, an overwhelming security presence put an end to large public demonstrations. Throughout the year arrests and intimidation continued, particularly among lawyers, opposition politicians, journalists, student and trade unionists, and religious and ethnic minorities. An already heavily proscribed media faced further restriction, and military resources were increasingly used to monitor and restrict internet usage. Alongside the political repression, executions increased to over 650 in 2010, according to NGO [non governmental organisation] figures, an execution rate surpassed only by China. Iran ended the year with human rights more restricted than at any time during the last decade." **[26d] (p200)**

7.03 The report of the Secretary-General to the UN General Assembly dated 15 September 2010 stated that, since his last report in September 2009, there had been:

"…further negative developments in the human rights situation in the Islamic Republic of Iran. Some encouraging milestones and positive developments, such as the country's ratification of the Convention on the Rights of Persons with Disabilities in October 2009, its submission of long-overdue periodic reports to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights and the completion of its universal periodic review before the Human Rights Council were unfortunately overshadowed by an intensified crackdown on human rights defenders, in particular women's rights activists, journalists and Government opponents in relation to post-election unrest in June 2009. Concerns about torture, arbitrary detentions and unfair trials continued to be raised by United Nations human rights mechanisms. There was a noticeable increase in application of the death penalty, including in cases involving political opponents and

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juvenile offenders. Discrimination persisted against minority groups and in some cases amounted to persecution." **[10u] (p3)**

7.04 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]**

7.05 Amnesty International's *Annual Report 2011 – Iran* (AI Report 2011), covering events in 2010 and published on 12 May 2011, noted:

"The authorities maintained severe restrictions on freedom of expression, association and assembly. Sweeping controls on domestic and international media aimed at reducing Iranians' contact with the outside world were imposed. Individuals and groups risked arrest, torture and imprisonment if perceived as co-operating with human rights and foreign-based Persian-language media organizations. Political dissidents, women's and minority rights activists and other human rights defenders, lawyers, journalists and students were rounded up in mass and other arrests and hundreds were imprisoned. Torture and other ill-treatment of detainees were routine and committed with impunity. Women continued to face discrimination under the law and in practice. The authorities acknowledged 252 executions, but there were credible reports of more than 300 other executions. The true total could be even higher. At least one juvenile offender was executed. Sentences of death by stoning continued to be passed, but no stonings were known to have been carried out. Floggings and an increased number of amputations were carried out." **[9y]**

7.06 A December 2010 UN Security Council update reported that "On 18 November [2010] the General Assembly's Third Committee passed a resolution expressing deep concern at serious ongoing and recurring human rights violations in Iran, and called on the government to address concerns highlighted in the recent report of the Secretary-General (A/65/370)[**[10u]**]." **[10y]**

7.07 On 24 March 2011, Radio Free Europe/Radio Liberty (RFE/RL) reported that

"The United Nations Human Rights Council has agreed to establish a UN human rights investigator for Iran – the first in a decade. The 47-member Geneva council approved by 22 to seven the Swedish resolution to appoint a special rapporteur on the situation of human rights in Iran… The text voiced concern at Iran's crackdown on opposition figures and increased use of the death penalty and called on the Islamic republic to cooperate with the envoy to be named to the independent post… Iran rejected the resolution and defended its 'unflinching commitment' to human rights, saying that it has extended invitations to UN High Commissioner for Human Rights Navi Pillay to visit the country this year [2011]." **[42a]**

7.08 The UN Human Rights Council, *Interim report of the Secretary-General on the situation of human rights in Iran* was published on 14 March 2011 **[10aa]** in accordance with UN General Assembly resolution 65/226 which called on the Iranian government to "to address the substantive concerns highlighted in the previous report of the Secretary-General", dated 15 September 2010 **[10u]** The interim report concluded that: "The present report highlights many areas of continuing concern for human rights in the Islamic Republic of Iran. The Secretary-General has been deeply troubled by reports of increased executions, amputations, arbitrary arrest and detention, unfair trials, and possible torture and ill-treatment of human rights activists, lawyers, journalists and opposition activists." **[10aa] (p17)**

7.09 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]**

7.10 A March 2011 report by the International Campaign for Human Rights in Iran

"Two years after the disputed presidential election of 2009, the human rights situation in Iran continues to deteriorate. The country has become enveloped in a profound human rights crisis marked by systematic violations of both international law and the rights protected by Iran's own constitution. The government has been engaged in a binge of executions, routine torture, and mass arbitrary detentions. Journalists, human rights defenders, civil society activists, as well as, minority ethnic and religious groups face growing repression. Authorities, moreover, repeatedly silence domestic efforts to hold the government accountable." **[52o]**

7.11 The United Nations' (UN) list of Ratifications and Reservations, accessed 11 May 2011, recorded Iran as a signatory to:

- the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- the International Covenant on Civil and Political Rights (ICCPR), except the optional protocol;
- the International Convention on the Elimination of All Forms of Racial Discrimination (CERD); and
- the Convention on the Rights of the Child (CRC). **[10ah]**

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 Secretary-General's report to the UN General Assembly dated 15 September 2010 noted that the Iranian government had "…issued a standing invitation to all thematic special procedure mandate holders [human rights experts] in June 2002…During 2003 and 2005, six special procedure mandate holders visited the country, but there have been no further visits by any special procedure mandate holders since 2005." Despite regular requests made by the Special Rapporteurs since then, "All country visit requests remain outstanding." **[10u] (p17)**

A list of the most recent UN Special Procedures' reports on Iran can be found on the Office of the High Commissioner for Human Rights (OHCHR) website. **[10c]**
For more recent information about human rights see Latest news. Also the human rights situation for various groups is detailed in the sections following: Political affiliation;

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Freedom of speech and media (including journalists and bloggers); Freedom of religion, Human rights institutions and activists, Ethnic groups, Lesbian, Gay, Bisexual and Transgender persons; Women and Children.

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8. CRIME

DRUG SMUGGLING

8.01 The US Department of State's *International Narcotics Control Strategy Report* (INCSR), published 4 March 2011, covering the period 1 January to 31 December 2010, stated:

"The Islamic Republic of Iran is a major transit route for opiates smuggled from Afghanistan through Pakistan to the Persian Gulf, Turkey, Russia, and Europe. A large share of opiates leaving Afghanistan (at least 40 percent) transits Iran for domestic consumption as well as to consumers in Russia and Europe.

"There have been reports from U.S. embassies around the world of growing trafficking of crystal methamphetamine by Iranian criminal groups. Much of the methamphetamine being trafficked appears to have been produced in Iran itself. More than 100 Iranians have been charged with drug trafficking in Malaysia and seizures of methamphetamine from Iranian criminals there during 2010 were in excess of one-quarter metric ton…In addition, seizures of methamphetamine in Iran itself were almost 2.5 MT in 2009, up 65 percent from the previous year; opiate seizures in Iran during 2009 also continued at a high level…

"Evidence such as seizure data, and extensive engineering works constructed along its eastern border indicate Iran is making a serious effort to keep Afghan-produced drugs from reaching Iranian citizens. As Iran strives to achieve this goal, it also reduces the quantity of Afghan drugs reaching markets in the West. Iran is frequently the country reporting the largest seizures of opiates in the world. Iran claims to have invested upwards of $1 billion in its elaborate series of earthworks, forts and deep trenches to channel potential drug smugglers to areas where they can be confronted and defeated by Iranian security forces. Nevertheless, traffickers from Afghanistan, Pakistan, and Iran itself continue to cause major disruption along Iran's eastern border. Traffickers have also stepped up use of Iran's airports and railways to move drugs, and Iran has responded by using body scanners and dog teams to increase drug seizures at airports and from railway freight." **[4b] (p309)**

8.02 The Amnesty International report *Death sentences and executions in 2010*, published on 28 March 2011 reported that:

"In 2010 Amnesty International noted an increased use of the death penalty against alleged drugs offenders. In October, the Interior Minister stated that the campaign against drug trafficking was being intensified, and the Prosecutor General stated in the same month that new measures had been taken to speed up the judicial processing of drug-trafficking cases, including by referring all such cases to his office, thereby denying them a right to appeal to a higher tribunal, as is required under international law.

"In December 2010 the amended Anti-Narcotics Law came into force apparently making it easier to sentence to death those convicted of trafficking. It extended the scope of the death penalty to include additional categories of illegal drugs (for example, crystal meth), possession of which became punishable by death. Under the Anti-Narcotics Law, some defendants are not granted a right to appeal, as their convictions and sentences are confirmed by the state Prosecutor-General." **[9v] (p27)**

8.03 The Secretary-General's interim report of 14 March 2011 also commented on the new law, reporting that:

"A new Anti-Narcotics law was passed in December 2010 and came into force on 4 January 2011. Article 18 provides for the death penalty for drug traffickers and major traders and also foresees punishment ranging from one to fifteen years travel ban for carrying or smuggling any quantity of drugs. The new law classes drug addicted persons as criminals unless they are in possession of a certificate of treatment. On 27 December 2010, the Deputy Prosecutor General for Legal Affairs warned of a stricter approach in dealing with drug trafficking and stressed that drug traffickers and major drug traders will face execution under the new anti-narcotics law." **[10aa] (p6)**

8.04 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]**

8.05 The International Harm Reduction Association (IHRA) report *The Death Penalty for Drug Offences: Global Overview 2010* noted that drug offenders represented a significant proportion of all annual executions in Iran. The IHRA report also noted: "Some sources estimate that Iran has executed 10,000 drug traffickers since the revolution of 1979, although a number of these are alleged to have been political dissidents who were charged with drug crimes. The country issued a judicial ban on executing minors for drug offences in late 2008." **[84a] (p22)**

See also Death Penalty for information on executions for alleged drug smuggling.

8.06 The International Campaign for Human Rights in Iran (ICHRI) reported on 4 January 2011 that, in recent months, the number of executions related to drug smuggling had "startingly increased" in Iran. **[52n]** On 16 February 2011, Human Rights Watch reported that "The increase in executions follows the entry into force in late December 2010 of an amended anti-narcotics law, drafted by the Expediency Council and approved by Supreme Leader Ayatollah Ali Khamenei. Officials have also vowed to step up enforcement measures against drug trafficking. Sixty-seven of those [86 people] executed in January had been convicted of drug trafficking." **[8p]**

8.07 The Amnesty International report of 28 March 2011 reported that "In 2010 Amnesty International received a series of credible reports that hundreds of alleged drug traffickers were being executed in secret in Vakilabad Prison, Mashhad. Those executed appeared to be amongst the most vulnerable sectors of society. **[9v] (p27)**

8.08 The Secretary-General's interim report of 14 March 2011 also commented on the reported executions in Mashhad, stating:

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"When OHCHR [Office of the High Commissioner for Human Rights] staff sought further information from Iranian counterparts during a visit to Tehran in December 2010, they confirmed that 60 persons had been executed in Mashhad in pending cases mostly linked to drug trafficking. On 3 January 2011, seven persons convicted of drug trafficking were hanged in the western city of Kermanshah. On 19 January 2011, 10 persons were executed in Rajai Shahr prison in relation to drug trafficking." **[10aa] (p6)**

8.09 The Amnesty International report of 28 March 2011 reported that "In April [2010], mass protests in Afghanistan took place after reports surfaced that dozens of Afghans had been executed in secret in Iran at that time. Although the Iranian authorities denied this, they acknowledged that over 4,000 Afghans were detained in Iran, the majority for drug trafficking." **[9v] (p27)**

See also Death Penalty, Penal Code: Crimes committed outside Iran, Double jeopardy (*ne bis in idem*) and Latest News

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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 *Country Report on Human Rights Practices 2010*, Iran, released on 8 April 2011 (USSD Report 2010), stated:

"Several agencies share responsibility for law enforcement and maintaining order, including the MOIS, the Law Enforcement Forces under the Interior Ministry, and the IRGC. The Basij and informal groups known as the Ansar-e Hizballah (Helpers of the Party of God) were aligned with extreme conservative members of the leadership and acted as vigilantes… Corruption and impunity were problems. Regular and paramilitary security forces committed numerous serious human rights abuses, but there were no transparent mechanisms to investigate security force abuses and no reports of government actions to reform the abusers." **[4f] (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 Amniat-e Keshvar (VEVAK) aka Ettela'at

9.04 Jane's *Sentinel Security Assessment*, updated 1 February 2011, stated that:

"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. It is believed that the MOIS has a particular focus on Iran's turbulent neighbour, Iraq, where there is a large Shia population. Prior to the 2003 US-led invasion, there were indications that the MOIS liaised with the Iraqi opposition group, the Iraqi National Congress, which was seeking the overthrow of the Saddam Hussein regime. Counter-intelligence is part of the MOIS mission, and in February 2007 the MOIS claimed to have identified 100 spies working for the US and Israel in border areas of Iran.

"The MOIS, initially better known by the acronym SAVAMA (Ministry of Intelligence and National Security; Sazman-e Ettela'at va Amniat-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 [Ali] 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'.

"The MOIS addresses ethnic and sectarian issues within the country, and it monitors the clerical community and government officials. Although MOIS officers are vetted for ideological conformity, very few can be considered extreme ideological Islamists.

"The MOIS has a role in defending Iran against cyber attack and in monitoring and censoring the internet. The MOIS was one of the organisations represented on the Committee Responsible for Determining Unauthorised Sites (CRDUS) when it was set up by the government in 2002. The agency has also been involved in investigating the spread of the Stuxnet malware virus, detected in 2010, which disrupted computer systems at Iranian nuclear facilities." **[61d] (Security and Foreign Forces)**

9.05 The USSD Report 2010 stated "There were reports during the year [2010] that the MOIS arrested and harassed family members of political prisoners and human rights activists, banning them from speaking to foreign media or traveling abroad, blocking their telephone conversations, making false criminal charges against them, and blocking their access to higher education." **[4f] (Section 1f)**

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LAW ENFORCEMENT FORCES (INCLUDING THE POLICE)

9.06 Jane's *Sentinel Security Assessment*, updated 1 February 2011 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 of an immoral nature. However, there is a similar unit in the LEF called the Edareyeh Amaken Omumi (Public Establishments Office), which concerns itself with the type of music people listen to, the interaction of people of the opposite sex in public places and various forms of perceived lewd behaviour…

"Maintaining security along Iran's borders is an important role 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." **[61d] (Security and Foreign Forces)**

9.07 The Foreign & Commonwealth Office (FCO) *Annual Report on Human Rights 2010*, published in March 2011, stated:

"Law enforcement in Iran is performed by a number of groups. The key duties fall to the Iranian police, the Intelligence Ministry, the Iranian Revolutionary Guard Corps and the Basij government-sponsored militia. The actions of each of these branches in the post-election protests of 2009 contributed to a climate of fear surrounding their activities and greatly reduced the confidence of ordinary Iranian citizens in their ability to enforce the law impartially." **[26d] (p203)**

9.08 Information on the website of opposition leader Mir Hossein Mousavi stated that "There is said to be over 60,000 police personnel in Iran who are managed by the Ministry of Interior and Justice. The Police-110 unit specializes in rapid-response activities in urban areas. The Marine police are said to have over 90 inshore patrol and over 40 harbor boats. The police force also includes women officers." **[75a]**

IRANIAN REVOLUTIONARY GUARDS CORPS ('PASDARAN')

9.09 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]**

9.10 Information on the Global Security website, updated on 13 February 2009 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]**

9.11 Jane's *Sentinel Security Assessment* updated 1 February 2011 included more detailed information on the IRGC, stating that:

"The Islamic Revolutionary Guards Corps (IRGC), commonly known as the Pasdaran (Guardians), is composed of five main branches – Ground Forces, Air Force, Navy, Basij militia and the Qods Force special operations branch. There is also an Intelligence Directorate. The IRGC has a cultural and military mission. Its cultural role is in safeguarding the achievements of the Islamic Revolution, while its military role lies in supporting the regular forces when required.

"Because of its dual political and military role, the IRGC also has an internal security role, which includes local intelligence gathering; this role has grown in importance since the end of the war with Iraq. While co-operation between the IRGC and the national police is institutionalised, it is best to treat the IRGC predominantly as a military land force that parallels the regular army, a role institutionalised by the war-fighting demands of the Iran-Iraq war. The IRGC's paramilitary organisation, the Basij, plays an increasingly prominent role in the suppression of domestic unrest. Throughout the 1990s, the regular army and IRGC alike protested at being ordered to suppress citizens demonstrating against Iran's worsening economic conditions. For instance, in August 1994, they refused orders to open fire on protesters in Qazvin. The Basij, however, had

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no such qualms. They were similarly deployed by conservative clerics to quell the student riots of 1999 and 2003. The Basij were among the forces deployed to suppress the protests following the 2009 presidential election." **[61d] (Security and Foreign Forces)**

9.12 World Security Network reported on 29 November 2010 that:

"The intelligence element – the Intelligence Office of IRGC – (Ettalaat-e-Pasdaran) had 2,000 personnel (in 2006, but the number of personnel is on an ascending route). This element of the IRGC is responsible for the security of the Iranian nuclear program. This means that it monitors all scientists, leads the security forces from the nuclear installations, provides guard against sabotages and performs counterintelligence operations in order to prevent the recruit[ment] of Iranian nuclear scientists by other countries." **[45a]**

9.13 The BBC News profile of 18 October 2009 stated that:

"Soon after his election in 2005, President Ahmadinejad named several former veterans [of the IRGC] to key ministries in his cabinet. After his disputed re-election in June [2009], the Revolutionary Guards warned demonstrators against further protests. Many people in Iran saw the subsequent crackdown on the opposition as an assertion of control by the Revolutionary Guards. It is an impression the Guards have confirmed themselves, and members of the Basij militia, a group affiliated with the Guards, have been prominent in putting down the opposition protests.

"There are also reports that the Revolutionary Guards have increased their already substantial stake in Iran's economy, with the purchase of a majority stake in the main telecommunications company. The Guards are thought to control around a third of Iran's economy through a series of subsidiaries and trusts. The Guards' engineering wing, Khatam-ol-Anbia (also known by an acronym, GHORB), has been awarded several multi-billion-dollar construction and engineering contracts, including the operation of Tehran's new Imam Khomeini international airport." **[21i]**

9.14 The Freedom House report, *Freedom in the World 2011 – Iran*, published 12 May 2011, stated that: "The IRGC's influence within Iran continues to grow, as it now wields military, political, and economic power. Former members of the IRGC, including Ahmadinejad, hold key positions within the government, and its commercial arms have been awarded the right of first refusal for government contracts, some of which have been extremely lucrative." **[112a]** Furthermore, "As the regime relied more heavily on the Islamic Revolutionary Guard Corps to maintain power, the organization continued to acquire economic concessions and political influence at the expense of civilians." **[112a]**

9.15 Information on the Global Security website updated on 13 February 2009 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 provincal corps, possibly to reflect a far greater internal role, with one for each of Iran's 31 Provinces." **[70b]**

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Qods / Quds Force

9.16 The Advisory Panel on Country Information (APCI) Report 2008 stated that:

> "Current force strength data for the Quds [part of the IRGC] are not available. The al Quds forces are under the command of Brigadier General Qassem Soleimani and have supported non-state actors in many foreign countries. These include Hezbollah in Lebanon, Hamas and the Palestinian Islamic Jihad in the Gaza Strip and the West Bank, the Shi'ite militias in Iraq, and Shi'ites in Afghanistan. Links to Sunni extremist groups like Al Qa'ida have been reported, but never convincingly confirmed. Many U.S. experts believe that the Quds forces have provided significant transfers of weapons to Shi'ite (and perhaps some Sunni) elements in Iraq. These may include the shaped charge components used in some IEDs [improvised explosive devices] in Iraq and the more advanced components used in explosively formed projectiles, including the weapon assembly, copper slugs, radio links used to activate such devices, and the infrared triggering mechanisms. These devices are very similar to those used in Lebanon, and some seem to operate on the same radio frequencies. Shaped charge weapons first began to appear in Iraq in August 2003, but became a serious threat in 2005.
>
> "On January 11, 2007, the director of the Defense Intelligence Agency stated in a testimony before the U.S. Senate Select Committee on Intelligence that the Quds force of Iran's Islamic Revolutionary Guard Corps has the lead for its transnational terrorist activities, in conjunction with Lebanese Hezbollah and Iran's MOIS." **[6a] (p8)**

9.17 The APCI Report 2008 also stated that the Quds force "… plays a major role in giving Iran the ability to conduct unconventional warfare overseas using various foreign movements as proxies. In January [2008], Iran's Supreme National Security Council (SNSC) decided to place all Iranian operations in Iraq under the command of the Quds forces. At the same time, the SNSC decided to increase the personnel strength of the Quds to 15,000." **[6a] (p7)**

9.18 Jane's *Sentinel Security Assessment*, updated 1 February 2011, stated that:

> "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. A report by the Pentagon in December 2007 claimed that the Qods Force provided many of the explosives and ammunition used by Shia militia groups in Iraq which have attacked coalition and Iraqi government forces. These claims have always been denied by Tehran.
>
> 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". **[61d] (Security and Foreign Forces)**

Basij

9.19 Jane's *Sentinel Security Assessment*, updated 1 February 2011, 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]**

9.20 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]**

9.21 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]**

9.22 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]**

9.23 Jane's *Sentinel Security Assessment*, updated 1 February 2011 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...

"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)**

9.24 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]**

9.25 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)

9.26 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]**

9.27 Jane's *Sentinel Security Assessment*, updated 1 February 2011, stated that:

"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. The group openly criticised the Khatami administration for 'propagating social corruption', and deemed its violent actions against reformist activists since 1999 as necessary to safeguard the revolution. The group has a significant overlap with the Basij voluntary Islamist militia. The group is connected with Ayatollah Ahmad Jannati, the hardline head of the Guardians Council, and is believed to receive most of its funding from the Oppressed and Disabled Foundation, while its membership is drawn from war veterans and the Basij.

"Ansar-e Hezbollah came to prominence in 2003 when a number of its members and leaders were arrested after they stormed into the dormitory of Tehran's Allameh Tabatabai University and attacked reformist students and destroyed their properties. Said Asgar, a member of Ansar-e Hezbollah, was also charged with the failed assassination attempt on Said Hajjarian, a reformist member of the former Tehran City Council in 2000, though he was later freed on bail.

"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.

"Some of the group's recent campaigns have included attempts to force the judiciary to name the 'economic fat-cats' who, the group states, have been looting the national wealth and who should be held accountable. One of the group's senior figures, Hamid Ostad, declared in August 2005 that in the face of 'repeated threats by the US' it is

discussing 'performing suicide operations against US forces and interests anywhere in the world' in the event of a foreign invasion. In 2007 the group vociferously backed the LEF's crackdown on 'improper dressing'." **[61d] (Security and Foreign Forces)**

9.28 The estimated total strength of Ansar e-Hezbollah is 5,000 (Jane's *Sentinel Security Assessment*, 1 February 2011). **[61d] (Security and Foreign Forces)**

ARMED FORCES

9.29 Jane's *Sentinel Security Assessment*, updated 7 April 2011, 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. **[61e] (Armed Forces)**

9.30 The Central Intelligence Agency (CIA) World Fact Book, updated 22 February 2011, stated that the military branches included:

"Islamic Republic of Iran Regular Forces (Artesh): Ground Forces, Navy, Air Force (IRIAF), Khatemolanbia Air Defense; Islamic Revolutionary Guard Corps (Sepah-e Pasdaran-e Enqelab-e Eslami, IRGC): Ground Resistance Forces, Navy, Aerospace Force, Qods Force (special operations); Law Enforcement Forces (2010)." **[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 dentention – legal rights

9.31 The UN Human Rights Council's *Report of the Working Group on Enforced or Involuntary Disappearances*, released 26 January 2011, covering the period 14 November 2009 to 12 November 2010 stated that "Since its establishment, the Working Group has transmitted 532 cases [of enforced or involuntary disappearance] to the [Iranian] Government; of those, 5 cases have been clarified on the basis of information provided by the source, 13 cases have been clarified on the basis of information provided by the Government, and 514 remain outstanding." **[10f] (p62)**

9.32 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.

"The Judiciary announced that it has prosecuted at least 500 people arrested after the June elections. Currently, the Campaign estimates at least 500 people remain arbitrarily detained in Iranian prisons for peaceful activities and exercise of free expression, with hundreds more out on bail facing arbitrary prosecutions." **[52o] (p13)**

9.33 The USSD Report 2010 stated "Although the constitution prohibits arbitrary arrest and detention, these practices continued during the year [2010]." **[4f] (Section 1d)** Moreover, "There were reports of arbitrary and false arrests during the year, including the arrest of dozens of students and journalists in February in anticipation of protests planned for February 11, the anniversary of the revolution." **[4f] (Section 1d)**

9.34 The Freedom House report *Freedom in the World 2011 – Iran*, published 12 May 2011, stated that arbitrary arrest and detention "…are increasingly routine, 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, torture, and death in custody." **[112a]**

9.35 The Amnesty International report, *Death sentences and executions in 2010*, published on 28 March 2011, stated:

"Detainees in Iran are often held for lengthy periods of time prior to trial, where they are at grave risk of being subjected to torture and other ill-treatment; political prisoners are often held incommunicado. Trials are generally unfair and detainees are systematically denied – by law – access to a lawyer until investigations have been completed, which can take many months. Proceedings, particularly those held outside the capital Tehran are often summary, lasting only a few minutes." **[9v] (p26)**

9.36 Amnesty International's *Annual Report 2011 – Iran*, published 12 May 2011 stated:

"Security officials, generally in plain clothes and without showing identification or arrest warrants, continued to arrest arbitrarily government opponents and people seen to be dissenting from officially approved values on account of their views or lifestyle. Among those arrested were human rights activists, independent trade unionists, students and political dissidents.

"Those arrested were often held for long periods during which they were denied contact with their lawyers or families, tortured or otherwise ill-treated, and denied access to medical care. Some were sentenced to prison terms after unfair trials. Others sentenced after unfair trials in previous years remained in jail." **[9y]**

See also Political affiliation and Freedom of speech and media

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Detention centres

9.37 The Freedom House report, *Freedom in the World 2011 – Iran*, released on 12 May 2011, 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,

torture, and death in custody. Male and female detainees alleged rape by security forces in the second half of 2009; after Karroubi released a detainee's first-hand account of rape on his website that year, prosecutors initiated a case against him. The rape claims were reinforced when a former member of the Basij confessed that security personnel were permitted to rape detainees as a 'reward' for their work. Tehran prosecutor Saeed Mortazavi and two other judicial officials were suspended in August 2010 for their roles in the torture of detainees and the deaths of three opposition activists, but they were not arrested or charged with a crime. Twelve correctional officers accused of torture and the deaths of the three prisoners were brought before a court in March, but information on the proceedings was not disclosed, and it was unclear whether they were ever sentenced." **[112a]**

9.38 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)**

9.39 The Amnesty International report of June 2010, reported that:

"Once arrested, individuals are commonly taken to detention facilities run by the Ministry of Intelligence or the Revolutionary Guards or other intelligence services…

"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)**

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9.40 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 Eshratabad) 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.

"The Kahrizak Detention Centre – run by the police – was reportedly closed in 2009 on the order of the Supreme Leader following several deaths in custody there and allegations of torture. Following the closure, on 4 August, 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)**

9.41 On 18 November 2009, BBC News reported that, according to Iran's police chief, a doctor who died at Kahrizak detention centre before it was closed in July, had committed suicide. However, "Opposition groups and some MPs [Ministers of Parliament] have described his death as 'suspicious'. Dr Pourandarjani had reportedly given evidence to a parliamentary committee about abuse at the Kahrizak centre. Opposition websites say he had admitted to being forced to say that one detainee had died of meningitis, and to say nothing about what he had seen." **[21k]**

9.42 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 reported that:

"No comprehensive investigation was conducted or accountability process launched for alleged violations in the post-election period. However, the Iranian authorities did take some corrective measures to address concerns of torture and illtreatment in detention centres. In July 2009, as a result of a report of the senior inspection team from the office of the Supreme Leader, the Kahrizak detention centre was reportedly shut down and disciplinary action taken against officials in relation to the abuse of detainees arrested during the post-election unrest. The outcome of the inspection triggered further actions and, in January 2010, a Parliamentary committee conducting a probe into allegations at Kahrizak determined that Saeed Mortazavi, Tehran's former Prosecutor-General, was responsible for the abuses at Kahrizak and confirmed the death of three prisoners from beatings at the hand of their jailers. In March 2010, a group of 12 persons charged with offences connected to the abuses in Kahrizak reportedly went on trial before a military court in Tehran. In this context, on 30 June 2010, a military court reportedly sentenced two men to death and nine others to jail, flogging and payment of blood money for torturing three protesters to death in Kahrizak who had been detained during the post-election unrest." **[10u] (p15)**

9.43 The 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)**

The June 2010 Amnesty International report records specific cases of individuals held in various detentions centres and prisons including the conditions in which they were held and may be accessed directly for more detailed information. **[9o]** 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]**

See also Prison Conditions, Political prisoners and following section on Torture

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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." **[8o] (p22)**

9.45 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:

"Since June 2008 the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has sent numerous communications to the Iranian authorities regarding serious allegations that had been received concerning torture and other cruel, inhuman or degrading treatment or punishment…He [the Special Rapporteur] cited a number of different torture methods, including sleep deprivation, beatings, stress positions and lack of access to health care. The individuals allegedly subjected to such treatment included members of student groups, religious groups, journalists, human rights defenders, union campaigners, social activists, individuals who had committed crimes as juveniles and individuals associated with various minority groups, including the Baha'i, Azerbaijani and Kurdish segments of the Iranian population…Amputation and corporal punishment, which are justified by the authorities as Islamic punishments, also remain a serious cause for concern." **[10g] (p9-10)**

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9.46 The USSD Report 2010 stated that "The constitution and law prohibit torture, but there were numerous credible reports that security forces and prison personnel tortured detainees and prisoners. **[4f] (Section 1c)** A report dated 5 February 2010 by the UN Special Rapporteur on torture stated that, following the 2009 demonstrations, there were "credible allegations" of politically-motivated torture by the security forces. **[10p] (p22)**

9.47 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)**

9.48 The USSD Report 2010 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, 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.

"Some prison facilities, including Evin Prison in Tehran, were notorious for cruel and prolonged torture of political opponents of the government. Authorities also 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 Section 209 of Evin Prison…

"During the year [2010] the government initiated limited investigations into reports of torture or cruel, inhuman, or degrading treatment or punishment; according to AI, these investigations focused more on covering up abuses than revealing the truth or punishing those believed responsible." **[4f] (Section 1c)**

9.49 Amnesty International's *Annual Report 2011* (AI Report 2011) covering events in 2010 and published on 12 May 2011, noted:

"Torture and other ill-treatment in pre-trial detention remained common, facilitated by the routine denial of access to lawyers and continuing impunity for perpetrators. Methods reported included severe beatings; forcing detainees' heads into toilets to make them ingest human excrement; mock executions; confinement in very small, cramped spaces; deprivation of light, food and water; and denial of medical treatment. In one case, a male detainee was reported to have been raped; others were threatened with rape.

"In August [2010], Gholam-Reza Bayat, a Kurdish youth, was reported to have died from internal bleeding after he was beaten in custody in Kamyaran.

"Details of torture in 2009 continued to emerge. In February, a former member of the volunteer paramilitary Basij force described how tens of boys had been rounded up in Shiraz, thrown into shipping containers and systematically raped. After expressing concerns to a Basij leader, he and others were detained for 100 days without access to their families and beaten. He also alleged that he faced a mock execution." **[9y]**

9.50 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 Abdolhussein Rouhalamini, a high-ranking Revolutionary Guard commander, was amongst those killed under torture in the facility. Despite a June 2010 conviction of two Kahrizak guards, no commanding officer or ranking official has been prosecuted for the tortures, including former Tehran Prosecutor Saeed Mortazavi. A January 2010 parliamentary report found that Mortazavi was primarily responsible for abuses at Kahrizak and although he was indicted by a special Judge's Court, he never faced trial.

"Furthermore, officials have ignored or failed to adequately investigate credible allegations of extensive torture and ill treatment at other prisons, including Evin Prison, Rajaee 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)**

9.51 The interim report of the Secretary-General published on 14 March 2011 noted that "…reports continue to be received about torture and cruel, inhuman or degrading treatment taking place in various detention facilities." **[10aa] (p4)**

See also Detention Centres for further information on Kahrizak detention centre and the following section on Amputation and flogging

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Amputation and floggings

9.52 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)**

9.53 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)**

9.54 The AI Report 2011, noted that during 2010 "Floggings and an increased number of amputations were carried out." **[9y]**

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

"In recent months there have been a number of reports in the Iranian media regarding the application of amputation and flogging. On 1 December 2010, Iranian authorities amputated the hand of [a] man accused of theft in the central prison of Kermanshah. The sentence was reportedly carried out in the presence of local judiciary officials and prisoners. On 22 November 2010, after amputating the hand of a thief, the Public Prosecutor of Mashhad stressed that the judiciary will show no mercy to those who disturb public order and security, particularly thieves. On 26 October 2010, in connection with the amputation of the limb of a thief in Yazd, the First Deputy to the Head of Judiciary stated that the execution of such punishment was in compliance with the law, was a source of pride and would be repeated in the future. On 22 July 2010, following the amputation of the hands of five robbers in Hamedan prison, the Prosecutor of Hamedan stressed that 'when a hand gets used to stealing and causes harassment for the people, it has to be cut short'.

"An Iranian news agency reported that on 18 December 2010, a man accused of drinking alcohol was publicly punished with 80 lashes in the city of Ramshir. On 5 January 2011, the judiciary in Tehran convicted a woman Ms Saeeda known as Kimya to 100 lashes for adultery. On 31 January 2011, three persons accused of having illicit sexual relations were subjected to 99 lashes in public in Qaimshehr. Some punishments have been reported in the context of retribution or 'an eye- for- an eye' cases. On 28 December 2010, according to Iranian press reports, a court in Tehran ruled that a man named Hamid must lose his eye and part of an ear after he blinded and burnt the ear of another man in an acid attack. During the preparation of this report, the Iranian authorities confirmed amputation and flogging sentences were carried out in Ramshir and other locations in conformity with the Penal Code." **[10aa] (p4-5)**

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Extra-judicial killings

9.56 The USSD Report 2009 stated "During the June [2009] election protests, scores of protesters and nonprotesting bystanders were killed, especially during antigovernment rallies…" **[4c] (Section 1a)**

9.57 An Amnesty International (AI) report dated 10 December 2009, reported on the number of reported post-election deaths stating that:

"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)**

9.58 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.

"On 25 August [2009], one of the members of Parliament's Article 90 Commission, which can hear complaints of individuals against state officials, requested that an official investigation into the 'rumours' be launched. Hours afterwards, on hearing that Section 302 was going to be paved over, a delegation of MPs visited the cemetery. The cemetery Chief was removed from his post by order of the Mayor. Several days later Tehran city officials said they would investigate the claims of secret burials, but since then there have been no further announcements.

"Such a lack of transparency by the authorities means the true death toll may never be known. Investigations by NGOs [non governmental organisations] and others have been thwarted…families have been threatened not to discuss in public the death of their loved one or injuries sustained, and in some cases have been forced to say that their relative died of natural causes. Other people have been shown on television, claiming to be the dead person.

"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)**

9.59 The AI Report 2010, published on 27 May 2010, covering events in 2009, stated that, "Neda Agha Soltan, aged 27, was shot dead in a Tehran street on 20 June during a demonstration. Her dying moments were filmed. The perpetrator was identified as a member of the Basij but the authorities claimed that British and US news media had caused her death. Neda Agha Soltan's family and other mourners were harassed and intimidated by security officials when commemorating her life." **[9a] (p173)**

9.60 The Secretary-General's report of 23 September 2009 noted that the Iranian government had agreed in principle to a visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions in September 2006 but a visit had not yet been scheduled. Several follow-up requests had been sent, the latest being in December 2008. The report observed that "No visits by any special procedures mandate holders have taken place since 2005." **[10g] (p17)** In his report of 14 March 2011, the Secretary-General stated that this position remained the same and no visits had been scheduled. **[10aa] (p15)**

9.61 In a press conference of 27 October 2009, the Special Rapporteur on extrajudicial, summary or arbitrary executions said "…that the death sentences received by three people who had protested election results contravened the Covenant on Civil and Political Rights, to which Iran was party, and violated international law, which forbade execution for crimes that did not involve killings." **[10l]** The Secretary-Genral's report of 14 March 2011 commented on the surge of executions at the beginning of 2011 and further noted that "… the Special Rapporteur on extrajudicial, summary or arbitrary executions jointly with the Special Rapporteur on the independence of judges and lawyers also warned in a public statement of a dramatic surge in death sentences which were carried out in the absence of internationally recognized safeguards, despite numerous calls by the UN to immediately halt executions." **[10aa] (p5)**

9.62 The USSD Report 2010 stated "There were reports that the government and its agents committed multiple acts of arbitrary or unlawful killings, and the government made only limited attempts to investigate killings.There were at least two extrajudicial killings during the year [2010], and there were few updates or investigations into cases from previous years." **[4f] (Section 1a)**

See the USSD Reports of 2009 **[4c]** and 2010 **[4f]** for further details on reported cases of extra-judicial killings.

See also Death Penalty

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10. MILITARY SERVICE

10.01 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 in Iran: "The right to conscientious objection is not legally recognized and there are no provisions for substitute service." **[25a]**

10.02 The Central Intelligence Agency (CIA) World Fact Book, updated 22 February 2011, stated that Iran's military service age and obligation were: "19 years of age for compulsory military service; 16 years of age for volunteers; 17 years of age for Law Enforcement Forces; 15 years of age for Basij Forces (Popular Mobilization Army); conscript military service obligation – 18 months; women exempt from military service (2008)." **[111a] (Military)**

10.03 Iranian men become eligible for military service as of 21 March of the year they reach 19, although the minimum voluntary recruitment age is 16. Most of the armed forces are

reportedly made up of conscripts who received minimal training and serve for 18 months. (Coalition to Stop the Use of Child Soldiers (CSC) Global Report 2008, Iran, 20 May 2008) **[30a]** "In 2008 the period of conscription was reduced from two years to 20 months. The military service period for those serving in harsh climate areas was reduced to 18 months and to 17 months for those serving in border military operations. In 2003 the period of conscription had been reduced to a period of 17 to 20 months in certain areas of Iran." (Jane's *Sentinel Security Assessment*, 8 March 2011) **[61a] (Army)**

10.04 Regarding draft evasion or desertion, the Danish Immigration Service's report *Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting…*, released April 2009, stated:

"… military service is compulsory in Iran. The Attorney at Law informed that generally the duration of military service is two years and it is only compulsory for men. However, it can be shortened to 20 months. A person who deserts from the army will have to continue the military service upon return, if he is under the age of 40. Individuals who are over the age of 40 will not be asked to do military service. If a person has deserted or evaded the military service and returns to Iran after the age of 40, he will receive a financial punishment and possibly imprisonment. This is subject to arbitrary ruling. However, if the person has been subject to a pardon he will not face punishment on return to Iran. According to the Attorney at Law, a person who evades military service may be punished. According to Military Law, if a person had to serve 20 months of military service and evades, the length of the service will increase to 24 or 26 months. The Attorney at Law added that according to 'previous legislation' a person may also be fined a few thousand US Dollars instead of serving extended military service. However, the Attorney at Law stated that it is still to be seen how recent changes in law are used in practice, i.e. whether a person will be fined or must serve extra time." **[86a] (p47)**

10.05 The WRI report of 1998 includes further information on military service, including possible punishments for evasion and desertion. More recent information on possible penalties, other than that included in the paragraph above, had not been identified at the time of writing.

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, 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]**

 The main text of this COI Report contains the most up to date publicly available information as at 13 May 2011. Further brief information on recent events and reports has been provided in the Latest News section to 21 June 2011.

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 WRI reported on 1 July 2009 that:

"The Iranian parliament (Majlis) has passed a new bill to cut military service in the country by 2 to 10 months for conscripts with university degrees, Iranian Press TV reported on 30 June 2009. Presently, military service lasts generally 18 months, but there are shorter terms for college graduates.

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

"'The new regulation will be performed from the year 2011 and until then the current law will be executed,' added Kamali who is the chief conscription officer of the armed forces.

"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]**

10.09 The US Department of State *International Religious Freedom Report 2010*, Iran, published 17 November 2010 stated:

"The constitution states that the army must be Islamic and must recruit individuals who are committed to the objectives of the Islamic Revolution. In practice, however, no religious minorities were exempt from military service. The law forbids non-Muslims from holding officer positions over Muslims in the armed forces. Members of religious minorities with a college education can serve as officers during their mandatory military service but cannot be career military officers." **[4e] (Section II)**

See also sections on Exit and Return for further information on restrictions relating to military service and Lesbian, Gay, Bisexual and Transgender Persons for information on exemption regulations.

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11. JUDICIARY

ORGANISATION

11.01 Jane's *Sentinel Security Assessment*, updated 4 June 2010, 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 Sharoudi (the head of the judiciary) and the supreme leader." **[61f] (Internal Affairs)**

11.02 The US Department of State *Country Report on Human Rights Practices 2010*, Iran, released on 8 April 2011, (USSD Report 2010) stated:

"After the 1979 revolution, the judicial system was revised to conform to an Islamic canon based on the Qur'an, Sunna (the traditions of the Prophet), and other Islamic sources. The constitution provides that the judiciary be 'an independent power'; in practice the court system was corrupt and subject to political influence. The constitution provides that the head of the judiciary is a cleric chosen by the supreme leader. The head of the Supreme Court and prosecutor general also must be clerics." **[4f] (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)**

Court structure

11.04 The Library of Congress country profile of Iran, dated May 2008, noted:

"The highest judicial authority is the Supreme Court, members of which are appointed by the head of the judiciary. That individual, appointed to a five-year term by the leader, also approves the candidate list from which the president chooses a minister of justice. The Supreme Court nominally has 33 regional branches, to which the chief of the Supreme Court assigns cases, but all but two are located in Tehran. The Supreme Court oversees enforcement of the laws by lower courts, sets judicial precedent, and acts as a court of appeal. Public courts try conventional civil and criminal cases at the provincial and local levels. Revolutionary courts try cases involving political offenses and national security. The Clerical Court, which is outside the court system and overseen directly by the leader, deals with crimes committed by members of the clergy, including 'ideological offenses.' Such offenses include interpretations of religious precepts that are not acceptable to the establishment clergy and activities, such as journalism, outside the realm of religion. Iran also has special courts for members of the security forces and government officials. The judges of all courts must be experts in Islamic law." **[79a] (p15)**

11.05 Europa World online, accessed 31 March 2011, reported:

"In August 1982 the Supreme Court revoked all laws dating from the previous regime that did not conform with Islam; in October all courts set up prior to the Islamic Revolution of 1979 were abolished. In June 1987 Ayatollah Khomeini ordered the creation of clerical courts to try members of the clergy opposed to government policy. A new system of *qisas* (retribution) was established, placing the emphasis on swift justice. Islamic codes of correction were introduced in 1983, including the dismembering of a hand for theft, flogging for fornication and violations of the strict code of dress for women, and stoning for adultery. The Islamic revolutionary courts try those accused of

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crimes endangering national security, corruption, drugs-trafficking, and moral and religious offences. The Supreme Court has 33 branches, each of which is presided over by two judges." **[1d] (Judicial System)**

11.06 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]**

11.07 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]**

11.08 The USSD Report 2010 stated:

"Islamic revolutionary courts try offenses viewed as potentially threatening to the Islamic Republic, including threats to internal or external security, narcotics and economic crimes, and official corruption. A special clerical court examines alleged transgressions within the clerical establishment, and a military court investigates crimes connected with military or security forces. A media court hears complaints against publishers, editors, and writers, including Internet cases." **[4f] (Section 1e)**

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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Mechanisms for redress outside of the judiciary

11.09 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, stated that:

"In addition to the judiciary…there are several other institutional mechanisms that provide opportunities for citizens to seek redress. Article 174 of the Constitution provides for a National General Inspectorate under the supervision of the head of the judiciary, which supervises the proper conduct of affairs and the correct implementation of laws by the administrative organs of the Government and reportedly handles individual complaints. Under article 90 of the Constitution, the legislature can also examine and investigate written complaints by the public against its own work and the work of the executive and the judicial branches. In addition, there are quasi-judicial institutions, including arbitration and dispute settlement councils, which settle large volumes of cases. Moreover, the Islamic Human Rights Commission, established in 1996, is a non-governmental body that monitors the human rights situation in the country. It has no representative status as a national institution nor has it been recognized by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights as complying with the Paris Principles relating to the status and functioning of national human rights institutions. Additionally, the Islamic Republic of Iran has established a human rights headquarters under the

judiciary to facilitate international cooperation and coordinate among Government bodies on human rights-related matters." **[10g] (p4)**

INDEPENDENCE

11.10 The Constitution of the Islamic Republic of Iran (Article 156) states that the Judiciary is an independent power, the protector of the rights of the individual and society, responsible for the implementation of justice. (UN, accessed 10 December 2008) **[10d]**

11.11 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)**

11.12 The Freedom House report, *Freedom in the World 2011 – Iran*, published on 12 May 2011, 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. General Courts ostensibly safeguard the rights of defendants, but in practice suspects are frequently tried in closed sessions without access to legal counsel. Dissident clerics are tried before the Special Court for the Clergy. Political and other sensitive cases are tried before Revolutionary Courts, where due process protections are routinely disregarded and trials are often summary. Since the summer of 2009, hundreds of journalists and dissidents have been convicted of national security crimes in televised mass trials and secret Revolutionary Court proceedings, none of which met international human rights standards. Televised denunciations and confessions, which are generally believed to have been coerced, continued during 2010. In the most prominent example, the husband of human rights activist and 2003 Nobel Peace Prize laureate Shirin Ebadi denounced his wife on state television in June 2010. Judges commonly accept coerced confessions and disregard torture or abuse during detention." **[112a]**

11.13 The USSD Report 2010 stated:

"By law the judiciary is independent from the executive and legislative branches; in practice it remained under the influence of executive and religious government authorities. According to the constitution, the Court of Administrative Justice, under the supervision of the head of the judiciary, investigates the grievances of citizens with

regard to 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 are available to settle minor civil and criminal cases through mediation before referral to courts." **[4f] (Section 1e)**

11.14 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 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]**

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FAIR TRIAL

11.15 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)**

11.16 Correspondence from the Foreign and Commonwealth Office to the UK Border Agency dated 30 April 2010 stated that:

"Although the judicial system in Iran is relatively robust on paper, there have been serious questions about access to fair trial in civilian courts, let alone military tribunals, for some years. This has only escalated since the June 2009 Presidential elections. Large numbers of people have been detained, without access to lawyers, with requests for bail ignored, forced to sign fake confessions and then put forward in televised show trials, before being sentenced for crimes that their lawyers (whom they have often had no access to) say they did not commit. Others have disappeared for weeks with frantic relatives being given no information about their whereabouts." **[26g]**

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 USSD Report 2010 stated:

"Many aspects of the prerevolutionary judicial system survive in the civil and criminal courts. According to the constitution and criminal procedure code, a defendant has the right to a public trial, 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. In the media court, a council of 11 persons selected by the court adjudicates cases. No defendants in any court had the right to confront their accusers, nor were they granted access to government-held evidence. During the year [2010] human rights groups noted the absence of procedural safeguards in criminal trials.

"During the year AI [Amnesty International], HRW [Human Rights Watch], RSF [Reporters Without Borders], and several other human rights groups continued to condemn trials in the revolutionary courts for disregarding international standards of fairness. In August 2009 the UN special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, the special rapporteur on the situation of human rights defenders, and the vice chairperson of the working group on arbitrary detention expressed 'serious concern' about the situation of detainees in the country.

"The government often charged individuals with vague crimes such as 'antirevolutionary behavior,' 'moral corruption,' 'siding with global arrogance,' moharebeh ['enmity towards god'], 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. The head of the judiciary chose revolutionary court judges in part due to their ideological commitment to the system. Secret or summary trials of only five minutes' duration frequently occurred. Other trials were deliberately designed to publicize a coerced confession." **[4f] (Section 1e)**

11.19 A Joint Statement dated 28 October 2010, by human rights groups, Amnesty International, Democracy Coalition Project, Human Rights Watch, the International Campaign for Human Rights in Iran and the International Federation for Human Rights and its affiliate, the Iranian League for the Defence of Human Rights, stated that following the demonstrations after the June 2009 elections:

"The Iranian authorities subsequently tried hundreds unfairly, including in mass 'show trials', the main aim of which appeared to be to validate their version of events and identify scapegoats. In January 2010, two men convicted after 'show trials' were executed for their involvement in demonstrations, despite their having been in custody since before the election. At least seven men and one woman remain on death row for alleged offences related to the election and its aftermath, while others have been sentenced to prison terms of up to 15 years after conviction of vaguely worded 'offences' relating to 'national security'. Their trials make a mockery of justice.

"The trials typically take place after defendants have been held for long periods of detention – often in solitary confinement or incommunicado detention – in centres where torture and other ill-treatment are common. Poor prison conditions, including denial of adequate medical care, have also been used to bring further pressure to bear on those held and their families." **[82a]**

11.20 The Amnesty International report *Death sentences and executions in 2010*, published 28 March 2011, stated that "In Iran, Amnesty International recorded death sentences imposed on political opponents and members of ethnic minorities after unfair trials; in some cases individuals sentenced to death were reported to have been tortured in detention and to have been denied access to a lawyer." **[9v] (p12)**

See also Penal code and Political affiliation

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Trial in absentia

11.21 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]**

11.22 The Advisory Panel on Country Information (APCI) Report 2008 noted that: "In [in] absentia cases, the time limitations relevant in all cases, namely 20 days of appeal within the appropriate appellate authority per Article 236 of the Penal Procedure code, do not begin to run until the initial 10 days [see above paragraph] are exhausted. For individuals residing overseas (where this is officially registered with the authorities), the time frame is 2 months." **[6a] (p17)**

11.23 The US Department of State *Country Report on Human Rights Practices 2010*, Iran, published on 8 April 2011 includes recent examples of individuals tried "in absentia". **[4f]**

Double jeopardy (*ne bis in idem*)

11.24 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

11.25 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 132.1 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]**

11.26 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)**

11.27 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)**

See also Arrest and Detention – Legal Rights for further information on bail and court documents

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PENAL CODE

11.28 The website of the Mission for Establishment of Human Rights in Iran (MEHR Iran), accessed on 16 March 2010, includes details of the 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]**

11.29 The International Federation for Human Rights (FIDH) report *Iran/death penalty: A state terror policy*, dated 28 April 2009, stated that:

"Under the Islamic Penal Code (IPC) of 1991, punishments are divided into five types. They are: hodood, qesas, diyeh, ta'zirat and deterrent punishments.

- Hodood are punishments whose type and scope have been determined by the Islamic shari'a and cannot be commuted or pardoned.
- Qesas is a retributive 'eye-for-eye' punishment meted out for a range of offences.
- Diyeh (referred to as blood money) is financial compensation as determined by the Islamic shari'a and paid to the victim or his/her survivors.
- Ta'zirat are discretionary punishments that have not been determined by the Islamic shari'a and judges have the power to decide them. They may include imprisonment, lashing, fine etc.
- Deterrent punishments are punishments determined by the state, e.g. imprisonment, fine, closure of business, deprivation from social rights, exile and other punishments.

"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)**

11.30 The Foreign and Commonwealth Office advised on 28 January 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]**

11.31 The Freedom House Report *Freedom in the World 2011 – Iran* stated that: "The country's penal code is based on Sharia 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." **[112a]**

See also Death penalty and Latest News (for a recent example of a qesas sentence)

11.32 The Danish Immigration Service's report *Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc*. (Danish Immigration Service Report 2009), released April 2009, stated that:

"It is a big problem that the Penal Code is interpreted very differently depending on the judge presiding. Sharia Law is often used in very strict, traditional and religious parts of the country and less often in Tehran and larger cities. Though, it cannot be ruled out that Sharia judgements may occur even in Tehran. It is always up to the individual judge to decide how to interpret the law. This causes an arbitrary justice system and one can never know how an offence will be punished." **[86a] (p24)**

11.33 The Danish Immigration Service Report 2009 continued: "Sharia Law is pervasive in the Penal Code and will always be considered the superior law. While some judges will

apply the Penal Code others may choose to apply Sharia Law and this makes the system of justice unpredictable and arbitrary." **[86a] (p10)**

11.34 The FIDH report of 28 April 2009 noted that: "The applicable Islamic Penal Code [IPC] has been in place since 1991 on a 'trial basis'. In November 2007, the judiciary submitted a new bill for a permanent legislation." **[56b] (p16)** A later FIDH report of 16 March 2010 stated that the IPC had not yet been amended and noted that

"… the Guardian Council, having examined it for discrepancies with the Constitution and the sharia, returned it to the House for amendments to no less than 80 Articles at the end of January 2010. The Guardian Council noted in conclusion of its opinion that 'there are still numerous religious flaws and other ambiguities in the bill, which will be communicated later.' At the time of writing, it is not clear yet how long it will take for the new bill to become law and replace the applicable IPC." **[56e]**

See also Proposed law on apostasy for further details of the proposed revisions to the penal code.

11.35 On 8 February 2011, Radio Free Europe/Radio Liberty's (RFE/RL) Radio Farda reported that enforcement of the IPC had been extended for a further year "…until March 2012, the beginning of the Iranian new year, following ratification by the Iranian parliament in December 2010." The article further noted that:

"The Islamic Penal Code was originally ratified by the parliament's Legal and Judicial Commission in 1982 and passed by the top legislative body, the Guardian Council, for an experimental period of five years. Since its revision in 1991, the law's experimental implementation has been repeatedly extended.

"According to Iran's constitution, the experimental implementation of a law is approved by parliamentary commissions and is never debated by all lawmakers. Such laws are not permanent." **[42d]**

Knowledge of the judge

11.36 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." **[8o] (p7)**

11.37 In a document dated 9 July 2010, Amnesty International 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]**

11.38 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)**

11.39 The April 2009 FIDH report added that, "It is notable that the IPC [Islamic Penal Code] has stipulated 'knowledge of the judge' specifically as one of the means to prove theft or murder, but not in the case of fornication/adultery. However, Ayatollah Khomeini has granted judges the power to use their knowledge in fornication- and adultery-related cases (Tahrir ul-Vassileh, Vol 4, P 197). The book was invoked to sentence two sisters to stoning in 2007…" **[56b] (p39fn)**

See also Lesbian, Gay, Bisexual and Transgender Persons, Stoning, and Women: Adultery

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Crimes committed outside Iran

11.40 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

11.41 The APCI Report 2008 observed:

"In order to invite an individual to a judicial body, a summons must be issued. This would be in the form of 'Ekhtariyeh' (sometimes translated as 'legal notice') and

'Ehzariyeh', Farsi terms which may both be accurately translated into the legal term 'summons'.

"These serve the same purpose and have the same nature, as both give the opportunity to the defendant to attend the court and defend themselves against certain allegations. Both of these documents are issued by the proceeding court after a lawsuit is filed, stating the name of the defendant, the file number of the case, the court and its branch, the name and address of the defendant, and instructions as to the need to attend the court at a certain time or within a given time period. A copy of the document must be served on the defendant or a family member and signed by both the serving Bailiff and the recipient to show the date of service. After service to the defendant, the original document, along with the 'return of service' proving the summons and complaint were served, is filed with the court to show that the defendant has been informed and been given the opportunity to respond.

"Therefore, there is no difference between 'Ekhtariyeh' and 'Ehzariyeh' in terms of their legal nature and function, as both provide the defendant with the opportunity to voluntarily appear at court and respond to a complaint. However, 'Ekhtariyeh' is usually used when someone is called to the court for an investigation that is ongoing against the defendant, whilst 'Ehzariyeh' is used when the court intends to hold a trial against the defendant and wants to give a last opportunity for their voluntarily coming forward. The consequence of non-attendance after issuing an 'Ehzariyeh' would usually be the issuing of an arrest warrant and an absentia verdict if the person is not found." **[6a] (p19)**

11.42 On the same subject the Danish Immigration Service Report 2009 stated that:

"The Attorney at Law explained that summonses can be issued by the Civil-, Criminal- or Revolutionary Court. A western embassy (3) confirmed that there are different kinds of summonses and added that summonses are also issued by the Secret Service.

"The Attorney at Law stated that if a person does not respond to a summons, the person is breaking the laws regulating the obligation to report to the authorities when summoned. Failing to report when summoned does not mean that the person will be prosecuted. This would depend on the reason for the person being summoned. The Attorney at Law added that a person who has been summoned and has subsequently left Iran during the investigation phase, will not necessarily face prosecution upon return just because the person has failed to report to the authorities after being summoned.

"According to a western embassy (3), a person who does not meet when summoned is searched for by the authorities. The embassy does not know what happens to a person who fails to report to the authorities after being summoned.

"The Attorney at Law stated that summonses can easily be obtained illegally and that it is also easy to forge summonses by erasing information in the summons and adding new details.

"The attorney at Law also informed that a notice to meet in court can be send [sic] by text message (sms) and by e-mail. In terms of the use of text messages a document has to be presented as proof of the text being sent to the person." **[86a] (p43)**

11.43 Regarding civil cases, the Danish Immigration Service Report 2009 stated that:

"According to a western embassy (3), any person being accused of an offence according to the Civil Code will be summoned. If the accused does not respond to the summons the person will be summoned again. The Attorney at Law stated that a civil summons is issued by the Civil Court or branch when a plaintiff has filed a case at the court house. A person who has been served a summons must respond within five days. If the summons is published in the legal gazette the person has 30 days to react to the summons. If a person who has been summoned does not show up, the court may issue a ruling." **[86a] (p43)**

11.44 Regarding criminal cases, the Danish Immigration Service Report 2009 stated that:

"A western embassy (3) explained that a person suspected of having committed a criminal act will be summoned according to the Penal Code. According to the Attorney at Law, when a person is summoned in a criminal case the person must report to the authorities within three days. However, if the summons has been published in the legal gazette, the person must report to the authorities within ten days. If a person fails to report when summoned according to the Penal Code, the person will be searched for and an arrest warrant may be issued.

"A western embassy (3) added that a person who fails to report to the authorities when summoned may be sentenced in absentia to imprisonment if found guilty of the crime. The sentence may be appealed within 10-20 days." **[86a] (p43-44)**

See also Trial in absentia

11.45 On summonses issued by the Secret Service, the Danish Immigration Service Report 2009 stated that: "A western embassy (3) stated that summonses by the Secret Service do not have a specific format and may even be issued over the phone. A document is rarely issued by the Secret Service. A person who fails to meet for a summons issued by the Secret Service will be searched for. The embassy does not know what happens to the person in such cases." **[86a] (p44)**

11.46 The Danish Immigration Service Report 2009 also described a summons:

"According to the Attorney at Law, a summons is a form consisting of blank sections. The court or the requesting authority will fill in the summons by hand. Though, recently some courts have begun to issue computer generated summonses as well. A western embassy (3) stated that summonses are always filled out by hand and only the copy is served to the summoned. The summons is stamped by the issuing authority.

"The Attorney at Law explained that all summonses have a registration number. By this number any Iranian lawyer can find out if the summons is registered in the system and thereby verify the authenticity of the summons. With the use of the number of the summons, the lawyer can find information on the date of issue, the case number, court type (Civil, Criminal or Revolutionary) and branch number of the court issuing the summons. The case number is written in the left top corner. In the top middle there is a number of the court and in the top right corner the date is written. A summons is most often written on A5 size paper.

"Summonses are always stamped, though not necessarily signed. The stamp contains the following information: city, name, court and division. Divisions all have individual numbers. All cities start with the number '1'. The name of the city will not appear but

only the city's number code. The Attorney at Law added that if the letter ' ' [please see original report for the letter] followed by '/ xxxx' (numbers) appears on the summons, this means that a judgement has been made and the authorities may carry out execution of the judgement. The letter [' ' please see original report for the letter] will be written in the top right corner of the summons by the Execution Court.

"Once there is a judgment in the case, it is sent to the Execution Division. In the Execution Division, a new number for judgment is issued. At this stage, the authorities can execute the judgment even though the person can appeal the decision. The Attorney at Law added that a judgment can be appealed within 30 days. Then the Appeals Court renders a judgment that may be executed. The person may appeal to the Supreme Court; however, this will not prevent execution of the Appeals Court's decision. However, if a person is acquitted by the Supreme Court the judgment will be reversed." **[86a] (p44)**

11.47 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]**

11.48 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]**

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Arrest warrants

11.49 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." **[2ad] (p1)**

11.50 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]**

11.51 On the issuance or serving of an arrest warrant and that of a search warrant, the APCI Report 2008 stated:

"… an arrest warrant would not be 'served' on the defendant in the sense of physically sending or handing it over to him or her, but rather presenting it as an authorisation for arrest or search. Therefore, there is no legal manner by which the original of an arrest warrant can be physically handed over before the time of arrest, as would a summons as such documents can be served upon a family member. Also, a distinction must be drawn between an arrest warrant and a search warrant, as the latter can be handed over at the time of search, to those who are located at the premises." **[6a] (p19-20)**

See also Arrest and detention – legal rights and for information about leaving the country, see Exit and return

Reporting

11.52 The Danish Immigration Service Report 2009 stated that:

"The delegation sought information about the use of reporting at specified times, i.e. an order to report regularly to the authorities, for instance daily reporting, weekly reporting, twice weekly reporting etc. While the notion of reporting because of a summons was well known, the majority of the sources were not familiar with the concept of reporting to the authorities at specified times.

"The Attorney at Law stated that he has never seen any document ordering a person to report to the police or other authorities at specified times nor had he heard of anyone being ordered to report to the police or to the authorities at specified times. However, he had heard of situations where a person was paid a visit at home by the police. The person will then be questioned as to his or her whereabouts. Such visits may be made by the police or by the Intelligence Service. To the Attorney at Law's knowledge, it is not anyone from the judiciary system who makes these visits. An international organisation in Tehran (1) stated that former MKO [Mojahedin-e Khalq Organisation] members who have returned to Iran are sometimes told to report to the authorities on a weekly basis during the initial period after their return. It was unknown to the organisation for how long a period and to which authority the returnee should report, and if all returnees had to report. Mahdavi explained that a person who has served a sentence for a criminal activity may be ordered to report to the police at specified times, as it is the duty of the police to control whether such a person has become criminally active again. If a person, who has been ordered to report to the police at specified times, fails to report, there will not be any sanctions for failing to report. Mahdavi had no knowledge of specific cases where a released person had been ordered to report to the authorities at specified times. However, he added that the police will keep an eye on a person with a criminal past." **[86a] (p44-45)**

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 The main text of this COI Report contains the most up to date publicly available information as at 13 May 2011. Further brief information on recent events and reports has been provided in the Latest News section to 21 June 2011.

Court verdicts and issuance/enforcement of judgments

11.53 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)**

11.54 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]**

11.55 The APCI Report 2008 stated that:

"For the purpose of enforcement of the judgments delivered by the common courts; civil and penal, there has been established an entity called Unit of Enforcement of Judgments. In accordance with law, chief of the judicial district concerned shall also act as chief of the unit. Each unit shall have adequate number of assistants, employees and other personnel. The judgments delivered by the common courts and the Revolutionary courts shall, based upon the instruction of the issuing authority, be enforced by the Justice Agents. The issuing authority of the judgment and order may attend or supervise the proceedings of enforcement.

"In order to provide legal advices and guidance to the individuals who are in need of such services, an entity entitled Guidance and Assistance Unit has been established in each judicial district under the supervision." **[6a] (p15)**

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12. ARREST AND DETENTION – LEGAL RIGHTS

12.01 The US Department of State *Country Report on Human Rights Practices 2010*, Iran, released on 8 April 2011, (USSD Report 2010) 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. Authorities rarely followed these procedures in practice. Authorities held detainees, at times incommunicado, often 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. Prisoners released on bail did not always know how long their property would be retained or when their trials would be held.

"The intelligence arm of the IRGC [Islamic Revolutionary Guard Corps] reportedly conducted arrests during the year [2010], sometimes without a warrant. Additionally, 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." **[4f] (Section 1d)**

12.02 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 1 October 2008, stated:

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

12.03 The Amnesty International report *Election contested, repression compounded* published 10 December 2009 stated that:

"Arrests are often carried out by plain-clothed individuals with no identification and sometimes no formal training. Iran's Code of Criminal Procedures empowers the police and the non-uniformed 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

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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 lack of transparency of this system gives rise to abuse of the power of arrest, reinforcing the practice of arbitrary arrest, which is facilitated by flawed provisions in the Penal Code. The lack of transparency and oversight mechanisms also allows the various forces, particularly the Basij militia, to commit human rights violations with impunity." **[9t] (p24)**

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*, last modified on 17 June 2010, reported that the prison population, including pre-trial detainees and remand prisoners, was "166,979 at 1.1.2010 (national prison administration)." **[87a]**

13.02 The US Department of State *Country Report on Human Rights Practices 2010*, Iran, released on 8 April 2011, (USSD Report 2010) stated:

"Prison conditions were poor. There were frequent water shortages and sanitation problems. Prisoners were frequently subjected to harassment and discrimination. Many prisoners were held in solitary confinement or were denied adequate food or medical care as a way to force confessions. Overcrowding was a significant problem, forcing many prisoners to sleep on the floor. According to a June 11 [2010] statement by the Student Committee in Defense of Political Prisoners (SCDPP), Ward 4 of Gohardasht Prison (also known as Rajai Shahr) held more than 800 prisoners, but had a capacity for 240, with no bathrooms and only eight toilets. Numerous prisoners complained that authorities intentionally exposed them to extreme cold for prolonged periods and said they lacked access to medical care in prison. AI [Amnesty International] and Reporters Without Borders (RSF) reported on July 16 that many prisoners have had heart attacks or other cardiac problems in different prisons, especially Evin and Gohardasht. RSF also noted that prison authorities refused to transfer ailing prisoners to hospitals even when the prisoners urgently needed treatment that can only be provided outside a prison and even when the prison doctors themselves recommended it." **[4f] (Section 1c)**

13.03 The Freedom House report *Freedom in the World 2011 – Iran*, published 12 May 2011, concurred stating that "Prison conditions in general are notoriously poor, and there are regular allegations of abuse, torture, and death in custody." **[112a]**

13.04 The USSD Report 2010 noted:

"The government did not permit independent monitoring of prison conditions by any outside groups, including UN [United Nations] groups or special rapporteurs. A

parliamentary committee investigating prison conditions paid a visit to Evin Prison in July 2009 and issued its report on January 10 [2010]. According to press reports, the committee called for a complete investigation and blamed prosecutor Mortazavi for the rape and torture that took place in the prison. At the same time, the committee also blamed opposition candidates Mehdi Karroubi and Mir Houssein Mousavi for fomenting abuse; both previously expressed concern about sexual abuse in Evin Prison. The report claimed that reported sexual assaults did not occur, despite the testimony of numerous witnesses." **[4f] (Section 1c)**

See the USSD Report 2010 directly for more detailed information on the conditions for imprisoned individuals. **[4f]** 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]**

13.05 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]**

13.06 The Amnesty International (AI) report *From Protest to Prison*, published on 9 June 2010, reported that some of those who demonstrated against the government in 2009 "… have been detained in conditions amounting to cruel, inhuman and degrading treatment. Many have been tortured, including by beatings, rape and solitary confinement in small spaces for long periods. Hundreds have been sentenced after grossly unfair trials to lengthy prison sentences, while many others are still held without charge or trial. Some have been sentenced to death." **[9o] (p5)**

13.07 The same AI report also stated that:

"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)**

This Amnesty International report also includes further information on prisons in Iran and individual cases of people held in them. **[9o]**

13.08 The Iran Primer, a joint product of the U.S. Institute of Peace and the Woodrow Wilson Center for International Scholars, dated 16 December 2010 and entitled *Patterns of Iran Human Rights Abuses 2010*, stated:

"Prison conditions have also deteriorated, especially for prisoners of conscience. Many of these have been denied medical treatment, toilet and bathing facilities, and fresh air or exercise. Narges Mohammadi, an official of the Defenders of Human Rights Center, was arrested on June 10 [2010] in front of her young children, with no legal warrant. She was released after 22 days, and had to be hospitalized to recover from brutal interrogations and ill treatment." **[31a]**

13.09 Radio Free Europe/Radio Liberty reported on 10 May 2011 that the families of 600 female political prisoners recently transferred to Gharchak prison in a southern Tehran suburb were claiming that the women's lives are at risk. They had written a letter "…to the head of Iran's Islamic Human Rights Commission, Mohammad Hassan Ziaeefar, asking him to immediately address the jail's 'intolerable conditions,'… It says they are kept in a hall without beds or access to basic washing facilities and sanitation and claims prison officials refuse to provide them with food and water on a regular basis. It says when the prisoners complain about the conditions they are beaten." **[42f]**

13.10 The same source also reported:

"Abdolkarim Lahiji, the Paris-based vice president of the International Federation of Human Rights Leagues, told Radio Farda that the condition of political prisoners in Iran is 'catastrophic.'

"He added that the authorities first completely isolate political prisoners by denying them access to their families or placing them in solitary confinement, and then exert every kind of pressure to make them meet their demands." **[42f]**

The International Campaign for Human Rights in Iran (ICHRI) 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 Amnesty International's *Annual Report 2009*, covering events in 2008, released in May 2009, reported that "In January [2008], new legislation prescribed the death penalty or flogging for producing pornographic videos...In December, Iran voted against a UN General Assembly resolution calling for a moratorium on executions." **[9h]**

14.03 The International Federation for Human Rights (FIDH) report *Iran/Death Penalty: a State Terror Policy*, dated 28 April 2009, stated that "In the Islamic Republic of Iran, judges have the power to decide the method of execution, which they usually choose in relation to the offence. The most common method of execution is hanging. Other specific methods of execution include stoning to death, issued in cases of adultery, beheading and throwing from a cliff, which are occasionally issued for rape or sodomy." **[56b]**

14.04 On 6 January 2011, the International Federation for Human Rights (FIDH) and the Iranian League for Defence of Human Rights (LDDHI) reported that:

"While an increasing number of countries worldwide have abolished the death penalty, the Islamic Republic of Iran has long overtaken China as far as per capita number of executions is concerned. The number of executions in Iran has been consistently rising in recent years since the start of Mr. Ahmadinejad's presidency in 2005, from 94 to 177 (2006), 335 (2007), 346 (2008), and 388 (2009). The figures of executions are minimum numbers compiled from various available sources, but the true numbers may be much higher, because the Iranian judiciary does not systematically report all the death sentences issued or implemented." **[56d]**

14.05 The 2010 Hands Off Cain world report concurred, stating that "In Iran…the main sources of information on executions are reports selected by the regime and carried by State media. These reports do not carry news of all executions, as evidenced by information occasionally divulged by individual citizens or by political opposition groups." **[60a]**

14.06 The Secretary-General's report to the UN General Assembly dated 15 September 2010 noted that "A dramatic increase was recorded in the imposition of the death penalty during the reporting period, with a particular surge following the post-election unrest in 2009." **[10u] (p5)** The Amnesty International report *Death sentences and executions in 2009*, published on 30 March 2010 stated:

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"In one eight-week period between the presidential election on 12 June [2009] and the inauguration of Mahmoud Ahmadinejad for a second term as President on 5 August, Amnesty International recorded 112 executions; by contrast, in the five and a half months between 1 January and 12 June [2009], at least 196 executions had taken place.

"The majority of executions took place after trials that were in violation of international law and standards pertaining to the death penalty…

"The Iranian authorities continued to use the death penalty against political prisoners and to punish people convicted of certain extramarital sexual acts." **[9u] (p18-19)**

14.07 The Amnesty International report *Death sentences and executions in 2010*, published on 28 March 2011, stated:

"The Iranian authorities acknowledged the execution of 252 people, including five women and one juvenile offender in 2010. Amnesty International received credible reports of more than 300 other executions which were not officially acknowledged, mostly in Vakilabad Prison, Mashhad. Most were of people convicted of alleged drugs offences. Fourteen people were publicly executed. Death sentences continued to be imposed in large numbers…

"In Iran, the death penalty continued to be imposed for acts that do not qualify as the most serious crimes, in violation of international law, such as those relating to drug trafficking or vaguely worded charges relating to national security. 'Enmity against God', or moharebeh, a vaguely worded charge that lacks a precise and explicit definition but is usually applied to those who take up arms against the state, may, depending on the case, be punishable by execution.

"In October [2010], a man was sentenced to death for 'apostasy'. At the end of the year he was awaiting the outcome of his appeal. In December another man was sentenced to death for creating 'pornographic' internet sites and 'insulting the sanctity of Islam'." **[9v] (p26-27)**

See sections on Prosecution of apostates and Internet for further information on these two cases

14.08 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]**

14.09 The Secretary-General's report to the UN General Assembly of 15 September 2010 concurred, stating:

"The common imposition of the death penalty for *mohareb* offences in the postelection period was also especially worrisome. At the time of writing the present report, at least 25 persons, mostly political prisoners, were reportedly facing death sentences on

charges of mohareb. In January 2010, a group of 36 of the 290 members of the Iranian Parliament proposed a motion to amend the Code of Criminal Procedure to have those found guilty of *mohareb* executed within five days of their conviction. The Penal Code of the Islamic Republic of Iran (art. 183) defines *mohareb* as 'any person resorting to arms to cause terror or fear or to deprive people of freedom and security'. Death sentences on charges of *mohareb* can be imposed even where the conduct did not result in any death or injury. In April 2009, the Special Rapporteur on extrajudicial, summary or arbitrary executions noted the lack of a precise and explicit definition of *mohareb* under Iranian law and stressed the highly problematic nature of imposing death sentences on such charges." **[10u] (p5)**

14.10 The International Federation for Human Rights (FIDH) report *Iran/death penalty: A state terror policy*, published on 16 March 2010, reported that:

"On 28 January 2010, two prisoners, Arash Rahmanipour (20) and Mohammad Reza Ali Zamani (46) were the first to be executed for election-related offences. However, they had both been arrested several months before the 12 June election and been deceived to make false confessions in exchange for mitigation of their sentences…It was announced on the same day that 9 others were also facing the death sentence on similar charges.

"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]**

14.11 The March 2011 International Campaign for Human Rights in Iran (ICHRI) report, *Official distortion and disinformation: a guide to Iran's Human Rights Crisis*, noted "Since October 2009, at least 13 political prisoners, including 5 convicted during post-election trials, have been executed." **[52o] (p5)**

14.12 The Iran Primer report of 16 December 2010 noted that "Iran also appears to be increasing secret group executions. Credible accounts have emerged of mass secret executions in a prison in Mashhad, near the Afghan border." **[31a]** The Persian2English website provided further information from a *Daneshjoo News* report of 14 August 2010:

"There are reports that in the past few days more than 70 people detained in Mashhad prison were executed suddenly and without prior notice. Based on the information available, prisoners under the age of 18 years were among the executed.

"Based on reports by Neday-e Sabz Azadi, some of the people who were allegedly arrested in connection with drug smuggling had already received their sentences. The sentences issued did not include the death penalty, and in some cases, they had only been sentenced to pay a fine. But, in a sudden unannounced move, a judicial order was issued to execute them." **[101a]**

14.13 The FIDH/LDDHI press release of 6 January 2011 stated:

> "Thousands of people are believed to be on death row in Iran. A parliamentary delegation from Afghanistan visiting Iran in February 2010 reported that 3,000 Afghan nationals were on death row in Iranian prisons. A report in August 2010 indicated that the head of the judiciary, Ayatollah Sadeq Larijani, had written a letter to the Supreme Leader Ayatollah Khamanei asking for his permission to implement 1,120 death sentences. The Iranian authorities remained conspicuously silent on the report." **[56d]**

14.14 The interim report of the UN Secretary-General dated 14 March 2011 reported that:

> "A dramatic surge in the number of executions has been recorded since the beginning of 2011. According to Iranian press reports, at least 66 people were executed in the month of January, with some sources indicating the figure to be as high as 83 executions. The majority of executions were reportedly carried out in relation to drug offences, but at least three political prisoners were among those hanged. The Iranian authorities assert that the executions were carried out after conducting a fair trial and review by a higher court." **[10aa] (p5)**

14.15 The same report, however, further noted "Concerns were also expressed in public about people sentenced to death often do not have access to legal representation and their families and lawyers are not even informed of the execution." **[10aa] (p14)**

14.16 On 29 January 2011 the Human Rights House of Iran (RAHANA) reported that Iranian-Dutch citizen, Zahra Bahrami, who was arrested in January 2010 following the December 2009 Ashura protests, had been hanged that morning in Evin prison. "She was accused of collaboration with Kingdom Assembly of Iran (KAI), and kept in solitary [confinement] for 10 months. She was tried last year [2010] and charged with drug trafficking and dealing which she accepted at first but these accusations where later denied by her saying they were false and she was forced to accept them under physical and emotional torture and pressure." **[103b]** Following the hanging, the Dutch government protested by freezing all contacts with Iran. Zahra Bahrami's family accused the authorities of fabricating the case against her after her participation in the 2009 protests. (British Broadcasting Corporation (BBC) News, 29 January 2011) **[21n]**

14.17 On 27 April 2011 Amnesty International reported that "According to official sources, at least 135 people – ten in public – have been executed so far this year. Credible reports suggest over 40 others – three of which were said to have taken place in public in Salmas, north-west Iran, in February – have also taken place, which have not been acknowledged by the authorities." **[9f]**

The Hands off Cain website includes up to date information on recent executions in Iran. **[119]**

See also Penal Code, Death penalty for children, Political Affiliation subsections under Opposition Groups and Political Activists, Drug Smuggling and Latest News

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STONING

14.18 The December 2010 Amnesty International (AI) report, *Iran: executions by stoning*, stated:

"Stoning is mandatory under the Iranian Penal Code for 'adultery while married' for both men and women – conduct that the vast majority of states do not criminalize, let alone punish with death.

"Stoning is a particularly repugnant and cruel form of execution. Iranian law specifies that the stones must be large enough to cause injury and eventually death, but not so large as to kill the victim immediately. This form of execution is therefore deliberately designed to prolong the suffering of victims." **[9b] (p2)**

14.19 The same AI report also noted that:

"Since the Islamic Revolution of 1979, Amnesty International has documented at least 77 stonings, but believes the true figure may well be higher, particularly as it was not able to record figures for all the years between 1979 and 1984.

"Those sentenced are frequently poor or otherwise marginalized members of society. Most of those sentenced to death by stoning 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." **[9b] (p2)**

14.20 The same source further noted that "…the stoning procedure specified in law discriminates against women – men must be buried in a pit up to near the waist; women up to near the chest. This has added significance as the law also states that if a condemned person escapes from the pit, they cannot be stoned again if their conviction was based on a confession." **[9b] (p3)**

14.21 The UN Secretary-General's report dated 15 September 2010 stated, "Despite a moratorium issued in 2002 by the Iranian judiciary on execution by stoning, this type of sentence continues to be handed down by Iranian courts. The United Nations High Commissioner for Human Rights and the special procedure mandate holders of the Human Rights Council continued to voice concern over the persistent application of stoning as a method of execution in the Islamic Republic of Iran." **[10u] (p7)**

14.22 The AI report *Death sentences and executions in 2009*, published 30 March 2010, observed that, despite the 2002 moratorium on execution by stoning, "…at least five men and one woman have been stoned to death since 2002. In January 2009 a spokesperson for the judiciary confirmed that executions by stoning had taken place in December 2008 and said that the directive on the moratorium had no legal weight and that judges could ignore it.

"On 5 March 2009 Vali Azad was stoned to death in secret inside Lakan Prison in Rasht, northwestern Iran." **[9u] (p20)**

14.23 The December 2010 AI report also reported on the campaign against stoning in Iran:

"The campaign began on 1 October 2006, when a group of Iranian human rights defenders, lawyers and journalists, led by lawyer Shadi Sadr and journalists

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Mahboubeh Abbasgholidzadeh and Asieh Amini, along with other activists outside Iran, such as Soheila Vahdati, all horrified at the resumption of stoning in May that year, launched the Stop Stoning Forever campaign to abolish stoning in law and practice…

"Since then, at least 13 women and two men have been saved from stoning…Others have been granted stays of execution, and some cases are being reviewed or retried." **[9b] (p7)**

14.24 However, the same report also noted that:

"… the [anti-stoning] campaign has faced repression in Iran and its supporters have been intimidated and harassed. Some, including Asieh Amini, Mahboubeh Abbasgholizadeh and Shadi Sadr, have been forced to leave the country for their own safety and now live in exile.

"Many lawyers who have represented people in stoning cases have reported being threatened and harassed to discourage them from publicizing the cases. Mohammad Mostafaei, one of the lawyers linked to the case of Sakineh Mohammadi Ashtiani, had to flee Iran for his safety in July 2010 after his wife and another relative were detained to put pressure on him to present himself to the authorities for questioning." **[9b] (p8)**

14.25 The December 2010 AI report stated:

"In June 2009, the Legal and Judicial Affairs Committee of Iran's parliament recommended the removal of a clause permitting stoning from a new draft revision of the Penal Code. This remains under discussion in parliament.

"A draft submitted for comment to the Council of Guardians, which checks legislation for conformity to the Constitution.and Islamic law, is reported to omit any reference to the penalty of stoning. However, either the parliament or the Council of Guardians could reinstate the clause on stoning. In addition, even if the penalty is removed from law, stoning sentences could still be imposed by judges under legal provisions that require them to judge cases by their knowledge of Islamic law where no codified law exists." **[9b] (p2)**

14.26 The same source also stated that "At least 10 women and four men are believed to be at risk of death by stoning, although several cases are still under review and alternative sentences may be imposed. At least one other woman, Maryam Ghorbanzadeh, originally sentenced to stoning … is facing execution by hanging for 'adultery while married'." **[9b] (p4)**

14.27 The UN Secretary-General's interim report of 14 March 2011, noted:

"The case of Sakineh Mohammadi Ashtiani, who was sentenced to death by stoning in 2006, received considerable international attention. Ms Ashtiani was convicted of the murder of her husband, but was also charged with adultery while being married and sentenced to death by stoning. She has already spent five years in prison and received 99 lashes. Following an international outcry, the authorities confirmed, most recently on 17 January 2011, that the 'stoning penalty of Ms Ashtiani is suspended since families of her husband have forgiven her, but she was sentenced to 10-years imprisonment.' On 9 February 2011, Iran's Prosecutor General announced that the sentence of Ms Ashtiani has not been revoked. During the trial proceedings, the authorities however arrested Mr Javid Houtan Kiyan, her defense attorney, and Mr Sajjad Qaderzadeh, her

son, and also aired her confessions on television, which raised serious concerns about the fairness of the trial proceedings." **[10aa] (p9)**

See also Human rights activists and lawyers for further information on the treatment of Javid Houtan Kiyan

14.28 The AI report of December 2010 observed that Sakineh Mohammadi Ashtiani is "A 43-year-old mother of two from Iran's Azerbaijani minority, she speaks Azerbaijani Turkic and has limited knowledge of Persian, the language used by the courts." **[9b] (p4)**

See the Amnesty International report of December 2010 for more detailed information on individual cases of those sentenced to stoning.

See also Women: Adultery, Judicary, Penal code and Proposed law on apostasy

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15. POLITICAL AFFILIATION

The section should be read in conjunction with Latest news, Recent developments (June 2010 to 13 May 2011), 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 4 June 2010, 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." **[61f] (Internal Affairs)**

15.02 The Freedom House report, *Freedom in the World 2011 – Iran* (Freedom House Report 2011), published 12 May 2011, 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." **[112a]**

15.03 The US Department of State (USSD) Background Note updated 17 February 2011 stated that suffrage is universal at 18. **[4u] (Government)**

15.04 In their June 2010 report *From Protest to Prison*, Amnesty International reported on the situation for those expressing criticism of the government:

"One year on from the disputed presidential election of June 2009, Iranians who want to criticize the Government or protest against mounting human rights violations face an evertightening gag as the authorities and the shadowy intelligence services – shaken to the core by the events which followed – consolidate their grip on the country and intensify the repression already in place for years. Iranians have moved from protest to prison, as the authorities resort to locking up hundreds of people in a vain attempt to silence voices peacefully expressing a dissenting view to the narrative which the authorities wish to provide of the election and its aftermath." **[9o] (Introduction)**

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

Events during and after the 2009 Presidential elections

15.05 An Amnesty International (AI) report, *Election contested, repression compounded*, dated 10 December 2010 observed that in the run up to the 12 June presidential election:

"… repression significantly increased against people expressing support for social and political reform; against those seen by the intelligence and security services as disloyal to the system. Among those particularly targeted were students, women's rights activists, lawyers, advocates for greater rights for Iran's ethnic minorities and unrecognized religious minorities, such as the Baha'is and the Ahl-e Haq.

"Many people were arrested and vaguely-worded legislation was invoked to silence debate. Charges used included 'acting against state security', 'spreading lies', 'propaganda against the system', 'creating unease in the public mind', 'insulting the holy sanctities' and 'defamation of state officials'. **[9t] (p15)**

15.06 The Freedom House Report 2011, published on 12 May 2011, stated that:

"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. Mousavi officially received only 33.75 percent, while Rezai and Karroubi reportedly garnered 1.73 percent and 0.85 percent, respectively. All three challengers lodged claims of fraud, and subsequent findings by independent analysts reinforced suspicions that irregularities had occurred. According to official data, the conservative vote increased by 113 percent compared with the 2005 election, and several provinces registered more votes than the number of eligible voters. In 10 provinces won by Ahmadinejad, his victory was only possible if he had secured the votes of all former nonvoters and all those who had voted for his main conservative opponent in 2005, as well as up to 44 percent of those who had previously voted for reformist candidates.

"Protests broke out on a massive scale as voters rejected the official results. In a rare show of defiance, high-profile political figures publicly broke with Khamenei's validation of the election, with Khatami going so far as to publicly call for a referendum on the government's legitimacy. The security forces violently cracked down on all public expressions of dissent and tightened government control of both online and traditional media, but protesters continued to mount periodic demonstrations for the rest of the

year, using mobile-telephone cameras and the internet to document abuses and communicate with the outside world." **[112a]**

15.07 The AI *Report 2010: the state of the world's human rights: Iran*, released 27 May 2010, (AI Report 2010) commenting on the post-election unrest, stated that:

"Security forces, notably the paramilitary Basij, were deployed to suppress the protests by force, particularly after the Supreme Leader ordered an end to demonstrations on 19 June [2009]. However, protests continued to the end of the year on significant days such as the religious festival of Ashoura on 27 December. The authorities disrupted mobile phone and internet communications, including social networking sites, to prevent information circulating. They prevented foreign journalists from covering demonstrations, expelling some, and security officials controlled the content of newspapers. Security forces raided university campuses, injuring students. The authorities accused the US and UK governments of organizing the unrest, which those governments denied." **[9a] (p173)**

15.08 A Congressional Research Service (CRS) paper of 18 April 2011 noted that:

"After the initial post-election daily protests, later demonstrations were organized around major holidays and included open calls for the downfall of the regime, rather than its reform. Some of the protests in late 2009 nearly overwhelmed regime security forces. Large protests were held on the July 9 anniversary of the suppression of the 1999 student riots; the August 5, 2009, official inauguration of Ahmadinejad; September 18, 2009 ('Jerusalem Day'), then November 4, 2009, 30th anniversary of the takeover of the U.S. embassy in Tehran, and the Ashura Shiite holy day (December 27, 2009). The latter protest, conducted the seventh day after the death of Ayatollah Montazeri, a major regime critic, was marked by the seizure and burning of several police vehicles, the refusal by some anti-riot police to beat protesters, the spreading to smaller cities, and was joined by some clerics." **[78f] (p13-14)**

15.09 The AI report *From Protest to Prison: one year after the election*, published on 9 June 2010 stated that:

"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." **[9o] (p9)**

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The June 2010 AI report includes detailed examples of individuals targeted by the Iranian authorities and may be consulted directly for further information. **[9o]**

15.10 The Human Rights Watch (HRW) report *The Islamic Republic at 31*, published on 11 February 2010 concluded that, "Nearly 9 months after the disputed election, the government has not acted to investigate and hold accountable those responsible for ordering or carrying out these serious human rights abuses. Instead, authorities continue their campaigns of intimidating, arresting, and convicting individuals for peacefully exercising their opposition to the government and protesting its policies." **[8l] (p18)**

This HRW report also includes detailed information of treatment received by individuals detained since the June 2009 election. **[8l]**

15.11 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.

"The Judiciary announced that it has prosecuted at least 500 people arrested after the June elections. Currently, the Campaign estimates at least 500 people remain arbitrarily detained in Iranian prisons for peaceful activities and exercise of free expression, with hundreds more out on bail facing arbitrary prosecutions." **[52k]**

15.12 The March 2011 ICHRI Report, *Official distortion and disinformation: a guide to Iran's human rights crisis*, stated:

"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.' The Iranian judiciary has generally become a tool of the state security establishment and an estimated 500 persons remain arbitrarily detained for peaceful activities or the exercise of free expression. Nearly all of these detainees have little to no access to their lawyers or case files and trials often fall below international due process standards." **[52o] (Introduction)**

15.13 The ICHRI reported on 24 January 2011 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)." **[52e]**

15.14 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)**

15.15 Radio Free Europe/Radio Liberty's (RFE/RL) Radio Farda reported on 23 March 2011 that:

"Iran has arrested more than 1,250 people over the past 12 months for participating in protests or for their political views, according to a human rights group…

"The report by the Human Rights House of Iran (HRHI), which is based outside Iran, says at least 1,256 people including students and journalists were arrested in the period.

"HRHI's Mojtaba Samienejad told Radio Farda that those arrested include 185 students, 165 members of religious minorities, 129 political activists, 129 Kurdish activists, 43 journalists and bloggers, 40 Turkoman activists, 22 labor activists, 20 human rights activists, eight women's rights activists, and eight Arab activists. Most were detained in Tehran, the center of most of the protests.

"Samienejad said the number of people detained does not include those whose arrests were not made public by their family members or the judicial authorities." **[42c]**

See also Latest news, Recent developments (June 2010 to 13 May 2011), Freedom of association and assembly, Arbitrary arrest and detention, Human rights institutions, organisations and activists, Freedom of speech and media and Fair Trial

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Political dissidents outside Iran

15.16 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]**

15.17 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]**

15.18 On 4 December 2009 the *Wall Street Journal* reported that:

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"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]**

15.19 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]**

15.20 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]**

15.21 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." **[52l]**

15.22 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]**

See also Recent developments (June 2010 to 13 May 2011), 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

15.23 The US Department of State *Country Report on Human Rights Practices 2010*, Iran, released 8 April 2011 (USSD Report 2010) observed:

"Statistics regarding the number of citizens imprisoned for their political beliefs were not available, but human rights activists estimated the number in the hundreds. Approximately 500 democracy activists and journalists were in detention in Evin Prison alone at year's end [2010]. According to opposition press reports, the government arrested, convicted, and executed persons on questionable criminal charges, including drug trafficking, when their actual offenses were reportedly political. The government charged members of religious minorities and others with crimes such as 'confronting the regime' and apostasy and followed the same trial procedures as in cases of threats to national security. During the year [2010] the government rounded up students, journalists, lawyers, and political activists to silence them or prevent them from organizing protests.

"Authorities occasionally gave political prisoners suspended sentences or released them for short or extended furloughs prior to completion of their sentences, but they

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could order them to return to prison at any time. Suspended sentences often were used to silence and intimidate individuals. The government also controlled political activists by temporarily suspending baseless court proceedings against them and allowing authorities to rearrest them at any time, and it attempted to intimidate activists by calling them in repeatedly for questioning. The government issued travel bans on former political prisoners; for instance, authorities continued to prevent former political prisoner Siamak Pourzand from leaving the country to receive medical care and to join his wife, also a former political prisoner, and family abroad.

"Authorities routinely held political prisoners in solitary confinement for extended periods and denied them due process and access to legal representation. Political prisoners were also at greater risk of torture and abuse in detention. The government did not permit international humanitarian organizations or UN special rapporteurs access to political prisoners." **[4f] (Section 1e)**

15.24 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]**

15.25 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. Dolatabadi said the court's formation is 'based on needs,' and 'a way to solve problems, expedite investigations, and reduce costs.' This court houses the case files of many political activists and unknown prisoners whose cases are in an indeterminate state." **[52f]**

15.26 The ICHRI, however, 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 newly-formed Evin Court has increased the influence of Iran's Ministry of Intelligence over judicial matters by blocking lawyers' access to clients and case files,' said Hadi Ghaemi, a Campaign spokesperson.' This allows the interrogators and Intelligence Ministry to manipulate this institution which is itself in violation of the law,' he added." **[52f]**

15.27 Mr Dolatabadi reportedly rejected the criticism of the court and it being referred to as a "special court". The ICHRI report of 14 April 2010 stated that, according to Mr Dolatabadi: "…this assertion is 'wrong', that those who raise it either have 'ill intentions' or are 'ignorant.' He asserted that the Evin court is fully legal, and formed to swiftly deal with anti-revolutionary crimes. 'This court will gradually reach order following

the trends of current affairs,' said Dolatabadi. He also emphasized that nowhere in the law is it stipulated where courts should be located." **[52f]**

15.28 The same ICHRI report, however, stated that, "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]**

See preceding subsection, plus Security forces for information about Arbitrary arrest and detention. See also Prison conditions for further information on the conditions under which male and female political prisoners are held, and Freedom of speech and media.

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FREEDOM OF ASSOCIATION AND ASSEMBLY

15.29 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 11 May 2011) **[58e]**

15.30 The USSD Report 2010 stated that although:

"The constitution permits assemblies and marches 'provided they do not violate the principles of Islam'; in practice the government restricted freedom of assembly and closely monitored gatherings to prevent antigovernment protests. Such gatherings included public entertainment and lectures, student meetings and protests, labor protests, women's gatherings and protests, funeral processions, and Friday prayer gatherings. 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 government experiencing harassment regardless of whether a permit was issued. During the year [2010] authorities arrested, tried, and imprisoned individuals who participated in demonstrations since 2006.

"The government continued to prohibit and forcibly disperse peaceful demonstrations during the year. Paramilitary organizations such as Ansar-e Hizballah also harassed, beat, and intimidated those who demonstrated publicly for reform. They particularly targeted university students…

"The constitution provides for the establishment of political parties, professional associations, Islamic religious groups, and organizations for recognized religious minorities, as long as such groups do not violate the principles of 'freedom, sovereignty, and national unity' or question Islam as the basis of the Islamic Republic. The government limited freedom of association in practice through threats, intimidation, imposing arbitrary requirements on organizations, and arresting group leaders and members." **[4f] (Section 2b)**

15.31 The Freedom House Report 2011 also noted that a "vague provision" in the constitution prohibiting public demonstrations that "violate the principals of Islam" was invoked on a regular basis during 2009 and 2010 to refuse requests for demonstration permits. "Vigilante and paramilitary organizations that are officially or tacitly sanctioned by the

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government—most notably the Basij and Ansar-i Hezbollah—regularly play a major role in breaking up demonstrations. Heavy mobilizations of these forces helped to prevent large-scale opposition rallies during 2010. The effort included intimidation, physical attacks, and severe restrictions on freedom of movement targeting opposition leaders and their families." **[112a]**

15.32 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)**

15.33 A report by the International Campaign for Human Rights in Iran (ICHRI) dated 21 September 2009 provided more detailed information on violations of the right to freedom of association and assembly since June 2009:

"Following the disputed 12 June [2009] elections, Iranian authorities banned peaceful demonstrations in Iran's main cities including Tehran, Shiraz, Isfahan, Tabriz, Mashad and Rasht, as well as elsewhere, to protest electoral fraud and to demand human rights. Security and intelligence forces as well as Basiji militias on motorcycles brutally attacked demonstrators, using batons, tear-gas, pepper-spray, water cannon, chains, and live ammunition and plastic bullets, killing an as yet undetermined number of them. The use of force against demonstrators has been excessive, unlawful, and in gross violation of the standards contained in the *United Nations Basic Principles on the Use of Force by Law Enforcement Officers* upheld by the UN General Assembly. Many victims were killed or gravely injured by gunshots or blows to the head, which is to say, intentionally. Security agents have arrested injured demonstrators when they sought medical treatment in hospitals.

"Iran's Leader, Ayatollah Khamane'i demanded an end to demonstrations and threatened to hold opposition candidates responsible for any problems. Others among Iran's highest religious and political authorities announced a policy of criminalizing dissent, which can have lethal consequences, given Iran's excessive use of the death penalty and lack of independent courts. Ayatollah Khatami, an influential hard-line cleric, has demanded that demonstrators be considered 'enemies of God (*Mohareb*)', guilty of crimes under Iran's Islamic legal code for which they can be executed. Iran's Leader has also demeaned protesters, terming them 'rioters' and has thus legitimated harsh punishment of those who have been detained on the basis of their political views and for exercising their right to freedom of assembly and to peacefully demonstrate their views." **[52a] (p2)**

15.34 The ICHRI report also observed that:

"Despite these threats, hundreds of thousands of Iranian citizens peacefully demonstrated on several occasions including 20 June [2009], 9 July, to commemorate student demonstrations ten years earlier, on 17 July, at Friday Prayers, and on other dates. The gatherings were met with severe violence by the authorities, resulting in hundreds of arrests and injuries and numerous killings. The Mayor of Tehran, Mohammad Bagher Ghalibaf, estimated that three million persons have taken part in demonstrations on 20 June." **[52a] (p3)**

15.35 A female student, Neda Soltan, "…became a symbol of the opposition after she was shot dead during an anti-goverment demonstration on June 20." Footage of her murder spread around the world on the Internet. (The *Times*, 16 November 2009) **[15a]** The *Times* article also reported that, according to Neda Soltan's fiancé, Caspian Makan, the Iranian regime "… tried to force him and Ms Soltan's parents to say that she was killed by the opposition, not by a government militiaman [Basij] on a motorbike as eyewitnesses have claimed." Caspan Makan "… fled from Iran after being released on bail following 65 days in prison." It was also reported that "On November 4 Ms Soltan's parents were attacked and detained when they joined a protest in Iran." **[15a]**

15.36 The Human Rights Watch report *Iran: Crisis deepening one year after disputed elections*, published on 10 June 2010, stated that:

"Reports received by Human Rights Watch from human rights campaigners and others inside Iran suggest that the current atmosphere inside the country is markedly different than the images of mass protest beamed across airwaves and cyberspace a year ago. Public protest demonstrations have all but disappeared and dissent has largely gone underground as security forces have bolstered their presence in major cities throughout the country." **[8d]**

15.37 The Freedom House Report 2011, reported that "Intense government repression at both the street and elite levels ensured that opposition protests stemming from the flawed 2009 presidential election were significantly reduced after February 2010." **[112a]**

See sections on the Green Movement and Latest News for details of protests after February 2010.

See also previous subsections and those on 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

15.38 The USSD Background Note updated 17 February 2011 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." **[4u] (Political conditions)**

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15.39 A Congressional Research Service (CRS) paper of 18 April 2011 observed that "Until the June 12, 2009, presidential election, frustration had not reached the point where large numbers of Iranians were willing to outwardly express dissent…The Green movement, which formed out of the post-presidential election protests…constitutes the most significant popular challenge to the regime since it was formed, in the view of most experts." **[78f] (p13)**

15.40 The CRS paper of 18 April 2011 also noted that "Some groups have been committed to the replacement of the regime virtually since its inception, and have used, or are still using, violence to achieve their objectives. Their linkages to the Green movement are tenuous, and some indications are these movements want to dominate any coalition that might topple the regime." **[78f] (p15)**

15.41 The USSD Background Note of 23 July 2010 stated that:

"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 1999), 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." **[4u] (Political conditions)**

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

Green Movement

15.42 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]**

15.43 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]**

15.44 A Congressional Research Service (CRS) report dated 4 March 2011 added:

"The momentum of the Green movement led some experts to predict the potential downfall of the regime, but the movement went into quiescence after the setback it suffered when its demonstration planned for the February 11, 2010, anniversary of the founding of the Islamic Republic (in 1979) was suppressed successfully. With weeks to prepare, the regime limited opposition communication and made several hundred preemptive arrests, as well as executing some oppositionists in late January. Another protest attempt was made on March 16, 2010, a Zoroastrian holiday (Fire Festival) celebrated by many Iranians, despite an explicit statement from Khamene'i saying the festival has no basis in Islam and should not be celebrated. Many Iranians defied the edict by combining the celebration of the festival with protest in numerous neighborhoods. Scattered protests, including by some labor groups, were held in major cities on May 1, 2010 (May Day). Musavi and Karrubi called for a huge demonstration on the June 12, 2010, anniversary of the election, leading to some movement by parliament hardliners to have them arrested. Sensing regime preparations for repression, the two publicly 'called off' the planned June 12, 2010, protest in order to avoid harm to protesters. Since then, Karrubi's home has been attacked by pro-regime militiamen, the state media have been directed not to discuss Musavi or Karrubi." **[78d] (p13)**

15.45 The same source also reported:

"A major question was whether the opposition uprisings in Tunisia and Egypt, which toppled leaders there in January and February 2011, would reinvigorate the Green Movement, which uses similar social media techniques and has similar grievances. The regime, seeking to parry such parallels, praised the Tunisian and Egyptian events as inspired by Iran's 1979 revolution, while Green movement leaders compared those uprisings to the Green uprising in 2009. The question was answered when Musavi and Karrubi called for protests on February 14, 2011, and there were numerous clashes with tear-gas-wielding riot police in Tehran and other cities, according to various press reports. Further protests which reportedly drew large numbers of protesters but were ultimately suppressed by the Basij were held on February 20 and March 1…

"The renewed unrest has unified the regime against the titular Green movement leaders Musavi and Karrubi. Tehran prosecutor Dowlatabadi stated in September 2010 that he had begun building a prosecution against them, but he, Khamene'i, and other judicial officials expressed caution about detaining them, suggesting that the regime fears that arresting them could touch off new unrest. Earlier, the regime prevented Khatemi from attending a conference in Japan (April 2010). However, in advance of the planned February 14, demonstration, both men reportedly were placed under house arrest. After that protest, a sizeable bloc of Majlis members demonstrated in the chamber chanting for their execution. Following the February 20, 2011, protest, both men, along with their wives, were reported by Green movement websites to have been taken out of their homes and moved to an IRGC-run prison—a purported action that stimulated the March 1, 2011 protests demanding their release." **[78d] (p14)**

15.46 British Broadcasting Corporation (BBC) News reported on 2 March 2011 that over 200 arrests had been reported by the Iranian opposition during protests in Tehran the previous day: "Opposition websites said security services rounded up protesters in several locations in the capital and were helped by police in plain clothes. Another 40 people were said to have been detained in the city of Isfahan. Opposition groups had called for rallies over the reported imprisonment of their leaders – Mir Hossein Mousavi and Mehdi Karroubi." **[21m]**

 The main text of this COI Report contains the most up to date publicly available information as at 13 May 2011. Further brief information on recent events and reports has been provided in the Latest News section to 21 June 2011.

See also Recent Developments (June 2010 to 13 May 2011) and 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

15.47 The 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. Its national leadership, or central council, is elected annually and became famous for the takeover of the U.S. Embassy from 1979 to 1981, an event it still commemorates annually. Its original agenda was to support the revolution, and combat secular and liberal political trends but gradually evolved from a focus on Islamic ideology to individual rights under Islamic rule. Its members' calls for political and social openings contributed to the birth of the reform movement in the late 1990s. Members also were involved in the 1999 student protests, the largest public post-revolution demonstrations until the 2009 election. 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, which met a few days later at Tehran's Allameh Tabatabai University, 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]**

15.48 The USSD Report 2010 reported that "On October 31 [2010], Raja News, a Persian-language Web site HRW [Human Rights Watch] believes is affiliated with the Intelligence Ministry, ran an article accusing several Tahkim-e Vahdat members of having ties with the MEK. Tahkim-e Vahdat rejected these allegations." **[4f] (Section 2b)**

15.49 A report by the UN Educational, Scientific and Cultural Organisation (UNESCO) dated 10 February 2010, noted that, following student demonstrations in 2007, "Under a new star-rating system, politically active students were allegedly rated according to the threat they posed, which resulted in some being banned from studying. Since then, a succession of academics, teachers and students have been arrested during the 2007-2009 period on charges of conspiring with 'enemy governments', endangering national security, insulting Islam and its clerics, 'intent to commit propaganda' or participating in demonstrations." **[10b]**

See Academic Freedom for further information on the star-rating system.

15.50 The Freedom House Report 2011 stated that "Academic freedom is limited. Scholars are frequently detained, threatened, and forced to retire for expressing political views, and students involved in organizing protests face suspension or expulsion in addition to

criminal punishments. Since the 2009 presidential election, Basij units have increased their presence on campuses." **[112a]**

15.51 The Amnesty International report, *Election contested, repression compounded*, published on 10 December 2009 stated that in the months leading up to the 12 June 2009 presidential election and during the post-election unrest:

"Students were particularly targeted. Some 133 were reportedly arrested, many of whom were beaten and otherwise tortured during a brutal attack on a university dormitory in Tehran on 14 June [2009]. Universities premises in Esfahan were also attacked on the same night. On 15 June, security forces entered dormitory at Tabriz University and arrested 10 students who had allegedly been involved in demonstrations. The next day activist and student leader Amir Mardani was among hundreds of people arrested. In Shiraz in the south, security forces used tear gas as they forced their way into a university library and arrested around 100 students.

"In the northern town of Babol, armed Basij and plain-clothed forces were said to have surrounded Babol University and targeted students in dormitories. In Mashhad in the north east, security forces were reported to have attacked and arrested students. In Zahedan in the south-east, two students were arrested. By the end of the first week following the election, Amnesty International had recorded the names of around 200 politicians, journalists, academics, students and human rights defenders who had been arrested, some only briefly, across Iran. By mid-August [2009], over 700 names had been collected, although this was undoubtedly only a fraction of the real total." **[9t] (p26)**

15.52 The same AI report continued: "Students, who began to mount weekly protests in the relative safety of their university grounds after the new academic year began in September [2009], as well as political opponents of the government, continue to be targeted for arrest, as do other groups of people seen to challenge the authorities." **[9t] (p30)**

15.53 On 24 November 2009, the ICHRI reported that:

"Scores of Iranian students have been arbitrarily arrested and prosecuted in recent days, as authorities apparently seek to stifle protests expected on 7 December, National Student Day… Detentions of students have occurred throughout Iran. The Campaign [ICHRI] has received information of such detentions in Isfahan, Babol, Chaharmahal-o-Bakhtiari, Shiraz, Ilam, Kermanshah, Ghazvin, and in Tehran in Azad University, Tehran University, Amirkabir and Elm-o-Sanaat…

"Little or no information has been disclosed by the authorities about students in detention. In some cases, students have been expelled from their universities following their arrests, or subjected to university disciplinary procedures. Some have been sentenced to prison terms and lashings. In other cases, the detainees have been arrested in connection with their participation in peaceful demonstrations.

"Iranian students have long been under intense pressure not to express themselves, either about national political issues or campus problems, and acutely since the beginning of Mahmoud Ahmadinejad's presidency." **[52d]**

15.54 The Human Rights Watch report, *The Islamic Republic at 31*, published in February 2010, stated that:

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"… students used the occasion of National Student Day on December 7 [2009] to stage protests throughout the country. Students on the campuses of major universities in Tehran, Mashad, Tabriz, Isfahan and other cities participated. Police and Basij forces clashed with protestors, with major confrontations occurring on the campus of Tehran University, where security forces blocked all entrances to the university. According to press reports, confrontations with students extended beyond the campuses to streets where police tear-gassed demonstrators." **[8l]**

15.55 The Amnesty International 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.

"Members of the OCU Central Committee currently held include Bahareh Hedayat, also Chair of the OCU's Women's Committee, and Milad Asadi. In May 2010 they were sentenced to nine and a half years and seven years in prison respectively…

"Morteza Samyari, aged 24, another member of the Central Committee, was released on bail in February 2010, pending an appeal. Arrested on 4 January 2010, he was sentenced to six years in prison after he was convicted of 'propaganda against the system' and 'gathering and colluding with the intent to act against national security', following a 'show trial' that began on 30 January 2010... Mehdi Arabshahi, Secretary of the OCU, arrested after the Ashoura demonstrations on 27 December [2009], was released on bail on 11 March 2010…" **[9o] (p10)**

15.56 The Human Rights House of Iran (RAHANA) reported on 29 September 2010 that Mehdi Arabshahi (see above) had been summoned to Evin prison to serve his prison sentence of 2 years and 6 months for "…acting against national security and anti-regime propaganda." **[103a]**

15.57 The Amnesty International report *From Protest to Prison: Iran one year after the election*, published on 9 June 2010, reported that:

"Hundreds of students who have participated in demonstrations in the streets or on university campuses have been arrested and some have been sentenced to prison terms. For example, Amnesty International obtained court documents relating to the trial of eight students, all members of the Islamic Society in the Babol Noshirvani University of Technology, northern Iran. They were found guilty in September 2009 of acting against the Islamic Republic by 'participating in an illegal gathering', 'encouraging people to riot' and 'propaganda against the state'. In February 2010, a court of appeal upheld the sentences of Iman Sedighi, Mohsen Barzegar and Nima Nahavi to 10 months in prison. Mohsen Esma'ilzadeh had his 91-day prison sentence for 'insulting the Supreme Leader' upheld. Five others were sentenced to 10 months' suspended imprisonment and a one-year ban on studying. At the time of writing, Iman Sedighi, Mohsen Barzegar, Nima Nahavi and Mohsen Esma'ilzadeh were all serving their sentences in Mati Kalay Prison in Babol." **[9o] (p11)**

15.58 On 20 May 2010, the ICHRI reported that "Last week a lower court's death sentence for [student] Mohammad Amin Valian, 20, who was charged with moharebeh (enmity against God), was reduced to three years in prison." **[52j]**

15.59 An Iran Primer report, *Patterns of Iran Human Rights Abuses 2010*, published by the US Institute of Peace on 16 December 2010 observed that during 2010 "Many members of the student alumni group ADVAR were arrested. From Evin Prison, ADVAR [*Advar-e Tahkim-e Vahdat*], spokesperson Abdulla Momeni wrote a letter to Supreme Leader Ayatollah Ali Khamenei detailing how he was tortured in an attempt to coerce a false confession. " **[31a]**

15.60 On 15 February 2011 the ICHRI commented on the death of a Kurdish, Sunni drama student during the protests on 14 February 2011, stating:

"While Iranian government media claimed that Sane Jaleh, one of those killed during protests on 14 February in Tehran, was a member of the Basij paramilitary forces, a member of the *Tahkim-e Vahdat* student organization told the International Campaign for Human Rights in Iran that Jaleh was not a Basiji. In fact, he told the Campaign, Jaleh was a member of the Tehran Arts University's Islamic Association, and that he had attended previous demonstrations as well. He told the Campaign that Jaleh was directly shot at while trying to run away from armed plainclothes forces." **[52b]**

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 (ICHRI) 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)

15.61 The Danish Immigration Service's report *Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.* (Danish Immigration Service Report 2009), released April 2009, stated that: "The MKO also known as Mojahedin-E Khalq (Mek) and People's Mojahedin Organisation of Iran (PMOI) is an Islamist socialist organisation formed in 1965. It is led by husband and wife Masud and Maryam Rajavi." **[86a] (p16)** The organisation is also known as "the Muslim Iranian Students' Society; National Council of Resistance; NCR; Organization of the People's Holy Warriors of Iran; the National Liberation Army of Iran; NLA; People's Mujahadin Organization of Iran; PMOI; National Council of Resistance of Iran; NCRI; Sazeman-e Mujahadin-e Khalq-e Iran." (USSD *Country Report on Terrorism 2009*, August 2010) **[4d] (p268)**

15.62 The USSD *Country Report on Terrorism 2009*, released in August 2010 (USSD 2009 Terrorism report) stated:

"The MEK was originally designated as a Foreign Terrorist Organization [by the US] on October 8, 1997. The MEK is a Marxist-Islamic Organization that seeks the overthrow of the Iranian regime through its military wing, the National Liberation Army (NLA), and its political front, the National Council of Resistance of Iran (NCRI).

"The MEK was founded in 1963 by a group of college-educated Iranian Marxists who opposed the country's pro-western ruler, Shah Mohammad Reza Pahlavi. The group participated in the 1979 Islamic Revolution that replaced the Shah with a Shiite Islamist regime led by Ayatollah Khomeini. However, the MEK's ideology – a blend of Marxism, feminism, and Islamism – was at odds with the post-revolutionary government and its original leadership was soon executed by the Khomeini regime. In 1981, the group was driven from its bases on the Iran-Iraq border and resettled in Paris, where it began supporting Iraq in its eight year war against Khomeini's Iran. In 1986, after France recognized the Iranian regime, the MEK moved its headquarters to Iraq, which facilitated its terrorist activities in Iran." **[4d] (p268)**

15.63 On 26 January 2009, Reuters reported that the European Union (EU) had agreed to remove the PMOI from their list of banned terrorist organisations. **[5d]**

15.64 Payvand News reported on 28 January 2009: "The British government insists that the deproscription of the MKO was 'a judicial and not a political decision' both in the European Union as it was earlier in the UK and that it opposed its removal." **[53b]**

15.65 The USSD 2009 Terrorism report stated that:

"Estimates place MEK's worldwide membership at between 5,000 and 10,000 members, with large pockets in Paris and other major European capitals. In Iraq, roughly 3,400 MEK members are gathered at Camp Ashraf, the MEK's main compound north of Baghdad. As a condition of the 2003 cease-fire agreement, the MEK relinquished more than 2,000 tanks, armored personnel carriers, and heavy artillery. Between 2003 and 2006, a significant number of MEK personnel voluntarily left Ashraf, and an additional several hundred individuals renounced ties to the MEK and [had] been voluntarily repatriated to Iran." **[4d] (p268)**

15.66 The Danish Immigration Service's report, dated April 2009, stated:

"Even though the MKO has a worldwide network of members and supporters, it is an unpopular organisation among many Iranians because of its armed struggle against Iran during the past 30 years. This struggle has led to the losses of many official and civilian lives. The MKO has conducted several bombing campaigns and other violent attacks in Iran and other countries and fought on Iraq's side in the 1980-1988 Iran-Iraq war, where MKO fighters were used in suicidal, mass wave attacks against Iranian forces. Even though the activities of many individual MKO members may be minor, MKO members are considered traitors by many Iranians." **[86a] (p16)**

15.67 An Amnesty International report dated 11 August 2009 stated that:

"Following the US-led invasion of Iraq in 2003, the PMOI members disarmed and were accorded 'protected persons' status under the Fourth Geneva Convention. This lapsed in 2009, when the Iraqi government started to exercise control over Iraq's internal affairs in accordance with the Status of Forces Agreement (SOFA), a security pact agreed by the governments of Iraq and the USA in November 2008 and which entered into force on 1 January this year [2009]…

"After they disarmed, the PMOI announced that they had renounced violence. There is no evidence that the PMOI has continued to engage in armed opposition to the Iranian

government, though people associated with the PMOI still face human rights violations in Iran." **[9w]**

15.68 The Danish Immigration Service's report of April 2009 stated: "In 2003, President Khatami announced an amnesty offer to former members of the MKO in Iraq stating that those who repent past acts are welcome back in Iran where they will be judged according to law. According to Khatami, the amnesty did not cover leaders of the MKO." The same source also reported that:

"Several sources explained that while sympathisers and even former members of the MKO in many cases can return to Iran without facing problems, as many will be covered by the amnesty announced by President Khatami in 2003, it is not possible to conclude that all returnees will not face problems. Many sources pointed to the fact that prosecution and persecution of returnees does not depend solely on the acts committed by the returnee. The arbitrariness in the Iranian judicial system and the need of private people to settle personal scores leaves no room for certainty as to the safety of the returnee…" **[86a] (p17)**

15.69 The report continued:

"According to an international organisation in Turkey, former MKO members who repent and cooperate with the Iranian government may be granted amnesty. High profile members are not granted amnesty though. The organisation is unsure of the kind of assurances MKO returnees are given. The amnesty was announced before President Ahmadinejad's time and he does not recognise it. Furthermore, the amnesty is not stated in any law or regulation and is not written down anywhere…

"The Attorney at Law confirmed that there is no amnesty law as such in Iran and that it is not possible to find anything in writing that guarantees amnesty to former MKO members who return to Iran. There may be an announced amnesty, but there is no guarantee that it will continue to be in effect. The amnesty can be withdrawn at any time." **[86a] (p17)**

15.70 The Danish report also noted that an international organisation in Tehran: "… believed that, in general, it is safe for former MKO members to return to Iran, even though not all international organisations agree with them on this point. However, the organisation did stress, that a group of people consisting of leaders who have committed serious crimes, were likely to face severe problems with the authorities upon return." Amnesty International were reported as saying, in the same report, that: "it had received reports of harassment of former MKO members, including of those who had returned voluntarily to Iran, including at least one who is reported to have left Iran once again, to seek asylum in a European country." **[86a] (p19)**

15.71 The same report continued:

"Several sources informed the delegation that there are lists with names of MKO members who are wanted by the Iranian authorities. According to the sources consulted, these people will be prosecuted if they return to Iran. The number of people on the different lists varies from source to source. Several sources stated that the fact that a person is not mentioned on the list does not mean that the person will not face problems with the authorities upon return to Iran." **[86a] (p20)**

15.72 The USSD Report 2010, published on 8 April 2011, stated that: "The government … reportedly held some persons in prison for years under charges of sympathizing with terrorist groups such as the MEK." **[4f] (Section 1e)**

15.73 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]** Regarding Sayed Zia Nabavi's case, the same source advised:

"Zia Nabavi was arrested on the night of 14 June 2009, shortly after attending a mass protest against the previous day's announcement that incumbent President Mahmoud Ahmadinejad had won the presidential election. Among others arrested at the same time was his cousin Atefeh Nabavi, herself now sentenced to four years in prison for attending a demonstration. He says that he was beaten, kicked, insulted and humiliated during his interrogation.

"Held since then in Evin Prison, Tehran, Zia Nabavi was sentenced in January 2010 to three years for 'gathering and colluding against national security'; one year for 'propaganda against the system'; one year for 'disturbing public order'; as well as 10 years for 'links to and cooperation with the PMOI' to be served in internal exile in Izeh, Khuzestan province. He was also sentenced to 74 lashes for 'creating unease in the public mind'…

"Zia Nabavi denies all the charges, stressing that he has never had contact with the PMOI and has been extremely careful never to give the impression of doing so, since he has relatives living in PMOI-run camps in Iraq. **[9c]**

15.74 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]**

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Monarchists

15.75 The Advisory Panel on Country Information (APCI) review of the COI Service's Iran COI Report of August 2008, undertaken by Dr Reza Molavi and Dr Mohammad M Hedayati-Kakhki of the Centre for Iranian Studies at Durham University, dated 23 September 2008, (APCI Report 2008) stated that:

"The support of a return to the Monarchy is divided amongst a variety of groups and organisations…

"Babak Khorramdin Organization (BKO)
Constitutionalist Movement of Iran – Frontline (Sazeman-e Mashroteh Khahan-e Iran)
Guardians of Eternal Iran (Negahbanane Iran e Djawid)
Iranian Monarchist Council of Canada (Shora-e Saltanat Talaban-e Iran dar Kanada, IMCC)
Iran Paad (Saltanat Taliban, Saltanat Talab)
National Movement of Iranian Resistance (NAMIR)
Organization of Kaviyani Banner (Kaviyani Flag, Derafsh-e Kaviani)
The Imperial Iranian Guards (Rastakhiz of Iran Organization, Sazemane - Rastakhize Iran)
Shahin

"One of these, Iran Paad, claims to have been founded in London about 19 years ago, with the aim of providing an umbrella organisation that would invite all other Monarchist groups to be part of their network. Iran Paad claims to have thousands of members both inside and outside of Iran. They also organise demonstrations which take place outside Iranian Embassies in other countries of the world, to keep their campaign in the public's eye." **[6a] (p24)**

15.76 The Danish Immigration Service Report 2009 stated that:

"A western embassy (3) stated that Monarchists, be it as movements or individuals, have no influence in Iran and therefore are not at risk of persecution. 'They are simply not considered a threat to the ruling government'. Another western embassy (1) stated that monarchist groups still exist in the universities in Iran. **(p20)**… while Monarchists are not as active as other political oppositional groups, they still exist as a movement…To the knowledge of the international organisation, the nature of the activities of the Monarchists is usually peaceful. For instance, the Monarchists staged a protest in Iran in July 2008. At 9pm, people in support of the Monarchists were to turn on the high beam of their cars and drive around the city. In another peaceful demonstration, supporters of the Monarchists were to wear a white shirt and go to a certain park. Monarchist groups also distribute leaflets and spread their messages through the internet. They are particularly active outside Iran, for instance in the United States, where they run three TV stations." **[86a] (p21)**

15.77 An *Observer* article dated 11 October 2009 reported that three unidentified people arrested after the post-election protests had been sentenced to death. Zahed Bashiri Rad, a spokesman for the Ministry of Justice revealed only the initials of those sentenced: "'MZ and AP were convicted for ties with the Kingdom Assembly of Iran' – an organisation that seeks to bring back the Shah – while NA was convicted for ties with the People's Mujahideen, an exiled opposition group. It is unclear whether Zamani [see previous paragraph] is the 'MZ' mentioned by ISNA [Iranian Student's News Agency]." **[55a]** NA was subsequently identified as Nasser Abdolhosseini. "Abdolhosseini was sentenced to death for belonging to the exiled Mujahedin Khalq Organization, considered a terrorist organization by Iran. But that charge has been fiercely rejected by Abdolhosseini's brothers Mojtaba and Nader Abdolhosseini, who say Nasser has never been involved in politics." (Radio Free Europe/Radio Liberty) 17 October 2009) **[42g]**

15.78 The same Radio Free Europe/Radio Liberty article reported that a fourth person, believed to be student Hamed Ruhinejad, faced the death penalty:

"…after being convicted of 'moharebeh,' or waging war against God… Ruhinejad has been charged with being member of a little-known monarchist group, the 'The Assembly of Kingdom.' Three members of the group were executed several months ago after being convicted over a 2008 bombing in Shiraz. In a letter posted by Iranian news websites, Ruhinejad has said he has no connection with The Assembly of Kingdom, or any other group, and didn't have anything to do with the June [2009] vote and the unrest that followed." **[42g]**

15.79 On 28 January 2010, BBC News reported that two executions had taken place, believed to the first executions of people arrested in connection with the post election unrest of June 2009. They were named as Mohammad Reza Ali-Zamani and Arash Rahmanipour. "There has been no independent confirmation of the executions or the names, but opposition groups had previously said Mr Ali-Zamani was sentenced to death in October. He and one other person were believed to have been convicted for ties with the Kingdom Assembly of Iran (Anjoman-e Padeshahi-e Iran), a banned monarchist group." **[21g]**

15.80 On 10 May 2010, Agence France Presse reported that Mehdi Eslamian, who is said to have belonged to the "anti-regime monarchist group, Kingdom Assembly of Iran", was executed the previous day in Tehran's Evin prison. State media reported that: "…Eslamian was involved in the deadly bombing of a mosque in the southern city of Shiraz in April 2008 and charged with acting against national security." **[14a]**

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Kurdish Democratic Party of Iran (KDPI, also DPIK)

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

"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

15.82 Jane's *Sentinel Security Assessment*, dated 23 January 2009, stated that the party is called the Democratic Party of Iranian Kurdistan (DPIK) and that it was founded in 1945 with Mustafa Hijri elected Secretary General in July 2004. **[61b] (Non-state Armed Groups)**

15.83 The Danish Immigration Service Report 2009 stated that:

"An international organisation in Turkey explained that politically active groups and individuals are considered a threat to national security by the Iranian government. If the Iranian authorities consider a person to be working against national security, (the person may for example be accused of being a spy or of cooperating with an oppositional religious, ethnic or political group), they may face severe punishment ranging from ten years imprisonment to execution. For instance, being in possession of

a CD, a pamphlet or something similar made by the Kurdish Democratic Party of Iran (KDPI), Komala or other Kurdish organisations, may be considered as an act against national security. This form of persecution for political activities is a problem all over Iran. However, the authorities are watching Kurdish areas and Tehran more carefully than other areas." **[86a] (p9)**

15.84 The Freedom House Report 2011 noted that "Kurdish opposition groups suspected of separatist aspirations, such as the Democratic Party of Iranian Kurdistan (KDPI), are brutally suppressed." **[112a]**

15.85 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)**

The Chatham House Briefing Paper gives further historical information on Kurdish political parties in Iran and may be accessed directly:

See Ethnic groups, Kurds

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Komala

15.86 The Human Rights Watch (HRW) report dated 9 January 2009 noted that "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)." **[8h]** The same HRW report also referred to a second organisation named Komala being formed after the first changed its name to the KDPI:

"After the 1979 revolution, another left-leaning movement, also calling itself Komala, took up arms against the central government in an attempt to gain Kurdish independence. Komala unilaterally laid down its arms in the 1990s. According to Hassan Rahmanpanah, a member of Komala's central committee, the group did so after realizing that government authorities were using the existence of an armed opposition as an excuse for suppressing the peaceful work of a range of activists.

"The Iranian government has not since alleged any armed activities by Komala members or sympathizers." **[8h]**

15.87 Jane's *Sentinel Security Assessment*, updated 23 January 2009, stated that the full name is the Kurdish Communist Party of Iran otherwise known as Komaleh, Komala lidni Kurdistan (Council on Rebirth of Kurdistan) or Komalay Shoreshgeri Zahmatkeshani Kurdistani Iran (the Revolutionary Organisation of the Toilers of Kurdistan). **[61b] (Non-state Armed Groups)**

15.88 The same source continued: "Komala should not be confused with Komala Islami Kurdistan (Islamic Society of Kurdistan), an Islamist group based in northern Iraq which was the target of US cruise missile attacks during the Iraq military campaign in 2003." **[61b] (Non-state Armed Groups)**

15.89 Jane's *Sentinel Security Assessment* also noted that:

"As an independent Marxist group Komala aims to establish a social system based on social justice and equality. It strives to end oppression and to achieve autonomy for Iranian Kurds. While the group aims to secure the right of self-determination it also seeks changes in the existing status quo of Iranian politics at large. These changes include the separation of religion from the state, freedom of speech and assembly, equality of nationalities, an end to bureaucratic interference by the central government, devolution of power and expulsion of government forces from Iranian Kurdistan. The organisation also advocates the linking up of the Kurdish people's struggle for independence with social justice for the working people of Iran. It raises questions such as the quest for economic improvement, of gender-based political and social inequalities and of farmers vis-à-vis landowners. Komala's struggle also aims at obtaining the support of mass institutions such as trade unions, youth and women's organisations and the expression of the popular will through local councils. Essentially, Komala officially presses for the unqualified political freedoms and rights of workers… The official spokesperson and first secretary of Komala is Ebrahim Alizadeh. Komala has a central committee composed of 15 elected members and holds meetings every three months to discuss the work of the organisation." **[61b] (Non-state Armed Groups)**

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 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:

15.91 On 12 November 2009, Amnesty International reported that Ehsan Fattahian, a Kurd, had been executed in Kordestan, northwestern Iran the day before, having been convicted of "enmity against God" for his membership of Komala:

"He was initially sentenced to 10 years' imprisonment to be served in internal exile, but this was increased on appeal to the death penalty. It is now known that he was not given an opportunity to appeal against the death penalty, in contravention of Article 6(4) of the International Covenant of Civil and Political Rights, to which Iran is a state party. Ehsan Fattahian said in a letter from prison that this was because he had refused to agree to a televised 'confession' in which he would have to express remorse for his beliefs." **[9s]**

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

15.92 The Human Rights Watch (HRW) report dated 9 January 2009, stated that:

> "Currently PJAK, the Iranian branch of the Turkey-based Kurdistan Workers Party (PKK), an opposition movement fighting for the independence of Kurds in Turkey, is the only group engaged in armed struggle against the Iranian government. Based mostly in Iraqi Kurdistan, PJAK has claimed responsibility for a number of armed operations against Iranian security forces. In response, Iran launched armed incursions into northern Iraq, most recently in August 2007 and June 2008. The KDPI and other Kurdish parties claim that they have no relationship with PJAK." **[8h]**

15.93 Jane's *Sentinel Security Assessment*, dated 23 January 2009, stated that, "PJAK has claimed numerous attacks in Iran and has promised continued action against Iranian military targets, but is unlikely to be able to challenge the Iranian military on the battlefield or to control territory without foreign assistance. … Nonetheless, the group appears to have sufficient resources in terms of weapons, popular support and funding to sustain a low level insurgency in the medium-term." **[61b] (Non-state Armed Groups)**

15.94 Jane's added that PJAK was founded in 2004 and its leader was Abdul Rahman Hajji Ahmadi. **[61b] (Non-state Armed Groups)** The Freedom House Report 2011 noted that, "The Free Life Party of Kurdistan (PJAK), a separatist militant group linked to the Kurdistan Workers' Party (PKK) of Turkey, has conducted a number of guerrilla attacks in recent years and was declared a terrorist organization by the United States in 2009. Iranian efforts to combat the PJAK have included raids into Kurdish territory in neighboring Iraq." **[112a]**

15.95 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]**

15.96 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]**

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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People's Resistance Movement of Iran (PRMI), aka Jondallah or Jundullah

15.97 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]**

15.98 Minority Rights Group International's (MRGI) report, *Seeking justice and an end to neglect: Iran's minorities today*, published in February 2010 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]**

15.99 The Baloch Hall editorial dated 22 December 2010 stated:

"Among all Jundullah operations, the Pishin (2009) and Zahidan (2010) bombings served almost as turning points for the rebellious group.

"Firstly, the suicide bomb blast of October 18, 2009 killed 42 people, including General Noor Ali Shooshtari, deputy commander of the elite Iranian Revolutionary Guards. Following this, Tehran promised to do whatever it took to dismantle the underground organization. After intensive intelligence and diplomatic efforts, Iran managed to hunt down twenty-seven year old Regi, the founder and commander-in-chief of the outfit. He was hanged, just like his brother Abdul Hameed Regi, after making televised confessions about support they allegedly got from the United States.

"While Tehran believed the organization would fade away after the execution of its chief, Jundullah carried out a double suicide bombing at a Jamia mosque in Zahedan on July 16 [2010], killing 27 people, to avenge Regi's execution. Soon after that bombing, the U.S government, in what was largely seen as an unexpected move, enlisted [sic] Jundullah as a terrorist organization. The State Department Terrorist Designation, which has 47 international terrorist organizations on its list, observed, 'Jundallah uses a variety

of terrorist tactics, including suicide bombings, ambushes, kidnappings and targeted assassinations'." **[97a]**

15.100 The Amnesty International report *Death Sentences and executions in 2009*, published 30 March 2010, stated that:

"Three alleged members of the People's Resistance Movement of Iran (PRMI), also known as Jondallah were hanged in public in Zahedan on 30 May 2009, less than 48 hours after an explosion, claimed by the PRMI, killed up to 25 worshippers in a Shi'a mosque. Officials said that although the three men were in detention at the time of the bombing, they had 'confessed' to bringing explosives used in the mosque into the country and to involvement in other bomb attacks and kidnapping. Thirteen other alleged PRMI members were hanged on 14 July 2009." **[9u] (p18)**

15.101 On 27 August 2009, the Iranian Minorities' Human Rights Organisation (IMHRO) also 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]**

15.102 The AI Report 2010 stated that, "In Sistan-Baluchistan province, home to the mostly Sunni Muslim Baluch minority, violence intensified amid increasing clashes between the security forces and members of the People's Resistance Movement of Iran (PRMI), an armed political group also known as Jondallah. On 18 October [2009], at least 42 people, including senior Revolutionary Guards officers and civilians, were killed in an attack claimed by the PRMI." **[9a] (p175)**

15.103 On 21 October 2009, Reuters reported Iran's police chief as saying that arrests had been made in connection with the attack on the Revolutionary Guards and that "… talks were underway with Pakistan about also seizing 'the main elements behind the terrorist attack'…Analysts say the rebel group Jundollah [Jundullah] (God's soldiers) is increasingly inspired by Sunni militants based in Pakistan." **[5b]**

15.104 On 20 June 2010, BBC News reported that Jundullah's leader had been executed. The BBC article stated:

"Abdolmalek Rigi [Regi], head of Jundullah, was hanged at dawn at Tehran's Evin prison in the presence of the families of its victims, the Irna news agency said. Mr Rigi was accused of being behind a series of deadly bombings and raids in the province of Sistan-Baluchistan…

"Despite the loss of their leader, the confrontation between Jundullah and the Iranian authorities has shown no sign of abating. The group recently asserted in a statement: 'Let the regime know that it will face a movement that is stronger and much more solid than ever before and one whose existence it has not been aware of.'

"Mr Rigi's younger brother, Abdolhamid, was captured in Pakistan in 2008 and extradited to Iran. State media reported that he was executed last month [May 2010] in Zahedan after being convicted of terrorism." **[21s]**

15.105 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]**

15.106 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)**

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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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 Freedom House (FH) report, *Freedom of the Press 2010 – Iran*, released 1 October 2010 (FH Press Report 2010) stated:

"Constitutional provisions for freedom of expression and the press are not upheld in practice. Numerous laws restrict press freedom, including the Press Law, which forbids the publication of ideas that are contrary to Islamic principles or detrimental to public rights. The government regularly invokes vaguely worded legislation to criminalize critical opinions. Article 500 of the penal code states that 'anyone who undertakes any form of propaganda against the state ... will be sentenced to between three months and one year in prison'; the code leaves 'propaganda' undefined. Under Article 513, offenses deemed to be an 'insult to religion' can be punished by death, or prison terms of one to five years for lesser offenses, with 'insult' similarly undefined. Other articles

provide sentences of up to two years in prison, up to 74 lashes, or a fine for those convicted of intentionally creating 'anxiety and unease in the public's mind,' spreading 'false rumors,' writing about 'acts that are not true,' and criticizing state officials." **[112b]**

16.02 The Reporters san Frontières (RSF) report *Predators of Press Freedom: Iran – Mahmoud Ahmadinejad*, published on 3 May 2011, stated:

"Since President Mahmoud Ahmadinejad's disputed reelection on 12 June 2009, the opposition has been mercilessly and violently repressed. Many journalists have alternated in the past year and a half between arbitrary detention and being under surveillance, forcing many to flee abroad for fear the next arrest could mean longer imprisonment. More than 200 journalists and bloggers have been arrested, 40 are still in prison and 100 or so have left the country, the biggest exodus since the 1979 revolution. Ahmadinejad is directly responsible for this crackdown, which he organises with the ministries of intelligence, culture and Islamic guidance and the Revolutionary Guards. He also closely supervises the list of journalists to be arbitrarily arrested. A score of media outlets have been shut down by the culture ministry's censorship arm, the Press Authorisation and Surveillance Commission. The government hounds journalists and their families, makes summary arrests and uses secret imprisonment to silence its critics.

"The state monopoly of broadcast media continues, private ownership of satellite dishes forbidden and the government does all it can to stop foreign radio and TV broadcasts in Persian being picked up in Iran. Foreign media are closely watched and their local correspondents risk losing their accreditation at any time. Many foreign journalists were unable to get their visas extended in 2011 and had to leave the country. International organisations very rarely get permission to visit Iran." **[38i]**

16.03 The US Department of State *Country Report on Human Rights Practices 2010*, Iran, released on 8 April 2011, (USSD Report 2010) 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.' In practice the government severely restricted freedom of speech and of the press. There were no basic legal safeguards for freedom of expression, and the government – notably the judiciary – arbitrarily enforced censorship measures against the independent press. Government censorship and self-censorship limited dissemination of information during the year [2010]. The government frequently threatened and jailed journalists as a consequence of their work. It also closed the offices of the journalists' union in August 2009.

"Individuals could not criticize the government publicly or privately without reprisal, and the government actively sought to impede criticism.

"On December 19 [2010], according to RSF [Reporters without Borders], intelligence officials in civilian dress arrested Fariborz Rais Dana, an economist and a member of the board of directors of the country's writers' association. Other sources noted that Dana's arrest occurred shortly after his interview with BBC Persian in which he criticized the government's subsidy reform policies. At year's end there were no updates in his case, and his whereabouts were unknown." **[4f] (Section 2a)**

16.04 The RSF 2010 Press Freedom Index, published on 20 October 2010, noted that press freedom in Iran had deteriorated during 2010, placing the country in 175th place out of the 178 countries rated **[38g]**, down from 172nd place in 2009. **[38c]**

16.05 The Freedom House report *Freedom in the World 2011 – Iran* (Freedom House Report 2011) published on 12 May 2011, covering events in 2010, stated:

"Freedom of expression is severely limited. The government directly controls all television and radio broadcasting. Satellite dishes are illegal, and while they are generally tolerated, there have been increasing reports of dish confiscation and steep fines. The authorities have had some success in jamming broadcasts by dissident satellite stations based overseas, and cooperation with Persian-language satellite channels is banned. Even the purchase of satellite images from abroad is illegal. The Ministry of Culture must approve publication of all books and inspects foreign books prior to domestic distribution.

"The authorities frequently issue ad hoc orders banning media coverage of specific topics and events. The foreign media were banned from covering the postelection demonstrations in 2009, and reporters from a number of countries were arrested and temporarily detained during the year [2010]...

"Iranian filmmakers are subject to tight restrictions, and many have been arrested or harassed since the 2009 election. In 2010, the Culture Ministry prescribed one-year bans for filmmakers involved in the production of unlicensed films, including those screened abroad." **[112a]**

16.06 The FH Press Report 2010 stated:

"In the aftermath of the June 2009 presidential election…conditions for press freedom reached a new low. Opposition supporters mounted a series of large and internationally publicized protests after the election results were announced, and the regime responded with a major crackdown on critical publications, journalists, and bloggers. Mass arrests led to the largest number of journalists jailed in Iran since the 1979 revolution, and by year's end [2009], more journalists were imprisoned in Iran than anywhere else in the world. Allegations of torture, mistreatment, and other forms of abuse in detention also reached unprecedented levels. Dozens of newspapers were closed, and coverage of the opposition protests was particularly restricted, as was reporting related to dissatisfaction with the government, women's rights and ethnic issues, the ailing economy, and the development of nuclear technology. The inability of traditional media outlets to function in the repressive political environment amplified the importance of the internet. The authorities consequently amended the 2000 Press Law to clearly cover online outlets, and adopted sophisticated methods of filtering, monitoring, and persecuting online reporters." **[112b]**

16.07 On 20 December 2010, the *Guardian* reported that internationally acclaimed film director Jafar Panahi, an outspoken supporter of the opposition, had been sentenced to six years imprisonment and "…banned for 20 years from making any films, writing any scripts, travelling abroad and also giving any interviews to the media including foreign and domestic news organisations. " The sentence followed Panahi's conviction for "colluding in gathering and making propaganda against the regime." **[16b]**

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PRINT MEDIA

16.08 Reporters without Borders' (RSF) *World Report 2009 – Iran*, released 1 May 2009, stated that:

> "Censors in Iran have far-reaching discretionary power, due to the ambiguity of the 1979 Constitution and the 1985 press law (amended in April 2002), even though there is no prior censorship for daily newspapers. Article 24 of the Constitution defines free expression thus: 'All publications are free to express their opinions, except those that conflict with the foundations of Islam and the morality of society. The interpretation and detailed definition of this article are the responsibility of the law.' However the law gives no definition of 'religious foundation' and does not say what is covered by the idea of 'morality of society'." **[38b]**

16.09 The FH Press Report 2010 noted that: "In 2008 there were some 20 major print dailies in circulation, but about 10 dailies were permanently banned in 2009, and many others were censored or temporarily banned. The newspapers with the widest circulation and influence are those that espouse conservative viewpoints or are directly run by the government, such as the dailies *Jaam-e Jam* and *Kayhan*." **[112b]**

16.10 The RSF report *Predators 2010*, published on 3 May 2010, stated:

> "For the first time since the 1979 revolution, the government introduced a system by which print media content is systematically verified by the security services before publication. Together with his government, above all in close cooperation with the intelligence ministry and the ministry of culture and Islamic guidance, which were placed under his direct responsibility, Ahmadinejad drew up the list of journalists who were to be arbitrarily arrested. It was also Ahmadinejad who determined the charges and authorised the system of filmed forced confessions." **[38f]**

16.11 The Committee to Protect Journalists (CPJ) report, *Attack on the Press 2010*, released 15 February 2010 (CPJ Report 2010) noted that:

> "The government's assault on independent and opposition media silenced many critical voices. In addition to closing outlets outright and imprisoning key journalists, the government withheld state advertising and paper subsidies from critical newspapers. Publications still in print engaged in self-censorship to remain in business. Online media, however, provided robust coverage and analysis of domestic and international issues. They also devoted significant attention to the ongoing repression of journalists, bloggers, and political activists." **[29a]**

16.12 The Human Rights Watch (HRW) *World Report 2011 – Iran*, published 24 January 2011, observed that: "The Ministry of Islamic Culture and Guidance continued shutting down newspapers and in August [2010] directed the press not to publish items about opposition leaders Mir Hossein Moussavi, Mehdi Karroubi, and Mohammad Khatami, the former president." **[8f]**

16.13 The Freedom House Report 2011 noted that "Numerous periodicals were closed for morality or security offenses during 2010, including *Etemad*, which was edited by a former lawmaker and had called for the investigation of brutality by the IRGC-led Basij militia on university campuses, and *Iran Dokht*, which was managed by the son of

opposition leader Mehdi Karroubi and had previously been raised by militia members." **[112a]**

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TV / RADIO

16.14 The FH Press Report 2010 stated that:

"Owing to limited distribution of print media outside larger 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. Under Article 175 of the constitution, which forbids private broadcasting, the government maintains a direct monopoly on all domestic broadcast media and presents only official political and religious viewpoints. A government-run, English-language satellite station, Press TV, was launched in July 2007. Leaders of the powerful Islamic Revolutionary Guard Corps (IRGC) also announced their intent to launch a trilingual (Persian, Arabic, and English) news agency modeled on the British Broadcasting Corporation (BBC) or the Associated Press. The IRGC already largely controls the semiofficial Fars News Agency.

"Although it is forbidden, an increasing number of people own satellite dishes and access international news sources. Confiscation of satellite dishes is known to occur; in June 2009, police ordered residents in select Tehran neighborhoods to take down their dishes and returned shortly thereafter to confiscate those that remained. The IRGC reportedly has a budget of US$10 million to create jamming stations in Tehran and other cities. Foreign-based satellite radio stations such as Radio Farda and the Dutch-funded Radio Zamaneh provide news and information to a large part of the population. In January 2009, a new BBC Persian-language television service began broadcasting eight hours of daily programming, reaching a reported six to eight million Iranian viewers by late June. The regime heavily criticized the service's coverage of the presidential election. Satellites transmitting the BBC, Voice of America's Persian News Network, and other Persian-language news media based in Europe and the United States were jammed throughout the year." **[112b]**

16.15 On 22 March 2010, the Council of the European Union adopted a declaration, part of which stated:

"…the European Union expresses its grave concern over measures taken by the Iranian authorities to prevent its citizens from freely communicating and receiving information through TV, radio satellite broadcasting and the internet. Deliberate interference by jamming of satellite broadcasting has affected numerous radio and TV services, including European services, transmitted by EUTELSAT. In addition, the Iranian authorities regularly prevent their citizens from freely accessing, communicating and receiving information on the internet, and restrict or block mobile telecommunications." **[19a]**

JOURNALISTS

16.16 The Committee to Protect Journalists (CPJ) report *Attacks on the Press 2010 – Iran* (CPJ Report 2010), published 15 February 2011, stated:

"Defying international condemnation, the government sustained its widespread crackdown on the press, prosecuting journalists arrested in the aftermath of the disputed June 2009 presidential election and detaining additional critical reporters and editors throughout 2010. More than 100 journalists in all had been detained at various times since the crackdown began, CPJ research showed, a campaign of intimidation unparalleled worldwide in more than a decade." **[29a]**

16.17 The Freedom House report *Freedom of the Press 2010 – Iran*, dated 1 October 2010, noted that more than 50 journalists fled Iran between 12 June 2009 and the end of the year [2009]. **[112b]**

16.18 The same Freedom House report observed that "Iran's judiciary frequently denies accused journalists due process by referring their cases to the Islamic Revolutionary Court, an emergency venue intended for those suspected of seeking to overthrow the regime. The Preventive Restraint Act is used regularly to ban publications without legal proceedings." **[112b]**

16.19 The Freedom House Report 2011 stated that:

"The authorities frequently issue ad hoc orders banning media coverage of specific topics and events. The foreign media were banned from covering the postelection demonstrations in 2009, and reporters from a number of countries were arrested and temporarily detained during the year. Five foreign journalists were arrested during demonstrations in February 2010 and later released. At least one Iranian reporter was jailed in 2010 for giving an interview to a foreign news outlet...

"The Press Court has extensive power to prosecute journalists for such vaguely worded offenses as 'insulting Islam' and 'damaging the foundations of the Islamic Republic.' The use of 'suspicious sources' or sources that criticize the government is also forbidden...

"Iran leads the world in the number of jailed journalists, with 37 behind bars at the close of 2010 and many serving lengthy prison sentences. Several dozen other journalists were arrested and released on bail during the year, often after they issued coerced confessions on television." **[112a]**

16.20 The CPJ Report 2010 noted that: "At least 34 Iranian journalists remained behind bars when CPJ conducted its annual worldwide census on December 1 [2010], tying China as the world's worst jailer of the press. But at least 31 other Iranian journalists were on short-term furloughs as of December 1 and could be returned to prison at the whim of the government. And the government made clear that it considered all critics to be enemies of the state." **[29a]**

16.21 On 6 December 2010, RSF reported that:

"Emadoldin Baghi, journalist and emblematic figure in the defence of human rights in Iran, began serving a six-year prison sentence on 5 December [2010]…

"Baghi was arrested on 28 December 2009, the day after opposition demonstrations on 27 December 2009, in a roundup orchestrated by the Ministry of Intelligence and the Revolutionary Guards. He was sentenced in July 2010, by the 15th chamber of the revolutionary court to one year in prison and to a five year ban on working as a journalist. He was also sentenced by the 26th chamber of the revolutionary court to six

years in prison for having appeared on the Persian service of the BBC along with dissident religious leader Hossein Ali Montazeri, who died in December [2009].

"Emadoldin Baghi, 48, has been summonsed, sentenced and imprisoned more than 80 times over the past ten years." **[38a]**

See also Latest News for details of Emadoldin Baghi's release from prison.

16.22 The CPJ Report 2010 stated that:

"Journalists were repeatedly sentenced to harsh prison terms – often of five or six years, but many of more than 10 years – on vague antistate charges such as 'propagating against the regime.' News of these cases trickled out in brief online reports; authorities often pursued the prosecutions under cover of secrecy in closed courts, sometimes denying detainees access to counsel. Human rights defenders documented numerous credible reports that detainees were abused and housed in deplorable conditions.

"Authorities maintained a revolving prison door throughout the year, freeing some detainees on furloughs even as they made new arrests. Journalists freed on furloughs often posted six-figure bonds and endured enormous political pressure to keep silent or turn on their colleagues." **[29a]**

16.23 The CPJ Report 2010 also reported that: "Imprisoned journalists suffered from the crowded and unsanitary conditions endemic to Iranian prisons, but they also faced additional punitive measures such as denial of family visits and placement in solitary confinement. Some were physically abused. Veteran columnist Issa Saharkhiz, for example, was kept in a prison yard overnight in freezing temperatures without shoes or socks, according to the reformist news website Rooz Online." **[29a]**

See the CPJ Report 2010 for further information on the cases of individual journalists and editors imprisoned and sentenced.

16.24 On 15 February 2011, the International Federation of Journalists (IFJ) "…accused the Iranian authorities of targeting media amid signs of solidarity in the country with protests which toppled regimes in Egypt and Tunisia. At least four journalists working for reformist newspaper were arrested last week ahead of demonstrations called by the opposition to support recent popular uprisings in Egypt and Tunisia." **[54a]**

16.25 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]**

The RSF and the Committee to Protect Journalists websites publish frequent updates on journalists arrested and sentenced since the June 2009 presidential elections.

See also Prison Conditions.

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INTERNET

16.26 The Freedom House report *Freedom on the Net 2011 – Iran* (Freedom on the Net 2011), published 18 April 2011 stated:

> "Iranian internet users suffer from routine surveillance, harassment, and the threat of imprisonment for their online activities, particularly those who are more 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 Computer Crime Law passed by the parliament in 2008 and introduced officially by Ahmadinejad in July 2009 clearly identifies punishments for spying, hacking, piracy, phishing, libel, and publishing materials that are immoral and against public taste." **[112d]**

16.27 The FH Press Report 2010 noted: "The regime imposes systematic controls on the internet and other digital technologies. According to the OpenNet Initiative (ONI), the Iranian government has become one of the most sophisticated and pervasive filterers of online content in the world. It now has the technological capability to produce its own monitoring and filtering software." **[112b]** Despite restrictions internet usage has increased rapidly since 2000 with an estimated 33,200,000 Internet users as of June 2010, representing 43.2% of the population. (Internet World Stats, 9 July 2010) **[81a]**

16.28 The Human Rights Watch (HRW) *World Report 2011 – Iran*, published 24 January 2011 stated: "The government systematically blocks websites that carry political news and analysis, slows down internet speeds, jams foreign satellite broadcasts, and employs the Revolutionary Guards to target dissident websites." **[8f]**

16.29 The Freedom on the Net 2011 report observed:

> "The Iranian authorities have taken a range of measures to monitor online communications and use them as a basis for criminal punishment. A number of protesters who were put on trial after the [June 2009] election were indicted for their activities on Facebook and Balatarin, a Persian site that allows users to share links and news. Many arrested activists reported that interrogators had confronted them with copies of their e-mails, asked them to provide the passwords to their Facebook accounts, and questioned them extensively on their relationships with individuals on their 'friends' list. The authorities actively exploited the fear created by these reports, claiming that they had access to all the e-mail and text messages exchanged in Iran. The Computer Crime Law obliges ISPs [Internet Service Providers] to record all the data exchanged by their users for a period of six months, but it is not clear whether the security services have the technical ability to monitor all this data." **[112d]**

16.30 The Reporters without Borders (RSF) report *Internet Enemies 2011 – Iran*, covering events in 2010 and published 11 March 2011, reported that:

> "Iran has intensified online crackdowns and surveillance again this year [2010], particularly in periods of unrest and demonstrations, during which the authorities have resorted to causing Internet slowdowns and disconnections, or jamming telephone lines.

 The main text of this COI Report contains the most up to date publicly available information as at 13 May 2011. Further brief information on recent events and reports has been provided in the Latest News section to 21 June 2011.

The regime has also continued to demonise the new media, accusing them of serving foreign interests. Several netizens have been sentenced to death.

"In January 2011, the authorities finished setting up the first Iranian cyberpolice to strengthen their control of the Internet. On 20 May 2010, Ebrahim Jabari, an Islamic Revolutionary Guard Corps (IRGC) commander, officially confirmed the creation of an Iranian 'Cyber Army' which has already cracked down on online networks deemed 'destructive,' and arrested hundreds of netizens." **[38i]**

16.31 The FH Press Report 2010 stated:

"The authorities censor online content by forcing ISPs to block access to a growing list of 'immoral sites and political sites that insult the country's religious and political leaders.' The government boasted in late 2008 that it was blocking access to five million websites… Access to international news websites and the sites of international organizations is increasingly restricted. Social-networking and content-sharing sites such as Facebook, Orkut, and YouTube were regularly blocked throughout the year [2009], particularly in the weeks before and after the presidential election, but remained popular. The Twitter microblogging service became vital to the dissemination of information about the postelection protests once traditional forms of reporting were cut off. In late 2009, a group calling itself the Iranian Cyber Army hacked Twitter, redirecting users to a message that appeared to support the regime. In another tactic, the government created 'mirror websites' of YouTube and others that tracked users who uploaded coverage of the protests." **[112b]**

16.32 The RSF report *Internet Enemies 2011 – Iran*, noted that:

"Authorities rely on Iran's Press Law, Penal Code and the Cyber Crime Act of 2009 to prosecute Internet users. Article 18 of the latter provides for prison terms of up to two years and a fine for anyone found guilty of 'disseminating false information likely to agitate public opinion.'

"By virtue of Articles 500 and 514 of the Penal Code, 'anyone who somehow insults the founder of the Islamic Republic of Iran, Khomeini, or the Supreme Leader of the country should be sentenced to imprisonment from six months to two years' (Art. 514) and 'anyone who undertakes any form of propaganda against the state will be sentenced to between three months and one year in prison' (Art. 500).

"Again this year [2010], netizens – and especially the regime's opponents and advocates for women's rights – have been the target of countless arrests, summons and threats on the part of the authorities. The government has created numerous VPNs (virtual private networks) in order to gather information on dissidents. Seven netizens are still behind bars in the country. " **[38i]**

16.33 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)**

16.34 The RSF report of 18 March 2010 stated that:

"Iran's regime considers social networks to be instruments of the opposition. Facebook and Twitter, which relayed the calls for demonstrations, have been continuously blocked since June 2009. MySpace.com and Orkut.com have received the same treatment.

"Participative photo- or video-exchange websites were among the first hit: Flickr.com and YouTube.com are inaccessible. The authorities want to block the transmission via the Internet of photos taken with a cell phone. Dissemination of the photos of the young female demonstrator, Neda Agha-Soltan, was too harmful to the regime's reputation. The anonymous video received the prestigious American George Polk Award for Excellence in Journalism in February 2010, while Neda acquired martyr status. During the demonstrations of December 7, 2009, for example, some demonstrators' cell phones were therefore seized by security forces. An as yet undetermined number of people who were taking photos or filming the events with their telephones may have also been arrested." **[38h]**

16.35 The same report also observed that:

"Internet user surveillance is made easier by the fact that all traffic has to pass through a single point controlled by the Revolutionary Guards. A cyber police force permanently monitors the population's online activities.

"This partially explains the decision made on February 10, 2010 to suspend Gmail messaging service, which is very popular with the dissidents and more difficult to censor, especially since the emails are encrypted. But users can still access the messaging service via proxy servers. The authorities have announced that a national messaging service will be launched in the near future." **[38h]**

16.36 On 31 January 2011, a Voice of America editorial reported:

"The Iranian government has blocked the Iranian people from accessing thousands of websites; it has slowed down the speed of the Internet in Iran to a maddening crawl; and it has used the Internet to track down protestors and their families. It has also jailed Iranian bloggers, and given several severely long prison sentences.

"Now the Iranian government says it stepping up its efforts to patrol and control the Internet. It has announced the formation of a new cyber police force whose targets specifically include anti-government websites and political dissidents using social networking sites. 'Through these very social networks in our country, anti-revolutionary groups and dissidents found each other and contacted foreign countries and triggered riots,' Iran's chief police official Brigadier General Esmail Ahmadi-Moghaddam said, as he announced the launch of the first new cyber police unit. 'There is no time to wait,' he said. 'We will have cyber police all over Iran.'" **[98b]**

16.37 On 16 February 2011, HRW reported that:

"Saeed Malekpour, a 35-year-old web designer and permanent resident of Canada, was sentenced to death at the end of November 2010 for creating 'pornographic' internet sites and 'insulting the sanctity of Islam'. Prior to his arrest during a family visit to Iran in 2008, he had created a programme enabling the user to upload photos. That programme had then been used to post pornographic images, which he said had happened without his knowledge. He is alleged to have been tortured while being held for more than a year in solitary confinement in Evin Prison." **[8p]**

See also Latest News for information on Saeed Malekpour's death sentence being quashed.

16.38 The RSF report *Internet Enemies 2011 – Iran*, published 11 March 2011, reported that "The Iranian regime is now using the pornography pretext to definitively muzzle dissident voices and tighten its iron grip on information in the country." **[38i]**

16.39 The RSF reports of 18 March 2010 and 11 March 2011, Freedom House's report Freedom on the Net 2011 – Iran and an Open Net Initiative report, published in June 2009, give further detailed information on Internet Service Providers (ISPs), filtering and surveillance. **[89a]**

See also Journalists and Bloggers below

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BLOGGERS

16.40 The Freedom House report *Freedom on the Net 2011 – Iran*, published 18 April 2011 reported:

"Since June 2009 the authorities have been cracking down on online activism through various forms of judicial and extrajudicial 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 have been arrested, and a dozen are still being detained. They include 18-year-old Navid Mohebbi, who was arrested in September 2010 and then released conditionally in December after receiving a three-year suspended prison sentence on charges of 'actions against national security' and insulting the Islamic Republic's founder and current leader by means of 'foreign media.' Another blogger Omidreza Mirsayafi died under questionable circumstances in Tehran's infamous Evin prison. He was arrested in the aftermath of the election for allegedly insulting Iran's religious leaders and conspiring against the government. A large number of bloggers, journalists, and activists have also fled Iran and sought political asylum in neighboring countries, mainly Turkey." **[112d]**

16.41 The same report further noted:

"Self-censorship is also very extensive, particularly on political matters. The widespread arrests of reporters and activists after the election, as well as perceptions of pervasive surveillance, have created fear among online journalists and bloggers. Many of them either abandoned their online activities or were forced to use pseudonyms. At least 1,500 bloggers who were blogging on political issues with their real identity decided to end their blogs or avoid writing about politics directly in the aftermath of the 2009 election." **[112d]**

16.42 The HRW *World Report 2011* reported that "Dozens of journalists and bloggers are currently behind bars or free on short-term furloughs. On September 28 [2010] blogger Hossein Derakhshan received a nineteen-and-a-half year prison sentence for espionage, 'propaganda against the regime,' and 'insulting sanctities.'" **[8f]** The Foreign and Commonwealth Office's (FCO) *Annual Report on Human Rights 2010 – Iran*, published in March 2011 reported that blogger Hossein Ronaghi Maleki had been

sentenced to 15 years in prison. "These are the longest sentences ever handed down to bloggers in Iran." **[26d] (p209)**

See also Journalists above and the websites of RSF and the Committee to Protect Journalists for updated information

ACADEMIC FREEDOM

For treatment of student dissenters see Political affiliation, Student activists

16.43 The Freedom House Report 2011 stated:

"Academic freedom is limited. Scholars are frequently detained, threatened, and forced to retire for expressing political views, and students involved in organizing protests face suspension or expulsion in addition to criminal punishments. Since the 2009 presidential election, Basij units have increased their presence on campuses. Khamenei demanded in September 2010 that all disciplines in the humanities and social sciences be terminated. In October, the government stated that it was scrutinizing degree programs in law, women's studies, human rights, management, sociology, philosophy, psychology, education, political science, art, and culture to ensure their commitment to Islamic principles. While students were still being accepted for these programs, no further funding for liberal arts and humanities would be made available." **[112a]**

16.44 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…

"During the past five years, hundreds of students have been barred from higher education through this process. The International Campaign for Human Rights in Iran interviewed 27 students barred from higher education. Additionally, the Campaign compiled a list of 217 students who were denied their right to education. The true numbers are believed to be much higher, as many targeted students have preferred to remain silent and not make their case public, fearing further persecution and prosecution, or hoping that they can reverse their education bans by giving written guarantees to cease future activism." **[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]**

16.45 The UN Educational, Scientific and Cultural Organisation (UNESCO) report of 10 February 2010 stated that:

"Two leading international researchers were sent to jail in January 2009, convicted of cooperation with the US government in fomenting a 'velvet revolution'. Dr Kamiar Alaei

and his brother, Dr Arash Alaei, were found guilty of 'communicating with an enemy' on the grounds that they had participated in international HIV & AIDS conferences. They had worked with government and religious leaders on education programmes for young people and in prisons." **[10b]**

16.46 Amnesty International (AI) reported on 10 December 2009 that the Iranian authorities appeared to have launched "a purge of the social sciences in universities" following a speech made by Ayatollah Ali Khamenei in August when he said the amount of students studying the human sciences was a "worrisome trend" and that "instruction in these human sciences in the universities will lead to reservations and doubts in religious principles and beliefs." In September "…the Institute for Humanities and Cultural Studies said it had been instructed by the Supreme Council for the Cultural Revolution to revise the human sciences curriculum." **[9o] (p20)**

16.47 The same AI report also noted that "In October, five prominent university professors from Alameh Tabatabai University's law school were said to have been banned from teaching. Among them was Dr Mohammed-Reza Bighdeli, a renowned professor of international law, who is not known to have commented on political affairs." **[9o] (p20)**

See also the Academic Freedom 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.

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]** The authorities have not allowed Amnesty International to visit Iran to research human rights since just after the 1979 revolution. (Amnesty International, 26 May 2010) **[9a] (p176)**

17.02 The Freedom House report *Freedom of Association Under Threat – Iran*, dated 21 November 2008, stated that:

"Registration and legal requirements for NGOs [non-governmental organisations] are restrictive, inconsistently enforced, and poorly coordinated among government ministries…

"Ahmadinejad describes NGOs as a 'Western' phenomenon and a risk to national security. He has attempted to supplant their efforts using government-controlled Islamic councils and has withdrawn government funding that was provided under Khatami.

NGOs have little recourse to the courts if authorities violate their rights...After Ahmadinejad's election, two of the most prominent NGOs in Iran were shut down: the Center for the Defense of Human Rights, led by Nobel Peace Prize winner Shirin Ebadi, and the Organization for the Defense of Prisoners' Rights, led by Emad Baghi." **[112e]**

17.03 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." **[8o] (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)**

17.04 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]**

17.05 On 15 April 2011 Amnesty International 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.

"The Bill on the Establishment and Supervision of Non-Governmental Organisations was undergoing a final reading in Iran's parliament and the first 26 articles were passed. Following intense domestic and international criticism of the bill, a motion was passed which sent the bill back to the Committee on Social Affairs for three months for further study and amendment of the remaining articles.

"The articles passed will create an unaccountable body, the Supreme Committee Supervising NGO Activities. All currently-operating NGOs will have to re-register with the Committee, which will issue and revoke registration permits for all NGOs, and have ultimate authority over their boards of directors. Currently, the closure of registered organizations requires a court decision. If the bill becomes law, activists taking part in organized activities with NGOs which fail to secure a registration permit, or who have their permit revoked, would be at much greater risk of prosecution under vaguely worded provisions of Iran's Penal Code. Other measures passed include the requirement for all 'non-political demonstrations' and for all contacts with international organizations to have prior permission from the Supreme Committee." **[9j]**

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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." **[8l]**

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 "The regime also stepped up its campaign to silence critics in 2010. Around 500 prisoners of conscience from the post-election turmoil remained behind bars. They included human rights defenders, women's rights activists, lawyers, leading dissidents and reformers, journalists, academics, and students. Many others fled into exile. Up to 70 percent of the leaders in the human rights community are either jailed or in exile." **[31a]**

17.08 On 4 March 2011 the International Campaign for Human Rights in Iran (ICHRI) reported that:

"Over the last two years, Iranian authorities have sentenced several lawyers to lengthy prison terms solely for defending their clients and advocating for human rights. Most all of these lawyers have been accused of vague and arbitrary charges such as 'acting against national security' or 'offending Islam.' Generally, the evidence against these lawyers comprises of talking to international media about their clients' cases or associating with one of Iran's major human rights NGOs." **[52k]**

17.09 The ICHRI report continued:

"On 6 February 2011 Branch 28 of Tehran's Revolutionary Court, presided by Judge Moghisseh, sentenced Iranian human rights lawyer Khalil Bahramian to 18 months in prison and a 10-year ban on practicing law. Bahramian, who is being charged with 'propaganda against the regime' and 'insulting the head of the Judiciary,' often represents political and Kurdish activists. Bahramian is was [sic] awaiting appeal as of 14 February.

"On 9 January 2011, Nasrin Sotoudeh, defense attorney for Nobel Peace Laureate Shirin Ebadi as well as for several post-election detainees, was sentenced to 11 years in jail, and banned from practicing law and traveling outside the country for 20 years. Her conviction was for 'acting against national security,' 'not wearing hejab (Islamic dress) during a videotaped message,' and for 'propaganda against the regime.'

"On 30 October 2010, Tehran's Revolutionary Court sentenced Mohammad Seifzadeh, co-founder of the Defenders of Human Rights Center in Iran, to nine years in prison and a ten-year ban from practicing law for 'acting against national security' by 'establishing the Defenders of Human Rights Center.'

"Mohammad Oliaifar, of the Committee for the Defense of Political Prisoners in Iran, has been serving a one-year prison sentence since March 2010 solely for conducting interviews with international media outlets regarding the case of one of his clients, a juvenile facing execution.

"On 24 July 2010, authorities attempted to arrest Mohammad Mostafaee, the lawyer of high-profile defendant Sakineh Ashtiani, a woman sentenced to be stoned to death for adultery. Mostafaee was forced to flee the country in July 2010 to avoid arrest." **[52k]**

17.10 On 7 April 2011, Amnesty International reported on the treatment of the lawyer who took over from Mohammad Mostafaee as the defence lawyer of Sakineh Ashtiani:

"According to information received by Amnesty International, Javid Houtan Kiyan may have been sentenced to one year's imprisonment, as well a five-year ban on practising law, in a trial in which he had no access to a lawyer. He is accused of telling 'lies' concerning the case against his client, Sakineh Mohammadi Ashtiani, including that she was sentenced to 99 lashes and was tortured or otherwise ill-treated, both of which the authorities deny. He may also be facing further charges in relation to his alleged possession of forged identity documents. A letter attributed to Javid Houtan Kiyan alleges that he was tortured while held in solitary confinement in Section 209 of Evin Prison from 11 October to 12 December 2010. The letter said that he had been burned with cigarettes and repeatedly beaten, causing some of his teeth to be broken. He is also alleged to have been soaked with water and left for hours in the cold. He was reportedly hospitalized as a result." **[9p]**

See also Government suppression of women's rights organisations, Student activists, Freedom of political expression and Freedom of association and assembly

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18. CORRUPTION

18.01 In its 2010 Corruption Perceptions Index (CPI), released on 26 October 2010, Transparency International ranked Iran 146th in the world corruption rankings out of 178 countries (up from 168th in 2009 **[62b]**), giving it a CPI score of 2.2. (The CPI Score relates to perceptions of the degree of corruption as seen to exist among public officials and politicians by business people and country analysts. It ranges between 10 (highly clean) and 0 (highly corrupt). **[62a]**

18.02 The Freedom House report *Freedom in the World 2011 – Iran*, released on 12 May 2011, covering events in 2010 noted that:

"Corruption is pervasive. The hard-line clerical establishment has grown immensely wealthy through its control of tax-exempt foundations that monopolize many sectors of the economy, such as cement and sugar production. In 2008, Abbas Palizdar, a member of the parliament's Investigative Committee, accused high-ranking officials and senior clerics of corruption and nepotism, but he and his staff were subsequently arrested and charged by a court in 2009 with 'spreading falsehoods, disclosing government secrets, and endangering national security['']. In May 2010, Palizdar's jail sentence was commuted from ten to six years in prison. Meanwhile, the Ahmadinejad government's wealth-redistribution projects have effectively catered almost exclusively to military and paramilitary groups. The administration has also reduced the independence of state financial watchdogs and the Central Bank, further damaging fiscal transparency." **[112a]**

18.03 The US Department of State *Country Report on Human Rights Practices 2010*, Iran, released 8 April 2011 (USSD Report 2010) noted that "Official corruption and a lack of government transparency persisted." **[4f] (Introduction)** Furthermore, in the security forces: "Corruption and impunity were problems." **[4f] (Section 1d)** The same report continued:

"The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and official corruption and impunity remained a serious

and ubiquitous problem in all three branches of government. In a September [2010] interview with state media, former prosecutor general Ayatollah Abdolnabi Namazi alleged that judiciary officials were under pressure not to pursue corruption charges against cases referred to the Committee to Fight Economic Corruption. Many officials expected bribes for providing even routine service. Individuals routinely bribed officials in order to obtain permits for illegal construction." **[4f] (Section 4)**

See also Security forces and Forged and fraudulently obtained official documents

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19. FREEDOM OF RELIGION

OVERVIEW

19.01 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, concluded that:

"The Islamic Republic of Iran [IRI] is based on a theocratic theory that is very narrowly interpreted to favour a small group among the Shi'a Muslims and in particular one group of the Shi'a clergy. This theory serves to discriminate against other Shi'a and Sunni Muslims as well as believers of other religions and non-believers. The IRI system and structure of government is extremely discriminatory and excludes not only the non-Shi'a Muslims and other believers on religious grounds, but also ethnic peoples on ground of their origin. Further, the IRI denies the right to believe in or practice a religion or belief of one's choice and the right of ethnic groups to receive education, to write and publish freely in their own mother tongue and to celebrate their cultural events." **[56c] (p26)**

19.02 The Christian Solidarity Worldwide (CSW) Religious Freedom Profile dated September 2009 stated that:

"Since the 1979 revolution, Iran's religious and ethnic minorities have suffered gross human rights violations, including extra-judicial and judicial killings, incommunicado detentions, confiscation of property, denial of education and inequality in legal matters. Although the intensity of the persecution of minorities decreased during the initial years of reformist President Khatami's government, the last years of his administration and the government of President Ahmadinejad have seen a renewed deterioration in human rights. During the last three years, there have been fresh waves of arrests, detention and intimidation of non-Muslims, particularly of Muslim converts to Christianity and of Bahá'ís.

"Current political turmoil in the country has placed religious minorities in a precarious position. They share the desire for a democratic Iran with their compatriots, yet at the same time they are often accused of being 'Western spies' or 'Zionists'." **[116a] (Executive summary)**

19.03 The CSW September 2009 profile concluded that: "At some levels, Iranian society is tolerant and supportive of non-Muslim compatriots. However, the politics of 'defending Islam' and the 'Islamic Republic' automatically exclude and marginalise them. They

remain vulnerable to persecution at the hands of the state, security forces and militias, as well as socio-economic discrimination in their day-to-day lives." **[116a] (p13)**

19.04 The Freedom House report, *Freedom in the World 2011 – Iran* (Freedom House Report 2011), published on 12 May 2011, 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 Special Court for the Clergy investigates religious figures for alleged crimes and has generally been used to persecute clerics who stray from the official interpretation of Islam. Ayatollah Seyd Hussain Kazemeini Boroujerdi, a cleric who advocates the separation of religion and politics, is currently serving 11 years in prison for his beliefs…

"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. The non-Muslim minorities are barred from election to representative bodies (though a set number of parliamentary seats are reserved for them), cannot hold senior government or military positions, and face restrictions in employment, education, and property ownership." **[112a]**

19.05 The October 2010 FIDH/LDDHI report noted that: "Since the 1979 revolution, there has not been a single non-Shi'a minister of the Cabinet, nor a deputy minister, governor-general, ambassador or high level military or police commander." **[56c] (p19)**

19.06 The *2011 Annual Report* of the United States Commission on International Religious Freedom (USCIRF Report 2011), covering the period 1 April 2010 to 31 March 2011 and released on 28 April 2011, 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, religious freedom conditions continued to deteriorate, especially for religious minorities such as Baha'is, Christians, and Sufi Muslims, and physical attacks, harassment, detention, arrests, and imprisonment intensified. Even the recognized non-Muslim religious minorities protected under Iran's constitution – Jews, Armenian and Assyrian Christians, and Zoroastrians – faced increasing discrimination and repression. Majority Shi'a and minority Sunni Muslims, including clerics, who dissent[ed] 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 have increased fear among Iran's Jewish community. Since the 1979 Iranian revolution, members of minority religious communities have fled Iran in significant numbers for fear of persecution." **[88a]**

19.07 The same report also noted that:

"Beginning in August 2005, and particularly since the June 2009 elections, the Iranian government has intensified its campaign against non-Muslim religious minorities. A

consistent stream of virulent and inflammatory statements by political and religious leaders and an increase in harassment and imprisonment of, and physical attacks against, these groups has led to a renewal of the kind of oppression seen in the years immediately following the Iranian revolution in the early 1980s. In October 2010 in Qom in central Iran, Iranian Supreme Leader Ayatollah Ali Khamenei publicly stated that 'enemies of Islam' are using the spread of Sufism, the Baha'i faith, and Christian house churches to weaken the faith of young people in society. Ayatollah Ahmad Jannati, head of the Guardian Council, continued to publicly demonize non-Muslims and refer to them as 'sinful animals' and 'corrupt.'" **[88a]**

19.08 The US Department of State's *International Religious Freedom Report 2010*, Iran, released 17 November 2010 and covering the period 1 July 2009 to 30 June 2010 (USSD IRF Report 2010) stated that:

"The constitution declares the 'official religion of Iran is Islam and the doctrine followed is that of Ja'afari (Twelver) Shi'ism.' All laws and regulations must be consistent with the official interpretation of Shari'a (Islamic law). The constitution provides Sunni Muslims a degree of religious freedom; however, the government severely restricted overall religious freedom. The constitution states that 'within the limits of the law,' Zoroastrians, Jews, and Christians are the only recognized religious minorities guaranteed freedom to practice their religious beliefs; however, members of these recognized minority religious groups reported government imprisonment, harassment, intimidation, and discrimination based on their religious beliefs." **[4e] (Section II)**

19.09 The Landinfo report, *Christians and converts in Iran*, dated 10 June 2009 (Landinfo Report 2009) observed that:

"Iranian religious tradition differentiates between offences committed in the public domain and that which takes place within the confines of privacy. Offences that are in violation of Islam and that are committed in the public domain must be punished, while what takes place in the private sphere, and is thereby concealed, is tolerated to a greater extent. This can include, for example, drinking of alcohol, prohibited sexual relations, use of illegal films, books, music and religious practice. Irrespective of their ethnic and religious background, very many Iranians in practice live two lives, one in the public domain and another in private. As long as the private sphere remains private and Islamic rules and values are not visibly challenged or violated, the Iranian authorities will not normally intervene in citizens' private sphere." **[33a] (p10-11)**

19.10 The USCIRF Report 2011, however, noted that:

"Since the disputed June 12, 2009 elections, human rights and 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. The Iranian government has repressed its citizens on the basis of religious identity for years. During the reporting period [1 April 2010 to 31 March 2011], the government continued to use its religious laws to silence reformers and critics, including women's rights activists, for exercising their internationally-protected rights to freedom of expression and freedom of thought, conscience, and religion or belief." **[88a]**

19.11 A letter from the Foreign and Commonwealth Office (FCO) dated 30 April 2010 also observed that the "religious intolerance" of the Iranian regime impacted on "Shiite groups that do not share the official version of Islam promoted by the authorities." **[26e]**

19.12 The US Department of State *Country Report on Human Rights Practices 2010*, Iran, released 8 April 2011 (USSD Report 2010) stated that "The government charged members of religious minorities and others with crimes such as 'confronting the regime' and apostasy and followed the same trial procedures as in cases of threats to national security." **[4f] (Section 1e)**

19.13 Amnesty International's *Annual Report 2011 – Iran* (AI Report 2011), published 12 May 2011 and covering events in 2010, stated that "Members of religious minorities, including Christian converts, Sunni Muslims, dissident Shi'a clerics, and the Ahl-e Haq and Dervish communities, continued to suffer discrimination, harassment, arbitrary detention, and attacks on community property. Members of the Baha'i community, who remained unable to access higher education, faced increased persecution." **[9y]**

See following subsections for more detailed information on the treatment of religious minority groups

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Religious demography

19.14 The USSD IRF Report 2010, released on 17 November 2010, stated that:

"The population is 98 percent Muslim--89 percent is Shi'a and 9 percent Sunni (mostly Turkmen and Arabs, Baluchs, and Kurds living in the southwest, southeast, and northwest respectively). There were no official statistics available on the size of the Sufi Muslim population; however, some reports estimated between two and five million persons practice Sufism in the country.

"Unofficial estimates from religious organizations claimed that Baha'is, Jews, Christians, Sabean-Mandaeans, and Zoroastrians constitute 2 percent of the population. The largest non-Muslim minority is the Baha'is, who number 300,000 to 350,000. Unofficial estimates of the Jewish community's size varied from 20,000 to 30,000.

"According to UN [United Nations] figures, 300,000 Christians live in the country, the majority of whom are ethnic Armenians. Unofficial estimates for the Assyrian Christian population range between 10,000 and 20,000. There are also Protestant denominations, including evangelical religious groups. Christian groups outside the country estimated the size of the Protestant Christian community to be less than 10,000, although many Protestant Christians reportedly practice in secret. Sabean-Mandaeans number 5,000 to 10,000 persons. The government regarded the Sabean-Mandaeans as Christians, and they were included among the three recognized religious minorities; however, Sabean-Mandaeans do not consider themselves Christians. The government estimated there are 30,000 to 35,000 Zoroastrians, a primarily ethnic Persian minority; however, Zoroastrian groups claimed to have 60,000 adherents. There were indications that members of all religious minorities emigrated, although it was unclear if the reasons for emigration were religious or related to overall poor economic conditions." **[4e] (Section I)**

LEGAL FRAMEWORK

19.15 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:

"The Iranian Constitution explicitly declares Islam to be the State Religion but contains two important provisions concerning religious minorities. Article 13 states that Zoroastrian, Jewish and Christian Iranians are the only recognized religious minorities who are free to perform their religious rites and ceremonies, within the limits of the law, and to act according to their own canon in matters of personal affairs and religious education. 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

19.16 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)**

19.17 The USCIRF Report 2011 stated that:

"The constitution of Iran formally recognizes Christians, Jews, and Zoroastrians as protected religious minorities who may worship freely and have autonomy over their own matters of personal status (e.g. marriage, divorce, and inheritance). Nevertheless, the primacy of Islam and Islamic laws and institutions adversely affects the rights and status of non-Muslims and the recognized religious minorities 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 worships are frequently defaced with graffiti and photos of the religious leadership. Their private schools are administered by Iran's Ministry of Education, which imposes a 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. In 2004, the Expediency Council authorized collection of equal blood money for the death of Muslim and non-Muslim men. Baha'is, Sabean Mandaean men, and all women remain excluded from the revised ruling. According to Iranian law, Baha'i blood is *mobah*, which means members of the Baha'i faith can be killed with impunity." **[88a]**

19.18 The USSD IRF Report 2010 stated that:

"By law religious minorities are not allowed to be elected to a representative body or to hold senior government or military positions, with the exception that five of a total 290 seats in the majles [parliament] are reserved for religious minorities. Three of these seats are reserved for members of Christian religious groups, including two seats for Armenian Christians and one for Assyrian Christians. There is also one seat to represent Jews and one to represent Zoroastrians. While Sunnis do not have reserved seats in the majles, they were allowed to serve in the body. Sunni majles deputies tended to be elected from among the larger Sunni communities. Members of religious minorities were allowed to vote; however, no member of a religious minority, including Sunni Muslims, is eligible to be president.

"The legal system discriminates against religious minorities. 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 Baha'i blood is considered mobah, meaning it can be spilled with impunity." **[4e] (Section II)**

19.19 Furthermore:

"The Ministry of Islamic Culture and Guidance (Ershad) and the Ministry of Intelligence and Security (MOIS) monitored religious activity closely. Members of recognized religious minorities were not required to register with the government; however, their communal, religious, and cultural events and organizations, including schools, were monitored closely. Registration of Baha'is was a police function during the reporting period [1 July 2009 to 30 June 2010]. The government also required evangelical Christian groups to compile and submit membership lists for their congregations." **[4e] (Section II)**

See also Military Service for details of restrictions applying to religious minorities

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APOSTASY (CONVERSION FROM ISLAM)

19.20 A letter from the Foreign and Commonwealth Office (FCO) dated 30 April 2010 stated that: "Under Iran's strict interpretation of Islam, anyone converting to another religion could face the death penalty or at least life imprisonment." **[26e]**

19.21 The Landinfo report, *Christians and converts in Iran*, dated 10 June 2009 (Landinfo Report 2009) observed that

"Conversion in a Muslim context is related to the question of apostasy – the renunciation of Islam. Seen from a historical perspective and in a theoretical framework, according to traditional Islamic law, the world is divided into Dar-al-Islam, territory under Muslim rule, and Dar-al-Harb, territory at war with Muslims. Consequently, conversion is primarily renunciation of Muslim unity and, in Muslim history, it has been compared with high treason or associated with political rebellion or opposition. This thinking also explains why Christian evangelical work aimed at Muslims is either prohibited or subject to strong restrictions in the vast majority of Muslim countries." **[33a] (p8)**

19.22 The same report stated, in relation to Iranian law, that, "Apostasy is not regulated directly in the current Iranian penal code. Apostasy is considered in relation to traditional Islamic law and legal interpretations from religious authorities. The interpretations have legal authority as law. The chief characteristic of Shi'a law is the authority and competence it assigns to the Imams, i.e. the successors of and stand-ins for the founder Ali, who was the Prophet Muhammad's cousin and son-in-law." **[33a] (p9)**

19.23 The Advisory Panel on Country Information (APCI) review of the COI Service's Iran COI Report of August 2008, undertaken by Dr Reza Molavi and Dr Mohammad M Hedayati-Kakhki of the Centre for Iranian Studies at Durham University, dated 23 September 2008, (APCI Report 2008) stated that:

"According to Article 513 of the Iranian Penal Code, anyone who insults the Holy Islam or the Prophet or any Imam, as well as the Prophet Mohammed's daughter, will be punished by death if the insult is so radical so as to amount to rejection of the Prophet, Saabolnabi (equivalent to apostasy). Otherwise, the offender would be sentenced to between one and five years imprisonment.

"The government practice of using ancillary offences to prosecute apostasy so as to avoid undesirable international publicity may account for the lack of information on recent apostasy prosecutions per say [sic]" **[6a] (p34)**

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

19.24 The US Department of State *International Religious Freedom Report 2010*, Iran (USSD IRF Report) published 17 November 2010 and covering the period 1 July 2009 to 30 June 2010, stated:

"In February 2008 a revision to the penal code was drafted for approval by the legislature whereby apostasy, specifically conversion from Islam, would be punishable by death. This revision passed in the majles in September 2008 and reportedly was implemented on a one-year trial basis. On June 23, 2009, the Legal and Judicial Committee of the majles recommended removing the revision from the penal code, but no further information was available at the end of the reporting period [30 June 2010]. Previously, death sentences for apostasy have been issued under judicial interpretations of Shari'a; however, there were no reported cases of the death penalty

being applied for apostasy during the reporting period [1 July 2009 to 30 June 2010]." **[4e] (Section II)**

See Prosecution of apostates below for details of recent charges of apostasy brought against Christians after 30 June 2010.

19.25 Regarding the draft bill, the FIDH report *Iran/Death Penalty: a State Terror Policy*, dated 28 April 2009, stated that:

"Apostasy, heresy & witchcraft: Articles 225-1 through 225-14 of the bill discuss these topics. An apostate is any Moslem who denies Islam and converts to infidelity. There are two types of apostates. An innate apostate is a person born to Moslem parents and therefore a Moslem. A parental apostate is a person born to non-Moslem parents, who converts to Islam after maturity and later denies Islam. The punishment is death in both cases, though the latter shall be given three days to repent, in which case he shall escape death. The related provisions enforce 'positive' discrimination for female apostates, who shall be given life imprisonment in both cases.

"This provision has for the first time introduced the crime of apostasy in the penal code. The applicable laws do not contain any provisions on apostasy. Nevertheless, this exclusion did not prevent the execution of a large number of members of opposition groups on charges of apostasy or atheism in both 1981 and 1988." **[56b]**

19.26 The CSW September 2009 Iran religious profile noted that: "The [draft Penal Code] bill seeks to codify the formulations of the traditional Islamic jurisprudence on apostasy – death penalty for a male apostate and lifelong imprisonment for a female apostate." **[116a] (p4)**

19.27 The Amnesty International report *Death sentences and executions in 2010*, published on 28 March 2011 reported that "The draft of the new Iranian Penal Code, which had been submitted to the Council of Guardians in 2009, was still awaiting consideration at the end of 2010." **[9v] (p7)** At the time of writing of the COI Report the draft Penal Code bill had not passed into law.

See also following section on Prosecution of apostates and Penal Code

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Prosecution of apostates

19.28 On the prosecution of apostates the Landinfo Report 2009 noted "In practice, it is very rare for anyone to be convicted of apostasy." **[33a] (p12)** The APCI Report 2008, however, stated that: "In …recent years, the Iranian government and clerical leadership have viewed apostasy as an increasing threat to the structure of Iranian society as the result of a perception that the rate of conversion is accelerating rapidly." **[6a] (p33)** Moreover, the USSD IRF Report 2010 noted that "Proselytizing of Muslims by non-Muslims is illegal. Evangelical church leaders were subjected to pressure from authorities to sign pledges that they would not evangelize Muslims or allow Muslims to attend church services." **[4e] (Section II)**

19.29 The International Federation for Human Rights (FIDH) report *Iran/Death Penalty: a State Terror Policy*, dated 28 April 2009, stated that:

"There have been few reports on apostasy cases in recent years. According to a 21 December 2008 report, a man by the name of Alireza Payghan, claiming to be the 12th imam of the Shiite and author of a book on the topic, was sentenced on charge of apostasy and executed in Qom on 18 December. He had been arrested in November 2006 and, based on rulings of 'some sources of emulation', had been found to be an apostate and a 'corrupt on earth' person. The government newspaper, *The Daily Iran*, did not report on Payghan's claim, only noting: 'he was spreading warship of superstition'. In 2007, another man by the name of Darvish, also claiming to be the 12th imam, had been executed in Qom. Ayatollah Khomeini's book, Tahrir ul-Vassileh, is the most frequently invoked source in apostasy cases." **[56b]**

19.30 The above cases, however, could also have been considered under heresy charges as the FIDH report noted the following definition: "Heresy: Anybody who claims to be a prophet is to be condemned to death and any Moslem who devises a heresy and based on it creates a sect, which is detrimental to Islam, shall be considered an apostate, and thus subject to the death sentence." **[56b]**

19.31 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)**

19.32 The USSD IRF Report 2010 noted that: "…there were no reported cases of the death penalty being applied for apostasy during the reporting period [1 July 2009 to 30 June 2010]." **[4e] (Section II)**

19.33 However, on 7 December 2010, the International Campaign for Human Rights in Iran (ICHRI) reported that:

"On 22 September 2010, the 11th Circuit Criminal Court of Appeals for the Gilan Province upheld the death sentence and conviction of [Christian pastor] Youcef Nadarkhani for apostasy.

"Apostasy, the act of renouncing one's religion, is not a crime under Iran's Islamic Penal Code. Instead, the presiding judge in Nadarkhani's case rested his opinion on texts by Iranian religious scholars.

"According to the judgment, Nadarkhani was born to Muslim parents but converted to Christianity at 19. The judgment stated that during interrogations Nadarkhani made a written confession admitting he left Islam for Christianity. But at his trial, Nadarkhani said his interrogators pressured him into making the statement…

"The judge in Nadarkhani's criminal cases grounded his decision on provisions in the Constitution and the Revolutionary Court's civil procedures that instruct judges to consult sources when there is no codified-law that addresses a matter. The judge also cited a provision in the penal code that allows judges to draw upon their personal knowledge when adjudicating cases.

"'More and more, the Iranian judiciary is departing from any recognized form of due process, issuing arbitrary judgments based on vague, open-ended laws,' said Rhodes [spokesperson for ICHRI]. 'Laws and evidence are increasingly irrelevant and unrelated to judicial outcomes in Iran.'

"Another Christian pastor, 33-year-old Behrouz Sadegh-Khanjani, is facing a possible indictment for apostasy in the southern city of Shiraz." **[52m]**

19.34 A later ICHRI report of 4 May 2011, however, noted that the authorities had "…dropped the apostasy charges against Behrouz Sadegh-Khanjani and five other Church members. However, all six Christians still face a charge of 'insulting Islamic sanctities' (i.e. blasphemy) in Shiraz's Criminal Court." **[52h]**

See also following section on Christians and Baha'is

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CHRISTIANS

19.35 An International Campaign for Human Rights in Iran (ICHRI) article dated 4 May 2011 stated:

"Christianity is a recognized religion under the Iranian Constitution and despite some discrimination, the Islamic Republic has afforded Iran's historic and ethnic Orthodox Christian communities with a modicum of space to practice their faith. However, Protestant leaders have told the Campaign that, especially within the last six years, the Iranian government has increasingly targeted Protestant groups.

"Protestant groups in Iran are comprised primarily of converts and often engage in proselytizing. Moreover, Iranian courts and officials have begun to view these groups in political terms, trying Protestant believers and leaders in Revolutionary Courts, which are reserved for political and national security offenses." **[52h]**

19.36 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.

19.37 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. The Armenian MP Leon Davidian argued [in 2004] that Christian minorities 'enjoy more advantages than non-Muslims in other self-declared democratic nations. We have our own schools and teach our own languages…We freely practise our own religions'. However, a high emigration rate among these communities is indicative of the difficulties faced by these minorities in Iran, despite relative privileges offered by the government.

"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 government has requested that church leaders provide a full list of their members to the Ministry of Information and Islamic Guidance and do not allow any Muslims to attend their churches or change their religion. Many church leaders continue to ignore these orders. In 2009, an Assyrian church in Tehran which allowed Christians from a Muslim background to attend its services and to be members of the church was shut down by 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)**

19.38 The Iran Press Watch website posted an article dated 27 March 2009 by the European Foundation for Democracy in Brussels which reported that:

"Following a court ruling, even churches are closed down if they preach in Farsi. And bloggers who put biblical quotations on the internet are detained.

"On 25 March 2009, the Farsi Christian News Network FCNN reported that the Assyrian church in the town of Shahrara was to be closed down following a ruling by an Iranian revolutionary court…The reason for the ruling was given as 'Farsi-speaking Iranians newly converted to Christianity taking part in church masses'…

"The alleged aim is to 'cleanse Iranian Christians', thereby preventing the Christian faith from spreading among Iranians who are not members of the ethnic groups of Assyrians and Armenians. The Armenian and Assyrian churches are regarded as ethnic churches. Preaching in Farsi is not allowed there, with sermons only allowed in Armenian or Assyrian. Human Rights Activists in Iran write that the Iranian state is depriving Iranians of their human rights to change religion and faith. Nor is there any right to speak about one's own faith collectively and publicly, in Farsi, in the context of churches' religious instruction and in church masses. In the past eight years the Assyrian church in Shahrara has held additional events and masses on Fridays and Sundays for Farsi-speaking, non-Assyrian people." **[65b]**

19.39 The Landinfo Report 2009 stated that:

"Problems with the authorities primarily arise in relation to outgoing and evangelical activity aimed at Muslims. All Christians (whether born Christians or converts) who evangelise in relation to Muslims and, for example, hand out Christian literature risk

problems in the workplace and in the local community. If the matter is reported, the person in question risks being tried on serious charges… According to church leaders, it is only rarely that ordinary members have experienced problems obtaining a job, gaining admission to university or obtaining a passport. Experience shows that it is primarily the leadership of the evangelical churches that are in the authorities' spotlight and that the tolerance of the authorities ends with instances of open evangelising and – in some case – the ordination of priests. There are examples of converts who have enjoyed untroubled lives for many years only to experience problems with the authorities once they have been ordained as priests. In the 1990s, several cases of this kind were resolved by means of a discreet agreement between the churches involved and certain Western embassies that granted visas. The Iranian authorities did nothing to prevent this and allowed those involved to leave Iran lawfully with their families.

"Striking a balance between the desire to evangelise and the authorities' demands is difficult for leaders of the 'convert churches'. They have doubtlessly experienced considerable problems at times because they have refused to accept that Iran is an Islamic Republic where Christian evangelisation is prohibited and where changing religion is only permitted if one converts to Islam. This has given rise to difficulties in relation to other churches who discourage or dislike evangelisation and who fear that it may have consequences for other Christians. But the biggest problem has undoubtedly been that the Iranian authorities have at times subjected the churches' leadership to strong and prolonged pressure in order to get them to close their church doors to Muslims, to not establish 'home churches' and end evangelisation.

"Experience shows that the authorities have used Islamic law as a threat. Recalcitrant church leaders have been confronted with the fact that the authorities can prosecute them if they so wish. Church leaders have been threatened with the police not being able to protect them from 'extreme Islamic groups' if they fail to comply with the authorities' demands. Arrests of church leaders for short periods, threats during interrogation, raids, seizures of internal documents and warnings have all taken place on occasion. The last major campaign by the Iranian authorities against church leaders in Tehran was in 2004. Since then, the churches in Tehran have maintained a low profile and behaved more in accordance with the authorities' demands. Church leaders have also stated on several occasions that the authorities monitor all activity and know the identity of all members and others with looser ties to the churches." **[33a] (p11-12)**

19.40 The USSD IRF Report 2010 stated that:

"Christians, particularly evangelicals, continued to be subject to harassment and close surveillance. During the reporting period [1 July 2009 to 30 June 2010], the government enforced its prohibition on proselytizing by closely monitoring the activities of evangelical Christians, discouraging Muslims from entering church premises, closing churches, and arresting Christian converts. Members of evangelical congregations were required to carry membership cards, photocopies of which must be provided to the authorities. Worshippers were subject to identity checks by authorities posted outside congregation centers. The government restricted meetings for evangelical services to Sundays, and church officials were ordered to inform the Ministry of Information and Islamic Guidance before admitting new members." **[4e] (Section II)**

19.41 An article dated 10 January 2011 by the Hudson Institute's Center for Religious Freedom, reported developments since the end of 2010:

"After arresting Iranian Christian pastor Behrouz Sadegh-Khanjani and passing a death sentence for apostasy on Yousef Nadarkhani, pastor of the Full Gospel Church of Iran congregation in Rasht, the Iranian government is now conducting a massive roundup of Christians, often converts from Islam and including evangelical and ethnic Armenian Christians. As is becoming common in the region, it started its latest repression on a Christian holy day, Christmas.

"Beginning on December 26 [2010], security forces raided Christian homes in Tehran and elsewhere, abused and handcuffed their occupants, and dragged 25 people off to prison and interrogation. Amongst those taken were married couples, at least two of whom were forced to leave babies behind. Police raided another dozen houses but the occupants were not at home — the homes were ransacked, looted, and sealed, and their occupants ordered to turn themselves in to the authorities.

"Since these Christmas attacks, the regime has arrested at least another 30 or 40 Christians in a series of ongoing raids — some sources say as many as 601. Some of those detained have been released, but most have been detained without charge or explanation, and without access to lawyers or family. Middle East Concern reports that on January 4 [2011], the governor general of Tehran Province, Morteza Tamadon, acknowledged that Christians had been arrested because of their 'corrupting' influence and warned that there would be further arrests.

"This is the largest targeted Iranian violence against Christians since the government assassination campaign against Protestant leaders in the mid-1990s, and perhaps since the earliest years of the revolution." **[96a]**

19.42 The USCIRF Report 2011 stated that:

"During the reporting period [1 April 2010 to 31 March 2011], the number of incidents of Iranian authorities raiding church services, harassing and threatening church members, and arresting, convicting, and imprisoning worshippers and church leaders has increased significantly. Christians, particularly Evangelical and other Protestants, are subject to harassment, arrests, close surveillance, and imprisonment; many are reported to have fled the country. Indigenous Assyrian and Armenian Christian religious leaders also have been targeted. Since becoming president, Iranian President Mahmoud Ahmadinejad has called for an end to the development of Christianity in Iran. The government requires Evangelical Christian groups to submit congregation membership lists.

"Rhetoric from political and religious leaders demonizing and insulting the Christian community also has increased significantly. For example, in January 2011, the governor of Tehran, Morteza Tamaddon, publicly referred to detained Christians as 'deviant' and 'corrupt' and vowed to identify and detain more. He likened Evangelical Christians to the Taliban and accused them of placing 'themselves within the religion of Islam like a pest and under the cover of Christianity and with the support of England they have designed a movement.' In August 2010, Ayatollah Hosseini Booshehri, a religious leader and member of the Assembly of Experts, gave speeches throughout the country, particularly in Qom, against the spread of house churches in Iran and referred to Christians as 'our enemy.'" **[88a]**

19.43 The USCIRF Report 2011 further stated:

"Since June 2010, more than 250 Christians have been arbitrarily arrested throughout the country, including in Arak, Bandar Abbas, Bandar Mahshahr, Ardabil, Tabriz, Khoramabad, Mashhad, Hamadan, Rasht, Shiraz, Isfahan, and Elam. In December 2010 and January 2011 alone, approximately 120 Christians were arrested. At the end of the reporting period, at least 15 Christians remained in prison because of their religious activities. In cases involving offenses based on religious belief, Iranian authorities typically release prisoners, but leave the charges against them or their convictions in place in order to be able to threaten them with re-imprisonment at any future time." **[88a]**

The USCIRF Report 2011 also included details of individual Christians arrested and detained during the period October 2009 to June 2010. **[88a]**

19.44 The ICHRI reported on 4 May 2011 that:

"On 5 April 2011, the First Branch of the Revolutionary Court in the southern city of Shiraz sentenced Pastor Behrouz Sadegh-Khanjani of the Church of Iran, and five other church members, Parviz Khalaj, Amin Afshar Manesh, Mehdi Forutan, Mohammad Baliad, and Nazli Makarian, with a year in prison for 'propaganda against the regime.' Authorities, however, acquitted the Christians on the count of 'acting against national security.' Sadegh-Khanjani and his fellow Church members have appealed the court's decision.

"Firouz Sadegh-Khanjani, brother of Behrouz and member of the Church of Iran's National Council, told the Campaign, 'So now [authorities] are elevating being Christian to a political crime. Basically they are saying if you're Christian, then you must be against the regime. This might sound laughable but this is the view they are moving forward with.'"…

"Authorities also dropped the apostasy charges against Behrouz Sadegh-Khanjani and five other Church members. However, all six Christians still face a charge of 'insulting Islamic sanctities' (i.e. blasphemy) in Shiraz's Criminal Court." **[52h]**

19.45 The same source also noted that:

"Throughout 2010 and 2011, dozens of members of the nationwide protestant group, the Church of Iran, have been criminally prosecuted and punished merely for their religious beliefs and practices. On 1 May 2011, the Revolutionary Court in the northern city of Bandar Anzali tried eleven church members, including Pastor Abdolreza Ali-Haghnejad, and Zainab Bahremend, the 62-year-old grandmother of two other defendants, on charges of 'acting against national security.'…

"Authorities have also charged church members in Bandar Anzali with consumption of alcohol and inappropriate hejab (Islamic headscarf). These charges are reportedly based on their participation in church services in private homes, where some attendees drink wine as part of ritual communion, and women do not observe hejab." **[52h]**

See Latest News for details of the court's judgment in respect of the charges brought against Pastor Abdolreza Ali-Haghnejad, Zainab Bahremend and others.

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 The main text of this COI Report contains the most up to date publicly available information as at 13 May 2011. Further brief information on recent events and reports has been provided in the Latest News section to 21 June 2011.

Muslim converts to Christianity

19.46 The USSD IRF Report 2010 stated that "The government did not respect the right of Muslim citizens to change or renounce their religious faith. A child born to a Muslim father automatically is considered a Muslim by the government." **[4e] (Section II)**

19.47 The CSW September 2009 Iran profile stated that:

> "The persecution of Muslim converts to Christianity has re-escalated since 2005. The Iranian police continue to detain apostates for brief periods and to pressurise them to recant their Christian faith and sign documents pledging they will stop attending Christian services and refrain from sharing their faith with others. There have also been increasing reports of apostates being denied exit at the borders, with the authorities confiscating their passports and requiring them to report to the courts to reclaim them. During the court hearings, they are coerced to recant their faith with threats of death penalty charges and cancellation of their travel documents." **[116a] (p5)**

19.48 The Landinfo Report 2009 noted that: "In practice, Iranian Muslims who convert to Christianity largely live in the same way as those who are born to Christian parents. However, it is a precondition for avoiding problems that converts behave discreetly, allow religious practice to take place within the confines of the religious community and otherwise treat their faith as a private matter, which most of them do." **[33a] (p11)**

19.49 A Foreign and Commonwealth Office (FCO) letter dated 30 April 2010 stated that, "Under Iran's strict interpretation of Islam, anyone converting to another religion could face the death penalty or at least life imprisonment… Treatment of Christians in Iran, particularly those who have converted from Islam, seriously concerns us as reports suggest that the number of Christians and Christian converts arrested or detained in Iran has increased significantly over the last two years." **[26e]**

19.50 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)**

19.51 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)**

19.52 The USSD IRF Report 2010 included the following cases involving Christian converts:

> "In May 2009 security officials arrested five Christian converts in Karaj who had gathered in a home for Bible study and worship. The house where they were meeting

was searched, and several Bibles were confiscated. The five were being held at an unknown location, and no updates were available at the end of the reporting period [30 June 2010]…

"In March 2009 a Shiraz court sentenced three Christian converts--Seyed Allaedin Hussein, Homayoon Shokouhi, and Seyed Amir Hussein Bob-Annari--to 8-month prison terms with 5 years' probation. The judge warned the men to discontinue their Christian activities or risk being tried as apostates…

"On May 23, 2010, charges were dropped against two members of the Christian community, Maryam Rostampour and Marzieh Amirizadeh Esmaeilabad, who had been arrested in March 2009. The women were held in Evin Prison under reported psychological abuse and lack of adequate medical care. The two converts were released in November 2009 without bail. They were charged with apostasy and called back for trial in early April 2010 when charges were dropped the following month." **[4e] (Section II)**

See also Apostasy (conversion from Islam) and Prosecution of apostates

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SUNNI MUSLIMS

19.53 The International Federation for Human Rights (FIDH) and Iranian League for the Defence of Human Rights (LDDHI) report, *The Hidden Side of Iran: Discrimination against ethnic and religious minorities,* published October 2010, stated:

"Sunni Muslims are estimated to constitute about 10% of the total population. In fact, most Kurds, Baluchis, and Turkmens are Sunnis, further compounding the discrimination they face. They live in 16 of the 30 provinces of Iran. There is no official IRI [Islamic Republic of Iran] policy that discriminates against Sunni Muslims, and the Constitution mandates that they freely practise their own social customs and religious rules (Article 12). That official policy, however, is far from reality.

"In recent years, pressure on Sunni Muslims has increased throughout Iran. For instance, the authorities have removed a special annex for the Sunni Muslims from school textbooks taught in the Turkmen Sahra region. In the same region, the Sunni clerical teachers who teach religious subjects are forced to sign teaching contracts, that describe them as sport instructors. Furthermore, Sunni clerics are no longer allowed to take the entrance examination for the School of Theology of Tehran University that would enable them to seek employment after graduation. Sunni sources have reported that they are not given permission to publish their religious books.

"In 2008, the High Cultural Revolution Council passed the statute of the 'State Council for Planning Curricula of Sunni Seminaries.' The measure has ever since provoked strong objections from the Sunni leaders, who have written to the president demanding its revocation.

"…there has not been a single Sunni Muslim among ministers, deputy ministers or even governors-general since 1979. The Sunni Muslims are not allowed to construct mosques in large cities such as Tehran, Mashhad, and Isfahan. In other cities, where such mosques exist, they face great difficulties when repairs are needed and they are

not given permission to build new mosques. The only Sunni mosque in Mashhad, Feyz Mosque, was demolished in 1993, resulting in strong protests from Sunni citizens." **[56c] (p22)**

19.54 The USSD IRF Report 2010 stated:

"Many Sunnis claimed that the Government discriminated against them; however, it is difficult to distinguish whether the cause of discrimination was religious or ethnic, since most Sunnis are also members of ethnic minorities. Sunnis cited the absence of a Sunni mosque in Tehran, despite the presence of more than one million adherents there, as a prominent example. Sunni leaders reported bans on Sunni religious literature and teachings in public schools, even in predominantly Sunni areas. Sunnis also noted the underrepresentation of Sunnis in government-appointed positions in the provinces where they form a majority, such as Kurdistan and Khuzestan Provinces, as well as their inability to obtain senior governmental positions." **[4e] (Section II)**

19.55 The Freedom House Report 2011 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. The Sunni militant group Jundallah, associated with the ethnic Baluchi minority, has waged a campaign of bombings and other attacks on the government in recent years. In 2010, Jundallah leader Abdolmalek Rigand his brother were arrested and executed. The group vowed revenge, and government forces maintained a heavy security presence in the Baluchi region." **[112a]**

19.56 The FCO letter of 30 April 2010 noted that: "Two Sunni religious representatives were killed in Kurdistan at the beginning of October 2009, and pressure against secular religious leaders is on the rise." **[26e]** The October 2010 FIDH/LDDHI report included a "non-exhaustive list of detention, imprisonment and execution of Sunni religious leaders" from 2006 to 2010 which can be accessed directly for further details. **[56c] (p22)**

19.57 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]**

See also sections on Arabs, Kurds, Baluchis (Balochis) and Jundallah for further information on ethnic minorities who are also Sunni Muslims

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JEWS

19.58 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]**

19.59 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 2010 noted that "Jewish citizens were free to travel out of the country but were subject to the general restriction against travel by the country's citizens to Israel. This restriction, however, was not enforced." **[4e] (Section II)**

19.60 The USSD IRF Report 2010 stated that:

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

"President Mahmoud Ahmadinejad continued a virulent anti-Semitic campaign. During the reporting period [1 July 2009 to 30 June 2010], the president publically [sic] called for the destruction of Israel.

"President Ahmadinejad continued to regularly question the existence and the scope of the Holocaust, which created a more hostile environment for the Jewish community. In a September 18, 2009, speech at the annual Al Quds Day rally in Tehran, the president stated the West created the myth of the Holocaust as a pretext for the creation of the 'Zionist' regime." **[4e] (Section II)**

19.61 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]**

19.62 The USSD IRF Report 2010 stated that:

> "The government promoted and condoned anti-Semitism in state media; however, with some exceptions, there was little government restriction of, or interference with, Jewish religious practice. The government reportedly allowed Hebrew instruction but limited the distribution of Hebrew texts, particularly nonreligious texts, making it difficult to teach the language. Moreover, the government required that in conformity with the schedule of other schools, Jewish schools must remain open on Saturdays, which violated Jewish law." **[4e] (Section II)**

19.63 The *Telegraph* article of 3 October 2009 noted that "Sensitive posts in the judiciary and military are barred from Jews." **[43a]**

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ZOROASTRIANS

19.64 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]**

19.65 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)**

SABEAN MANDAEANS

19.66 The USCIRF Report 2011, published on 28 April 2011, stated that, "During the past few years, the unrecognized Sabean Mandaean religious community, numbering between 5,000 and 10,000 people, has been facing intensifying harassment and repression by authorities. There were reports that members of the Sabean Mandaean community experienced societal discrimination and pressure to convert to Islam, and they were often denied access to higher education." **[88a]**

BAHA'IS

19.67 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:

> "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)**

19.68 The USSD IRF Report 2010 stated that: "Adherents of religious groups not recognized by the constitution, such as the Baha'is, did not have freedom to practice their beliefs. The government prohibited Baha'is from teaching and practicing their faith. Baha'is were barred from all leadership positions in the government and military.

"The government considered Baha'is to be apostates and defined the Baha'i faith as a political 'sect.' The Ministry of Justice stated that Baha'is were permitted to enroll in schools only if they did not identify themselves as such, and Baha'is preferably should be enrolled in schools with a strong and imposing religious ideology. There were reports that Baha'i children in public schools faced attempts to convert them to Islam." **[4e] (Section II)**

19.69 The FIDH/LDDHI report of October 2010 reported that:

"Baha'is are not covered under the social security and pension system. They do not have the right to inheritance and do not qualify for financial compensation in case of physical harm or being killed. Marriage and divorce solemnised by the Baha'is are not recognised, and they cannot get married or divorced at the state-authorised notaries public, where couples are required to declare their religions in order to be stated in marriage or divorce documents. This is not possible for Baha'is, because under the Constitutional provisions, Iranians can be only Muslims or followers of one of the three recognised religions." **[56c] (p20)**

19.70 The same source also reported that:

"Members of the Baha'i community are frequently arrested and spend long periods in detention or sentenced to imprisonment.

"It is beyond the scope of this report to give full details of such persecution, but we provide a few non-exhaustive examples from 2010. Since the beginning of 2010, numerous Baha'is have been sentenced to imprisonment, e.g. two in Hamedan to one year each; five in Mashhad to five years each and four to two years each; one in Semnan to three years; one in Sari to one year and one to six months; one in Bonab to

one year. Scores of others have been detained in Tehran, Shiraz, Yazd, Sari, Semnan and elsewhere…

"A total of 140 Baha'is were reportedly arrested during the post-election protests in 2009, of whom 40 are believed to remain in detention at the time of writing in July 2010." **[56c] (p19)**

19.71 A Human Rights Watch report, dated 23 February 2010, stated that:

"The detention of 13 Baha'is on February 10 and 11 [2010] follows the arrest of 13 others in early January. The government alleges that those arrested in January helped to organize recent anti-government demonstrations but has not made public any charges against those detained in February. These arrests come during a broad government crackdown on opposition activists.

"'The Iranian government seems to be using the post-election unrest as a cover for targeting the Baha'i community,' said Joe Stork, deputy Middle East and North Africa director at Human Rights Watch. 'These arrests are only the latest chapter in the government's systematic persecution of the Baha'i.'" **[8n]**

19.72 The Human Rights Watch *World Report 2011*, released 24 January 2011, noted that: "In August [2010] the judiciary convicted seven leaders of the national Baha'i organization to 20 years each in prison; their sentences were later reduced to 10 years each. The government accused them of espionage without providing evidence and denied their lawyers' requests to conduct a prompt and fair trial." **[8f]** On 31 March 2011, Amnesty International reported that the Iranian authorities had reversed the decision to reduce the sentences and reimposed sentences of 20 years imprisonment. Describing the situation as "outrageous", Amnesty International noted "It appears the decision may be a result of a challenge to the reduced sentence by the Prosecutor General. Arrests and harassment of Baha'is has increased sharply in recent years, with at least 79 Baha'is currently in prison." **[9l]**

19.73 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:

"Members of unrecognized religions, in particular the Baha'i, who comprise the country's largest non-Muslim religious minority, face multiple forms of discrimination and harassment, including denial of employment, Government benefits and access to higher education. Some members of the Baha'i community have faced arbitrary detention or the confiscation and destruction of their property. In February 2009, the Special Rapporteur on freedom of religion or belief and the Independent Expert on minority issues noted with concern the deliberate damage to properties belonging to members of the Baha'i community. Fires had been deliberately set to partially or totally destroy homes and vehicles, and a cemetery in Marvdasht had been vandalized. The incident was allegedly reported to a number of Government agencies, but no official action has been taken. The authorities state that while Baha'i is not recognized as an official religion, its followers enjoy equal social, civil and citizens' rights." **[10u] (p11)**

19.74 The FIDH/LDDHI report of October 2010 observed "While there have been recurrent reports of attacks on property, the most recent case involves the demolition of 50 houses of Baha'is in a village near Sari, in the northern Mazandaran province in

June 2010. The Baha'i community has also reported a number of cases of land and property confiscation." **[56c] (p20)**

19.75 The USSD IRF Report 2010 noted that:

"Baha'i groups outside the country reported that government authorities increased their harassment and intimidation of the members of the Baha'i community during the reporting period [1 July 2009 to 30 June 2010].

"The government continued to imprison and detain Baha'is based on their religious beliefs. The government arbitrarily arrested Baha'is and charged them with violating Islamic penal code articles 500 and 698, relating to activities against the state and spreading falsehoods, respectively. Often the charges were not dropped upon release, and those with charges pending against them reportedly feared arrest at any time. Most were released only after paying large fines or posting high bails. For some, bail was in the form of deeds of property; others gained their release in exchange for personal guarantees or work licenses." **[4e] (Section II)**

The USSD IRF Report 2010 included reported incidents of arrests and detentions of Baha'is. **[4e]**

19.76 The same report stated that "Government officials reportedly offered Baha'is relief from mistreatment in exchange for recanting their religious affiliation, and if incarcerated, recanting their religious affiliation as a precondition for releasing them." **[4e] (Section II)**

19.77 The USCIRF Report 2011, published on 28 April 2011, noted that:

"During the reporting period [1April 2010 to 31 March 2011], dozens of Baha'is have been arrested in several different cities throughout the country, including Tehran, Babolsar, Karaj, Nazarabad, Shahrekord, Semnan, Mashhad, Bandar Abbas, and Ghaemshahr. In most of these cases, Ministry of Intelligence officials appeared at the homes of Baha'is, searched the premises and confiscated computers, books and other materials, and then made arrests. No formal charges have been filed.

"In March 2011, six Baha'is were arrested in Kerman, four for allegedly providing education for young children and the other two for unknown reasons. All six remain in detention. Three Baha'is from Isfahan, including two teenagers, were arrested in early 2011 for teaching children classes. They were subsequently released. In January 2011, Navid Khanjani, a twenty-four year old Baha'i who began advocating for human rights after he was denied access to higher education, was sentenced to 12 years in prison after being convicted of 'engaging in human rights activities,' 'illegal assembly,' and 'disturbance of the general public's opinion.' His lawyers are preparing an appeal. In March 2010, at least 50 young Baha'is were banned from travel outside the country, and some received prison sentences ranging from one to four years for teaching underprivileged children in southeastern Iran. During the past year, emboldened by Iranian law and policy, militant societal actors have physically attacked Baha'is and committed violent acts, including arson on Baha'i homes and businesses, with impunity. A recent wave of arson attacks on Baha'i-owned businesses in Rafsanjan appears to be part of a campaign to fracture relationships between Baha'is and Muslims in the city. Since October 2010, at least a dozen shops have been attacked and at least 20 Baha'i homes and businesses have received letters warning that Baha'is will suffer severe consequences for forming friendships with Muslims." **[88a]**

See Apostasy (conversion from Islam) above and Latest News

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SUFIS

19.78 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)**

19.79 A news article by Radio Free Europe/Radio Liberty (RFE/RL) dated 26 February 2009 noted:

"The Nematollahi order is Iran's largest Sufi order, with reportedly over 2 million members across the country, including in major cities such as Tehran and Isfahan. Its members have come under increasing state pressure over the past four years; three of their houses of worship have been demolished. Officials accused the Sufis of not having building permits and of narcotics possession -- charges the Sufis reject. Dervishes [Sufis] say they're being targeted because of what they describe as the growing popularity of Sufism and also because they're considered a potential challenge to the power of Iran's clerical establishment. Some conservative clerics have called the Sufis a danger to Islam." **[42j]**

19.80 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…

"Hundreds of dervishes of this Order have been detained and arrested or been subjected to other ill treatment on various occasions over the past few years. Others have been sentenced to fines or imprisonment, e.g. Mohammad Esma'il Salahi in Maybod (Yazd), who was sentenced to one year in September 2008, Jamshid Lak in Dorood (Lorestan) sentenced to 74 lashes in January 2009, and Amin Dalvand, in Qom, sentenced to one year in October 2009.

"In May 2010, 24 dervishes from the Nematollahi Gonabadi Order were sentenced to prison terms ranging from 91 days to five months, flogging, and internal exile for a demonstration outside the Governor's Office in Gonabad, eastern Iran, in July 2009." **[56c] (p24)**

19.81 The USSD IRF Report 2010 stated that:

"Sufis within the country, Sufi organizations outside the country, as well as numerous human rights organizations, remained extremely concerned about growing government repression of Sufi communities and religious practices, including increased harassment and intimidation of prominent Sufi leaders by the intelligence and security services. Government restrictions on Sufi groups and husseiniya (houses of worship) became more pronounced in recent reporting periods. There were numerous reports of Shi'a clerics and prayer leaders denouncing Sufism and the activities of Sufis in the country in both sermons and public statements." **[4e] (Section II)**

19.82 The Freedom House Report 2011 stated that "Sufi Muslims have … faced persecution by the authorities." **[112a]** The USCIRF Report 2011 stated that:

"During the past year [1 April 2010 to 31 March 2011], arrests and harassment of Sufi Muslims increased significantly. If the religious identity of a Sufi Muslim student was made known, the university generally expelled him or her. Sufi Muslims have faced growing government repression of their communities and religious practices, including increased harassment and imprisonment of prominent Sufi leaders by the intelligence and security services and destruction of prayer centers and hussainiyas (places of worship). In 2010, some Shi'a clerics and prayer leaders denounced Sufism and Sufi activities in both sermons and public statements. 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 from the Nematollahi Gonabadi order, sentencing many to imprisonment, fines, and floggings. In January 2011, three Iranian lawyers who defended Sufi dervishes were sentenced to prison terms…

"Furthermore, since December 2010, Iranian state television has been airing a series of programs designed to denigrate and demonize Sufism, particularly the Nematollahi Gonabadi order. There also have been reports over the past few years that the government is considering a ban on Sufism." **[88a]**

19.83 On 14 April 2011 RFE/RL reported that eight dervishes from the Gonabadi order had been arrested the day before in the cities of Gonabad, Beydokht, and Quchan, and taken to Vakilabad prison in Mashhad:

"Farshid Yadullahi, a lawyer for the dervish association and a member of the Nematollahi Sufi community, told RFE/RL that the eight were arrested in connection with a protest two years ago for which they were already punished.

"He said they were among a group of Gonabadi dervishes detained and tried in Gonabad in summer 2009 for protesting a ban on Sufi burials in Beydokht. The city is special to Gonabadi dervishes as it is the birthplace of some of their leaders. Most of the group -- including those arrested this week -- later received sentences of flogging or imprisonment. Yadullahi said the eight again face charges of disrupting public order." **[42h]**

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20. ETHNIC GROUPS

OVERVIEW

Section should be read in conjunction with the previous section on Freedom of religion.

20.01 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)**

20.02 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)**

See also sections on Kurds, Arabs and Baluchis (Balochis) below for further information on their treatment

20.03 The International Federation for Human Rights (FIDH) report *Iran/Death Penalty: a State Terror Policy*, dated 28 April 2009, observed that, among Iran's ethnic groups:

"Speakers of Persian and its various dialects are the largest ethnic group, forming about 50 per cent of the population by some accounts. Next to them, the most populous ethnic group is the Azerbaijani [Azeri] Turks (over 25% of the population), Kurds (7-10%), Arabs (2%), Baluchis (2%) and the Turkmens (more than 1%).

"The Constitution stipulates that Persian, or Farsi as it is called in Iran, is the official language. It also allows the use of ethnic and local languages in the media and the teaching of their literature in schools alongside the Persian language (Article 15). The reality, however, is that various ethnic groups have consistently complained of the violations of their rights. Most Kurds, Baluchis, and Turkmens are followers of one or another branch of Sunni Islam, and consequently also constitute a religious minority. The Arabs living in southwestern Khuzestan are mostly Shiites, while those in the southern provinces of Bushehr and Hormuzgan are mostly Sunnis. The Azerbaijani Turkic speakers are also predominantly Shiites. There have been movements within all the ethnic minorities, demanding respect for their rights." **[56b]**

20.04 The Foreign and Commonwealth Office's (FCO) *Annual Report 2010 – Iran*, published in March 2011, stated:

"In 2010, there were a number of executions of members of minorities who the authorities alleged were involved with terrorist factions. On 9 May, authorities executed Kurds Ali Heydarian, Farhad Vakili, Mehdi Eslamian, Shirin Alam Hooli and Farzad Kamangar. There were severe flaws in their trial. They were executed without notifying the families or lawyers of the condemned. Amnesty International called the executions 'a blatant attempt to intimidate members of the Kurdish minority'. The Iranian authorities have used their fight against the Party of Free Life of Kurdistan [PJAK] to suppress the rights of the Kurdish minority, including cultural and linguistic rights, with the ostensible aim of ending the Kurdish call for an independent Kurdistan region." **[26d] (p212-213)**

20.05 The FIDH's report of 28 April 2009 stated that:

"Persons belonging to ethnic minorities in Iran (Kurds, Arabs, Baluchis) are often condemned to death and subsequently executed for offences related to the security of the state. Peaceful activists are sometimes unfairly condemned on such grounds, since the authorities do not make a difference between peaceful advocacy for the rights of the said minorities, and armed attacks by autonomists. Fair trial guarantees are violated and witnesses regularly report widespread use of torture in those cases." **[56b] (p46)**

20.06 Amnesty International's *Annual Report 2011* published on 12 May 2011 and covering events in 2010, stated that "Iran's ethnic minority communities, including Ahwazi Arabs, Azerbaijanis, Baluch, Kurds and Turkmen, suffered ongoing systematic discrimination in law and practice. The use of minority languages in schools and government offices continued to be prohibited. Those who campaigned for greater political participation or recognition of minorities' economic, social and cultural rights faced systematic threats, arrest and imprisonment." **[9y]**

20.07 The concluding observations of the UN Committee on the Elimination of Racial Discrimination's (CERD) report published 20 September 2010, stated:

"The Committee expresses concern at the limited enjoyment of political, economic, social and cultural rights by, inter alios, Arab, Azeri, Balochi, Kurdish communities and some communities of non–citizens, in particular with regard to housing, education, freedom of expression and religion, health and employment, despite the economic growth in the State party. It notes information that the provinces where many of them live are the poorest in the country…" **[10z]**

The Iran Chamber Society website provides further background information on Iranian ethnic groups. **[58f]**

See also section on Exit and Return for details of possible discrimination faced by ethnic minorities wishing to leave Iran.

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KURDS

Background

20.08 The Danish Immigration Service's report *Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.* (Danish Immigration Service Report 2009), released April 2009, stated that:

"The Kurdish population is one of the largest ethnic minority groups in Iran. The number of Kurds in the country varies considerably according to the available sources. The estimate ranges from five to twelve million people out of a total Iranian population of an estimated 70.5 million. The vast majority of the Kurds in Iran live in the mountainous region of Western Iran from the Turkish and Iraqi borders in the west to Lake Urumieh in the north east. The area covers approximately 95,000 square kilometres.

"The only province that is governmentally recognised as Kurdish is the province of Kurdistan. However, the area that is often called Iranian Kurdistan extends from Kurdistan province in the central area to Western Azerbaijan province in the north and Kermanshah province in the southern area.

"The area of Iranian Kurdistan consists of mountains, plains, villages and large urban centres. The Kurdish population are mainly situated in and around the big cities of Kermanshah, Sanandaj and Mahabad.

"The economic environment in Iranian Kurdistan varies. Kurds living in the Zagros mountain range mainly rely on pastoral farming and herding in a modified tribal economic set-up. The Kurds of the plains often live in villages and rely on agriculture and, to a smaller extent, on pastoral farming. The main crops of this region are tobacco, barley, rice and wheat. Kurds living in urban settings are mainly occupied as teachers, traders and shopkeepers. Of course some Kurds may also be working in other sectors; however, Kurds will not be working in high levels of government." **[86a]**

20.09 The Amnesty International (AI) report *Iran: Human rights abuses against the Kurdish minority*, dated July 2008, stated that:

"… [Kurds] live mainly in the provinces of West Azerbaijan, Kordestan, Kermanshah and Ilam in the west and south-west of the country, although many have moved to the big cities such as Tehran. Sanandaj is the administrative centre of Kordestan. There is also a community of Kurds in North Khorasan province in northeastern Iran.

"The Kurdish language is divided into two main dialects: Sorani and Kurmanji. Smaller communities of Gorani and other Kurdish-dialect speakers are present in Iran. Most Kurds are Sunni Muslims, although a minority are Shi'a. Some are Yazidi, a religion with pre-Islamic roots, while others are Baha'i, Ahl-e Haq and followers of the Qaderi and Naqshbandi schools of Sufism." **[9e]**

Discrimination and human rights violations

20.10 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)**

20.11 The same FPC report also stated:

"The KDPI [Kurdish Democratic Party of Iran] supported the overthrow of the Shah and many Kurds participated in the 1979 revolution, but they were quickly marginalized by the new regime. When a popular referendum was held to vote on the creation of an Islamic Republic, most Kurds boycotted the vote. They objected to the draft constitution, which did not mention the Kurds or make provision for regional autonomy. Shortly thereafter, the KDPI helped to organise a rebellion in the region. The uprising was met with brutal violence. Human Rights Watch reported that 'more than 271 Iranian Kurdish villages were destroyed and depopulated between 1980 and 1992.' An estimated 10,000 Kurds were killed in the two years after the revolution.

"Although strong feelings of nationalism remain among some of the Kurds in Iran, most Kurds express their identity non-violently. However, journalists and historians who publish their thoughts or opinions on Kurdish nationalism have been tried, imprisoned and often sentenced to death. They are usually convicted of 'enmity with God', a vague charge that is often used by the regime to silence its critics. In September 2008, about 200 Kurdish 'prisoners of conscience' in Iran went on a hunger strike to protest the use of the death penalty and the prevalence of torture in detention centres across the country." **[49b] (p18)**

20.12 The FIDH report *Iran/Death Penalty: a State Terror Policy*, dated 28 April 2009 (FIDH Report 2009) stated that: "The [Kurdish] nationalist movement has been strong in the Kurdish provinces of Iran for many years. Some Kurdish groups have been fighting the central government in Iran since 1979 and the demand for regional autonomy is strong; they have thus suffered the highest number of casualties in comparison with other ethnic groups." **[56b]** The FIDH Report 2009 added: "While a number of Kurdish opposition leaders lost their lives in the course of extrajudicial executions abroad, cultural activists and journalists are also subjected to harsh repression. Many have been condemned to prison sentences, and some of them have been condemned to death." **[56b]**

20.13 The FPC report of 25 November 2008 added:

"Although there are no specific anti-Kurdish laws in the constitution, the authorities find pretexts for persecuting Kurds who openly and non-violently profess their group identity. Once arrested many have experienced violations of due process that contravene Iranian law and fall far below international standards. Kurds are also denied rights to teach their language, and they face discrimination with respect to housing, public education and employment." **[49b] (p40)**

20.14 The Human Rights Watch *World Report 2010*, released 20 January 2010, stated that: "In the northwestern provinces of Azerbaijan and Kurdistan, the government restricts cultural and political activities, including the organizations that focus on social issues. The government also restricts these minorities from promoting their cultures and languages." **[8k]**

20.15 The AI report *Iran: Human rights abuses against the Kurdish minority*, dated July 2008, stated that:

"A key moment for Kurdish activists in recent times was in July 2005, when Iranian security officials shot dead Kurdish opposition leader Shawan Qaderi and two other men in Mahabad. The security forces tied Shawan Qaderi's body to a jeep and dragged the corpse through the streets. This sparked violent protests that shattered years of

relative peace in Kordestan. The protests also marked the start of a new wave of state repression against Kurds in which those who spoke up for Kurdish rights were targeted." **[9e]**

20.16 The FPC report of November 2008 stated that:

"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)**

20.17 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)**

20.18 The Amnesty International report *Death sentences and executions in 2010*, published 28 March 2011, stated:

"At the end of 2010, at least 17 members of Iran's Kurdish minority, including one woman were on death row in Iran after their conviction on political offences. All were convicted after unfair trials for moharebeh (enmity against God) for membership in banned Kurdish opposition groups, mainly the Party for a Free Life in Kurdistan (known by its Kurdish acronym PJAK), an armed group, and Komala, a Marxist organization. Some were reportedly tortured in detention and to have been denied access to a lawyer. It is feared that one of them, Hossein Khezri was executed on 15 January 2011." **[9v] (p11)**

20.19 In February 2011, Minority Rights Group International February 2011 estimated that "As of the beginning of 2011, up to 20 Kurdish prisoners are believed to be awaiting execution in Iran, including several political prisoners." **[46a]**

See also sections on Kurdish political groups: the KDPI, Komala and PJAK under Opposition groups and political activists.

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ARABS

20.20 The FIDH Report 2009 stated that "The Arab minority, the majority of whose members live in the southwestern province of Khuzestan, like other ethnic minorities, has been denied its cultural rights and has faced repression both before and after the revolution.

A few months after the 1979 revolution, there were clashes in Khuzestan that were suppressed by the government and scores of Arabs were sent to the gallows." **[56b]**

20.21 A Human Rights Watch (HRW) report dated 29 April 2011 stated that:

"Khuzestan province, where much of Iran's oil and gas reserves are located, has a large ethnic Arab population believed to number more than 2 million. Despite Khuzestan's natural resource wealth, its ethnic Arab population, which is believed to constitute a majority in the province, has long complained about the lack of socio-economic development in the region. They also allege that the Iranian government has engaged in systematic discrimination against them, particularly in the areas of employment, housing, and civil and political rights." **[8b]**

20.22 The FIDH Report 2009 noted:

"In April 2005, unrests in Khuzestan led to the death of many Arabs including some in alleged extrajudicial executions. The turbulence occurred following the surfacing of a letter allegedly written by Mr. Abtahi, an advisor to then President Khatami. The letter, dated 1999, the authenticity of which Mr Abtahi strongly denied, proposed the reduction of the Arab population in Khuzestan by transferring them to other parts of Iran. Subsequently, several bombs exploded in Ahvaz, the provincial capital of Khuzestan, as well as in Tehran, killing a number of people.

"Seven men were shown on TV on 1 March 2006 and said to be convicted for involvement in the bombings. Two of them were hanged the day after. At least 11 other men were also said to be sentenced to death. In 2006, 36 Arabs had been sentenced to death or lengthy prison terms; five were executed after unfair trials, two of them in public. In 2007, at least eight were executed and 17 others were facing the death sentence after unfair trials." **[56b]**

20.23 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)** The AI Report 2011 noted that Ahwazi Arabs were among those minorities subjected to continuing repression. **[9y]**

20.24 The US Department of State *Country Report on Human Rights Practices 2010*, Iran, released on 8 April 2011 (USSD Report 2010) stated that "Ahvazi and human rights groups alleged torture and mistreatment of Ahvazi Arab activists, including allegations that in September 2009 IRGC [Islamic Revolutionary Guard Corps] intelligence officers raped two female activists." **[4f] (Section 6)**

20.25 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 that "On 29 October 2009, three Special Rapporteurs drew the attention of the Government to information they had received regarding seven Arab minority men who were convicted and sentenced to death on charges that included acting against national security and killing a Shia cleric, Sheikh Hassam al-Sameri. The seven men reportedly did not have access to counsel either before or during the trial." **[10u] (p11)** The USSD Report 2010 added "In October 2009 relatives of seven men sentenced to death for killing a clergy member in Ahvaz told local human rights organizations that authorities had tortured them to coerce confessions." **[4f] (Section 6)**

20.26 On 19 April 2011, Amnesty International reported that protests had been held across Khuzestan and clashes between security forces and protesters had left "at least three people dead and dozens injured". There were also reports of "well over 200 people" being arrested in the run up to the demonstration. The same report also 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… Demonstrations took place over the Ahwazi Arab minority's long-held grievances over institutionalized discrimination and denial of economic and cultural rights… Most 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

20.27 On 22 April 2011 Reporters without Borders (RSF) provided an update on the demonstrations in Khuzestan, reporting that:

"Calls were issued on the Internet and online social networks for demonstrations on 15 April in the provincial capital of Ahvaz to mark the sixth anniversary of the violent clashes that took place on 15 April 2005 between the security forces and members of the Arab community, who are the majority in province.

"Members of the security forces fired live rounds into a spontaneous demonstration by young people on 14 April [2011], killing three demonstrators. When the protests continued the next day, they were brutally crushed by Revolutionary Guards in several districts of the city including Haisohari, Coy Alvaieh and Cot Abdollah.

"Round-ups of activists had already begun before the calls for demonstrations had been issued, and the arrests are continuing. According to some sources, at least 97 people are being held in prisons in and around Ahvaz, including Sepidar and Zyton (a secret detention centre controlled by the intelligence ministry).

"The detainees include Ali Badri (of the blog Shataljarhi), Ali Torofi (of the blog Karoniat), and the poets Hamin Hairi and Shahid Amori, who contribute to various media. Several intellectuals and human rights activists in Iran have condemned the violence." **[38e]**

20.28 Information in the HRW report of 29 April 2011 stated:

"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]**

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BALUCHIS (BALOCHIS)

20.29 The FIDH Report 2009 stated that:

"The Baluchis who are said to number more than 1.4 million live mostly in the Sistan-Baluchistan province in the southeast, bordering Pakistan and Afghanistan. Since the early 2000s, an armed Baluchi group, People's Resistance Movement of Iran, known as the Jondollah has been fighting the Iranian government stating its aim as achieving a more democratic system and full rights of the Sunnis in Iran. The response of the Iranian government has been very harsh.

"The authorities appointed the former prosecutor of the Special Court for Clergy and former deputy prosecutor-general, Hojatoleslam Nekoonam, to head the Justice Department in Sistan and Baluchistan in 2006. Since then the number of death sentences and executions have risen drastically in the region. A large number of Baluchis have been arrested, tried and some of them executed within a few days of the trials. Most have been accused of drug trafficking and armed banditry, murder and kidnapping. It is not clear as to how many of them were involved in the opposition against the government…

"A website keeping track of executions of Baluch people has recorded 176 judicial and extrajudicial executions from December 2006 –through March 2009." **[56b]**

20.30 The FIDH/LDDHI report, *The Hidden Side of Iran*, published October 2010, noted:

"The Sistan-Baluchistan province, the main location of the Baluchi people, is the least developed region of the country. It is believed that the province has a rate of unemployment five times the national average and the highest proportion of illiteracy. The amount of investment in the province has been the lowest and the number of executions the highest in the last few years. Ninety per cent of the people are believed to be economically vulnerable and at least 45 per cent live under the poverty line. Drug smuggling and distribution is widespread." **[56c] (p16)**

20.31 The same report also noted "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)**

20.32 The USSD Report 2010 stated that:

"Local and international human rights groups alleged serious economic, legal, and cultural discrimination against the Baluch minority during the year [2010]. Baluch journalists and human rights activists faced arbitrary arrest, physical abuse, and unfair trials, often ending in execution. In 2008 authorities executed Baluch journalist and education activist Yaghoob Mirnehad in Zahedan for alleged membership in the militant group People's Resistance Movement of Iran (formerly Jundallah), which the government considers a terrorist group." **[4f] (Section 6)**

 The main text of this COI Report contains the most up to date publicly available information as at 13 May 2011. Further brief information on recent events and reports has been provided in the Latest News section to 21 June 2011.

20.33 The FIDH report published on 16 March 2010 stated that members of the Baluch minority had "frequently been victims of executions." The report further noted that:

"Sizable numbers of Baluch men have been executed after unfair trials on charge of *moharebeh* ['enmity against God'] allegedly for membership of an armed opposition group, People's Resistance Movement of Iran (formerly known as Jondollah). Three Baluch people charged with *moharebeh* were reportedly executed in public in Zahedan on 3 May 2009, in connection with a bombing in the city only two days after the incident – which in itself demonstrates that they did not benefit from a fair trial, but were rather victims of an expeditious revengeful procedure. Other members of the Baluch minority, who were executed on the same charge, included three people on 30 May, two on 6 June, and 13 on 14 July, all in Zahedan." **[56e] (p6)**

20.34 The Voice of Balochistan website reported on 3 January 2011 that four Balochis accused of "kidnapping for ransom" had been hanged in Zahedan, Balochistan's capital. **[102a]**

See also section on the People's Resistance Movement of Iran (PMRI), or Jondollah, Freedom of Religion, subsection Sunni Muslims and Latest News

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AZERBAIJANI (AZERI) TURKS

20.35 The USSD Report 2010 stated that:

"Ethnic Azeris comprised approximately one-quarter of the country's population, were well integrated into government and society, and included the supreme leader among their numbers. Nonetheless, Azeris complained that the government discriminated against them, banning 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.'" **[4f] (Section 6)**

20.36 The Iranian Minorities Human Rights Organisation (IMHRO) reported on 21 August 2010 that:

"Azeri is the largest ethnic group in Iran with around 30 million people. Azeri's [sic] who speak Turkish is [sic] banned from studying in their mother tongue and many of their cultural activists are in prison.

"Azeri is [sic] heavily suppressed by the Iranian security service. Azeri political parties' [sic] are banned and political activists are tortured in prison. Many Azeri political activists are killed under torture." **[47a]**

20.37 The FIDH/LDDHI report published in October 2010 observed that:

"The main problems that the Iranian Azeri Turks face concern cultural discrimination. Many people believe that languages other than Persian should be promoted in Iran and their speakers be allowed access to education in their own language.

"Azeris have also complained of disrespect for their culture and language. Some controversial cartoons in the government newspaper, daily Iran, depicted cockroaches speaking Azeri Turkic in May 2006, and caused uproar in many cities of the north-western Iranian provinces and parts of Tehran. Scores of demonstrators were arrested, some were injured and four were said to have died in Naqadeh, a city in the West Azerbaijan province of Iran.

"Since then, the Iranian Azeri cultural activists commemorate what is known as the 'cartoons anniversary' every year, which the authorities try to contain through a policy of detainment; 31 activists were arrested in May 2010." **[56c] (p15)**

20.38 The same report continued:

"Azeri cultural activists have faced problems for writing about or celebrating the Mother Tongue Day, and demanding education in their mother tongue. In June 2010, the appeal court of Azerbaijan sentenced Mr. Alireza Farshi and his wife Sima Didar to six months imprisonment for taking part in a demonstration in May 2009 in the Il Guli [People's Lake] Park of Tabriz, where 'Education in Turkish' was one of the slogans.

"Detentions also occur frequently in July every year, when thousands of Iranian Azeris gather at Fort Babak (Qaleh Babak) near the town of Kalibar in East Azerbaijan province to mark the birthday of an Iranian leader by the name of Babak, who rebelled against the Arab Islamic rulers 1,200 years ago. In May 2010, according to Iranian Azeri sources, a court in Kalibar tried Ayat Mohammad Jafari and sentenced him to 91 days imprisonment for 'disrupting public order' by taking part in the 2004 celebrations at Fort Babak.

"The same sources allege that some military personnel have been expelled from the armed forces for taking part in Azeri Turkic cultural activities or celebrations in recent years. Firooz Yousefi, a non-commissioned officer, was said to have been expelled from the Army for pan-Turkism in March 2010 and later detained in June." **[56c] (p15)**

20.39 On 21 August 2010, IMHRO demanded the release of Sakineh Ashtiani, an Azeri woman who had been sentenced to death by stoning, and other Azeri prisoners. Regarding Sakineh Ashtiani, IMHRO reported that "An interesting point is that she could not speak Farsi and her confession was in the language of Azeri, thus showing that Farsi is not a national language in Iran. Azeri, like Kurds, Arabs, Baluch and Turkmen, are forced to be educated in Farsi/Persian. Anyone speaking in their mother tongue could suffer disciplinary actions and even being [sic] sent to prison." **[47a]**

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QASHQAIS

20.40 The Qashqai website, accessed on 1 December 2009, noted that the Qashqai are also known as the Qashqaai, Qashqa'i or Ghashghai. Information on the website stated:

"The Qashqai compose a community of settled, semi-settled, and pastoral nomadic households who reside mainly in the Fars region of southern Iran. They speak Qashqai Turki (Turkish). Most of them also speak, at least, Persian (Farsi). They are Shia Muslims… Since the 1960s the general trend has beed a sharp increase in sedentarization of Qashqai nomads and involvement in non-pastoral and non-traditional

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economic activities. Presently the Qashqai form mainly settled and semi-settled households. Qashqai population of today is estimated between one and one and a half million." **[37a]**

20.41 The Advisory Panel on Country Information (APCI) review of the COI Service's Iran COI Report of August 2008, undertaken by Dr Reza Molavi and Dr Mohammad M Hedayati-Kakhki of the Centre for Iranian Studies at Durham University, dated 23 September 2008, (APCI Report 2008) stated that:

"In addition to established ethnic minorities, a number of nomadic groups and tribes are targeted for discrimination, for instance the Gheshghay [another version of Qashqai]… The population of the group is estimated as 2% of the Iranian population, living mainly in Fars Province in Southern Iran. Shiraz is known as the biggest centre of the group's activities, whilst a part of the group continue to be nomadic. Notably, after the 1979 Iranian Islamic Revolution, Khosrow Khan Qashqai, the Ghashghayi leader, returned to Iran from Germany, was arrested and subsequently publicly executed for advocating for the group's rights and autonomy. This has caused long-standing suspicion by the government of this ethnic group, considering it a potentially volatile one.

"Moreover, the religious practices of the group are not entirely in line with those of the mainstream Islamic regime and therefore give rise to suspicions and discrimination against them, as described in the account below:

"Following the Islamic Revolution, various Qashqa'i customs, such as public dancing, the playing of traditional music on oboes and skin drums, and stickfighting games performed to music, were declared immoral and anti-Islamic by the new government. The extent of continuous discrimination is not known. However, various laws still deem certain Qashqa'i practices to be anti-Islamic, despite the fact that the group is Shia Muslim.

"In light of the above information, whilst those of the Ghashghayi ethnicity would not be prosecuted on basis of ethnicity alone, they may indeed be targeted on basis of ethnicity for dispossession of property, employment, education as well as other discrimination. Lastly, the account below suggests a possible rationale for such efforts by the government in relation to the Ghashghayi:

"In 2005, Miloon Kothari, the United Nations Special Rapporteur on Adequate Housing, condemned the recent confiscation of land owned by minority groups such as the Qashqa'i. Tehran's objective with these policies, according to human rights activists, was to implement 'ethnic restructuring' by forced migration out of the oil and sugar-rich Khuzestan province. In addition to land confiscation, the Qashqa'is also had to deal with traditional pastures being sold to the private sector." **[6a] (p51-52)**

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21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

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.

Note on language: care should be taken in interpreting what is meant by sources in referring to 'homosexual' or 'homosexuality'. Some sources use the terms to mean both men and women who have same-sex (physical and emotional) relationships, while others use the terms in reference to gay men only.

Where information provided is not quoted, the COI Report will refer to gays/gay men and lesbians as appropriate.

LEGAL RIGHTS

21.01 A report by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), *State-Sponsored Homophobia*, dated May 2011, (ILGA Report 2011) observed that same-sex relations for men and women are illegal in Iran. **[104a] (p38)**

21.02 A report by the International Gay and Lesbian Human Rights Commission (IGLHRC) dated 25 November 2009 stated that: "Under Iranian law, sodomy includes sexual intercourse between members of the same sex, and is illegal. The punishment for same-sex intercourse between two men (Lavaat) is death and between two women (Mosaheghe) is 100 lashes for the first three offenses and the death penalty for the fourth." **[99b]**

21.03 The Human Rights Watch (HRW) report, *We are a buried generation*, published in December 2010, stated that:

"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." **[8o] (p19-20)**

21.04 The website of the Mission for Establishment of Human Rights in Iran (MEHR Iran), accessed on 21 February 2011, includes further details of the Iranian Penal Code. 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]**

21.05 Book Two of the Iranian Penal Code (IPC) states:

"**Part 2: Punishment for Sodomy**

"**Chapter 1: Definition of Sodomy**

"Article 108: Sodomy is sexual intercourse with a male.
Article 109: In case of sodomy both the active and the passive persons will be condemned to its punishment.
Article 110: Punishment for sodomy is killing; the Sharia judge decides on how to carry out the killing.
Article 111: Sodomy involves killing if both the active and passive persons are mature, of sound mind and have free will.
Article 112: If a mature man of sound mind commits sexual intercourse with an immature person, the doer will be killed and the passive one will be subject to Ta'azir of 74 lashes if not under duress.
Article 113: If an immature person commits sexual intercourse with another immature person, both of them will be subject to Ta'azir of 74 lashes unless one of them was under duress.

"**Chapter 2: Ways of proving sodomy in court**

"Article 114: By confessing four lashes to having committed sodomy, punishment is established against the one making the confession.
Article 115: A confession made less than four lashes (to having committed sodomy) does not involve punishment of 'Had' but the confessor will be subject to Ta'azir (lesser punishments).
Article 116: A confession is valid only if the confessor is mature, of sound mind, has will and intention.
Article 117: Sodomy is proved by the testimony of four righteous men who might have observed it.
Article 118: If less than four righteous men testify, sodomy is not proved and the witnesses shall be condemned to punishment for Qazf (malicious accusation).
Article 119: Testimony of women alone or together with a man does not prove sodomy.
Article 120: The Sharia judge may act according to his own knowledge which is derived through customary methods.
Article 121: Punishment for Tafhiz (the rubbing of the thighs or buttocks) and the like committed by two men without entry, shall be hundred lashes for each of them.
Article 122: If Tafhiz and the like are repeated three lashes without entry and punishment is enforced after each time, the punishment for the fourth time would be death.
Article 123: If two men not related by blood stand naked under one cover without any necessity, both of them will be subject to Ta'azir of up to 99 lashes.
Article 124: If someone kisses another with lust, he will be subject to Ta'azir of 60 lashes.
Article 125: If the one committing Tafhiz and the like or a homosexual man, repents before the giving of testimony by the witnesses, his punishment will be quashed; if he repents after the giving of testimony, the punishment will not be quashed.

Article 126: If sodomy or Tafhizis proved by confession and thereafter he repents the Sharia judge may request the leader (Valie Amr) to pardon him.

"**Part 3: Lesbianism**

"Article 127: Mosaheqeh (lesbianism) is homosexuality of women by genitals.
Article 128: The ways of proving lesbianism in court are the same by which the homosexuality (of men) is proved.
Article 129: Punishment for lesbianism is hundred (100) lashes for each party.
Article 130: Punishment for lesbianism will be established vis-a-vis someone who is mature, of sound mind, has free will and intention. Note: In the punishment for lesbianism there will be no distinction between the doer and the subject as well as a Muslim or non-Muslim.
Article 131: If the act of lesbianism is repeated three lashes and punishment is enforced each time, death sentence will be issued the fourth time.
Article 132: If a lesbian repents before the giving of testimony by the witnesses, the punishment will be quashed; if she does so after the giving of testimony, the punishment will not be quashed.
Article 133: If the act of lesbianism is proved by the confession of the doer and she repents accordingly, the Sharia judge may request the leader (Valie Amr) to pardon her.
Article 134: If two women not related by consanguinity stand naked under one cover without necessity, they will be punished to less than hundred (100) lashes (Ta'azir). In case of its repetition as well as the repetition of punishment, hundred (100) lashes will be hit the third time." **[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 that:

"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." **[8o] (21-22)**

See also Charges, sentences and punishments below and Knowledge of the judge

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TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

Charges, sentences and punishments

21.08 An article in Spiegelonline, *The Gay Sons of Allah, Wave of Homophobia Sweeps the Muslim World*, dated 17 September 2009, observed that:

"… homosexuals have been persecuted on a more or less regular basis since the Islamic revolution. Since President Mahmoud Ahmadinejad has been in office there has definitely been an increase in this persecution despite the fact that Ahmadinejad never grows tired of emphasizing that there are no homosexuals in his country.

"The mere suspicion that someone may have committed 'unnatural acts' is enough for that person to be sentenced to a flogging in Iran. If caught more than once, the person in question can be sentenced to death. According to official statistics, 148 homosexuals have been given a death sentence and executed thus far. [The timescale and exact source for this statement are unclear. In comparison, for example, a BBC article dated 13 March 2008 reported that more than 4,000 gay men and lesbians had been executed in the country since the 1979 revolution. **[21r]**] The true figure is doubtless much larger than this… Homosexuals are almost always charged with other crimes such as rape, fraud, or robbery in order to be better able to justify their execution." **[71a]**

21.09 In contrast to the Spiegelonline article that the persecution of LGBT persons has increased, a HRW report of 11 June 2009, *Together, Apart*, stated that: "Iran regularly arrests and tortures men, women, and transgender people under suspicion of same-sex conduct, but there is no real indication that arrests or executions have increased in recent years." **[8i] (p16)**

21.10 In their letter dated 30 April 2010, the Foreign and Commonwealth Office (FCO) stated:

"We have concerns about the treatment of homosexuals in Iran. Homosexual activities are illegal and can carry the death penalty. We are not aware of any individual that has been executed in Iran in recent years solely on the grounds of homosexuality. We are aware of concerns that homosexuals have been charged with crimes such as rape and kidnap and then executed. Although homosexuality is illegal in Iran and homosexuals do experience discrimination, we do not believe that homosexuals are systematically persecuted." **[26f]**

21.11 The same source also stated:

"It is worth noting that it can be difficult to obtain information on human rights concerns and specific cases in Iran, especially on an issue as sensitive as homosexuality. Our Embassy can only make a limited judgement of the situation based upon publicly available information such as official public statements and media reporting and informal contacts with the gay community in Tehran. This by no means provides us with

a full picture of the overall treatment of homosexuals in Iran, and as a result our assessment is necessarily limited." **[26f]**

21.12 A *Gay City News* article dated 10 December 2009 stated that:

"It is extremely difficult to obtain information about death penalty cases involving homosexuality under today's repressive theocratic regime in the Islamic Republic of Iran, where the press is heavily censored and journalists, regime critics, and human rights advocates are routinely persecuted and arrested and where the subject of same-sex relations is officially considered a political and religious taboo. Defendants in sodomy cases are denied open trials." **[44a]**

21.13 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." **[8o] (p27)**

21.14 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, Thamasebi 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]**

21.15 The IGLHRC report dated 25 November 2009 stated that, within the past three years:

"The Courts in Iran have sentenced a number of men to death after they were accused and convicted of sodomy…Most, if not all of these arbitrary executions orders follow rushed trials with little adherence to procedure. 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. Additionally, at least three lawyers who have defended people accused of sodomy have expressed fear of harassment and intimidation by the government and vigilantes. The courts do not allow independent observers to examine cases…

"In most cases, the Court convicts the defendants of sodomy charges solely on the basis of 'the knowledge of the judge'. According to the Iranian law, when there is not enough evidence to convict a defendant of a sexual crime, the judge may use his knowledge, in a deductive process based on the evidence that already exists, to determine whether the crime took place or not. Unfortunately, the excessive use of this principle means that rather than paying attention to evidence, the judge often sentences defendants to death based on his speculations. A number of prominent legal and religious scholars believe that such a broad application of the 'the knowledge of the judge' to issue death penalty for sexual crimes is in violation of the letter and the spirit of Sharia law.'" **[99b]**

See also Knowledge of the judge

21.16 The IGLHRC report of 25 November 2009 also included details of ongoing "sodomy cases" brought within the Iranian judicial system during the preceding three years. The IGLHRC were "…still investigating other possible cases in which men have been charged with sodomy, convicted, and sentenced to death." **[99b]**

21.17 A HRW article dated 4 November 2009, called for the Iranian authorities to halt the planned executions of three men facing execution under charges of male homosexuality, allegedly committed when they were minors. The HRW article stated that:

"Mehdi P., from Tabriz; Moshen G., from Shiraz; and Nemat Safavi, from Ardebil, were accused in separate cases of committing homosexual acts when they were under age 18. No date has been set for their execution yet, but the lawyer representing two of the men fears that it could happen any day…

"Mehdi P. and Moshen G. denied the charges, and no witnesses testified against them. Safavi was arrested at the age of 16 in 2006, and tried by a court in Ardebil, where he is being held.

"The courts sentenced all three to death despite the requirement in Iran's shari'a-based criminal code that sexual offenses require a confession repeated four times or the testimony of four male witnesses. However, the code allows judges to use their 'knowledge' in determining guilt where no such evidence is available, a dangerously elastic provision. Judges relied on such discretionary 'knowledge' to sentence Mehdi P. and Moshen G. No information is available on the source of evidence for the third judgment." **[8e]**

21.18 The International Gay and Lesbian Human Rights Commission (IGLHRC) provided additional information on Nemat Safavi's situation, stating on 25 November 2009 that, "According to an investigation performed by the Committee of Human Rights Reporters (CHRR) in November 2009, the Supreme Court overturned Nemat's death sentence on March 4, 2009 and sent the case to another criminal court in Ardebil for retrial." **[99b]** An article by the Committee of Human Rights Reporters (CHRR) dated 29 January 2010, published on the Persian2English website, reported that "All the follow-ups made on the case of Nemat Safavi, a teenager from Ardebil have been fruitless. He was arrested at the age of 16 for 'same-sex conduct.' Nemat Safavi was tried in juvenile court and condemned to execution by the Ardebil judiciary. All three criminal branches in Ardebil's Revolutionary Court declare not having any information on the case." **[101b]**

21.19 At the time of writing, no further information was found on the current situation of Mehdi P., Moshen G. and Nemat Safavi.

See also Death penalty for children

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Arrests and ill-treatment

21.20 The US Department of State *Country Report on Human Rights Practices 2010*, Iran, released on 8 April 2011 (USSD Report 2010) noted that "The Special Protection Division, a volunteer unit of the judiciary, monitored and reported 'moral crimes.'" **[4f] (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) **[8o] (p46)**

21.21 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." **[8o] (p4)**

21.22 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." **[8o] (p46)**

21.23 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." **[8o] (p49)**

21.24 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." **[8o] (p61)**

21.25 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)**

21.26 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]**

21.27 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]**

21.28 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

21.29 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." **[8o] (p52)**

21.30 The same source also stated that:

"Around 10 p.m. on Saturday, July 10, 2010, uniformed and plainclothes officers raided a private party in the city of Shiraz, in southwest Iran. At least 17 gay men, their boyfriends (several of whom did not self-identify as gay and consider themselves either bisexual or straight), and others were present. The party-goers were arrested on the spot and transferred to a detention facility located on Modaress Boulevard. The men first appeared in court on July 15.

"The Iranian Queer Organization(IRQO), a Canada-based rights group dedicated to protecting the rights of Iranian LGBT persons told Human Rights Watch that the men were initially arrested on suspicion of *lavat*, satan worshipping, and alcohol use. Immediately following the arrests, LGBT persons in Shiraz were fearful that more arrests would follow as a result of information gathered during the interrogations and believed that information from the detainees' email accounts and Yahoo messenger IDs may be used to target the city's LGBT community.

"According to IRQO, however, authorities detained those arrested for approximately two weeks and then released them on bail. IRQO recently informed Human Rights Watch that prosecutors have dropped charges against the men. Human Rights Watch has not been able to independently confirm this information." **[8o] (p50-51)**

21.31 The same HRW report continued:

"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." **[8o] (p51)**

21.32 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." **[8o] (p54-55)**

See the 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. **[8o] (p55-60)**

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Views of state officials

21.33 On 13 November 2007, *The Times* reported the views of Mohsen Yahyavi (deputy chairman of the energy committee of Iran's parliament, or Majles):

"Homosexuals deserve to be executed or tortured and possibly both, an Iranian leader told British MPs [Ministers of Parliament] during a private meeting at a peace conference, The Times has learnt.

"Mohsen Yahyavi is the highest-ranked politician to admit that Iran believes in the death penalty for homosexuality after a spate of reports that gay youths were being hanged…

"He 'explained that according to Islam gays and lesbianism were not permitted', the record states. 'He said that if homosexual activity is in private there is no problem, but those in overt activity should be executed [he initially said tortured but changed it to executed]. He argued that homosexuality is against human nature and that humans are here to reproduce. Homosexuals do not reproduce.'" **[15c]**

21.34 The US Department of State *Country Report on Human Rights Practices 2010*, Iran, released on 8 April 2010, (USSD Report 2010) stated that: "The government censored all materials relating to lesbian, gay, bisexual, and transgender (LGBT) issues. In September 2008 President Ahmadi-Nejad called homosexual activity an 'unlikable and foreign act' that 'shakes the foundations of society.'" **[4f] (Section 6)** 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. **[42k]**

21.35 A Canadian Broadcasting Corporatin (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 subsection Transgender persons below

Military service

21.36 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." **[8o] (p23-24)**

This HRW report also provides details of the exemption process and case studies of individuals who have undergone it.

See also subsection Transgender persons below

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SOCIETAL TREATMENT AND ATTITUDES

21.37 The USSD Report 2010 stated that "The size of the LGBT community was unknown, as many individuals feared identifying themselves. There were active LGBT NGOs [non-

governmental organisations] in the country, but most activities to support the LGBT community took place outside the country." **[4f] (Section 6)**

21.38 A RFE/RL article titled *Persian Gay and Lesbian Activist Urges Tolerance*, dated 17 May 2007, reported that:

"Sexual issues are considered taboo in Iran, and there is widespread misinformation about homosexuality. Many Iranians consider it a disease or sickness. For some, homosexuality among men is synonymous with pedophilia.

"As a result, gays and lesbians in Iran cannot be open about their sexual orientation. Many suppress their feelings. There are also reports of sex-change operations or hormone therapy to escape persecution. Some also face arranged or forced marriages insisted on by their families.

"Parsi [Arsham Parsi, secretary-general of Toronto-based Iranian Queer Organisation] claims a lack of knowledge and homophobic culture that rules Iranian society puts enormous pressure on homosexuals.

"'Execution and flogging are punishments [that homosexuals can face], but these sentences are not being applied only after arrest,' Parsi says. 'Before the government detains and flogs someone, the families, friends, and acquaintances [harass] that person, they ostracize him and create many problems for that person.'

"Parsi says social forums for homosexuals – whether online, at private parties, or in cafes – are accompanied by fear.

"Police frequently raid private parties and detain young Iranians who have been socializing, dancing, and sometimes drinking alcohol. Such raids target more than just the homosexual community." **[42i]**

21.39 A Human Rights Watch Report of 11 June 2009 commented on the situation for lesbian and bisexual women in the Middle East, including Iran, stating that they faced:

"…a complex cultural system that controls people's bodies and sexualities. Law, custom, economy, and family are all implicated as well. This means the crackdowns may connect to fears that norms for gender and sexuality are shifting or breaking down. Women who defy those norms and men who escape them are equally at risk…

"Culture and politics, daily life and law, are equally at issue, then. An Iranian lesbian who started an internet site for other women says: 'What are the most important things lesbians need? They need somewhere to be safe, to find other women, to be able to communicate with them. The major problem is the family and the culture.' She adds, though: 'There is the law beyond that. If you can get knowledge to your family and get them to accept you, you still have to worry about the law and your life, about what happens if the larger community discovers you are a lesbian. There is no respite: when you think you are safe at home, you could step out on the street and be arrested.'" **[8i] (p16)**

21.40 An IGLHRC report dated 25 November 2009 commenting on the Iranian government's criminalisation of same-sex relations noted, "Additionally, the [UN] Special Rapporteur on Extra-Judicial, Summary, and Arbitrary Executions has expressed concern numerous times about the use of the death penalty for consensual sodomy and has

stated that criminalizing sodomy 'increases the social stigmatization of members of sexual minorities, which in turn makes them more vulnerable to violence and human rights abuses, including violations of the right to life.'" **[99b]**

21.41 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." **[8o] (p33)**

21.42 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]**

21.43 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

21.44 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." **[8o] (p89)**

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TRANSGENDER PERSONS

21.45 The HRW report of 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." **[8o] (p79-80)**

21.46 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." **[8o] (p80)**

21.47 The Advisory Panel on Country Information (APCI) review of the COI Service's Iran COI Report of August 2008, undertaken by Dr Reza Molavi and Dr Mohammad M Hedayati-Kakhki of the Centre for Iranian Studies at Durham University, dated 23 September 2008, (APCI Report 2008) stated that "To obtain legal permission for sex-change operations and new birth certificates, applicants must provide medical proof of gender-identity disorder. There are now several clinics staffed by psychiatrists and clinical psychologists who are authorised to provide a clinical assessment of the patients requesting a sex change operation." **[6a] (p54)**

21.48 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]**

21.49 The USSD Report 2010 stated:

"The law defines transgender persons as mentally ill, encouraging them to seek medical help in the form of gender-reassignment surgery. The government provided grants of as much as 4.5 million toman ($4,500) and loans of as much as 5.5 million toman ($5,500) for transgender persons willing to undergo gender reassignment surgery. Human rights activists and NGOs reported that some members of the gay and bisexual community were pressured to undergo gender reassignment surgery to avoid legal and social persecutions in the country." **[4f] (Section 6)**

21.50 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)**

21.51 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." **[8o] (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." **[8o] (p82)**

21.52 The USSD Report 2010 noted:

"On April 25 [2010], according to press reports, police found a 24-year-old transgender woman known as Mahsa strangled in her apartment. Mahsa had previously undergone male to female sex-change operations. Her two brothers confessed to killing her on moral grounds. Although the brothers were sentenced to prison time of eight years and three years, respectively, the sentences included suspended jail time, which reduced their actual sentence in prison to three years and one year, respectively." **[4f] (Section 6)**

21.53 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]**

21.54 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]**

21.55 The *Continuum Complete International Encyclopedia of Sexuality* (CCIES), Iran, a 2004 study by the Kinsey Institute, provides further information on sexual conventions in Iran. **[92a]**

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22. DISABILITY

22.01 The US Department of State *Country Report on Human Rights Practices 2010*, Iran, released on 8 April 2011, (USSD Report 2010) stated that:

"The law prohibits discrimination against persons with disabilities. The law also provides for state-funded vocational education for persons with disabilities, but according to domestic news reports, vocational centers were confined to urban areas and were unable to meet the needs of the entire population. Building accessibility for persons with disabilities remained a widespread problem. The Welfare Organization of Iran is the principal governmental agency charged with protecting the rights of persons with disabilities." **[4f] (Section 6)**

See also section on Mental Health

23. WOMEN

OVERVIEW

For information about girls see section on Children

23.01 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: "In April 2010, the Islamic Republic of Iran was elected to the Commission on the Status of Women, although it has not yet ratified the Convention on the Elimination of All Forms of Discrimination against Women [CEDAW]." **[10u] (p8)** Ratification of CEDAW was vetoed by the Guardian Council and the disputed legislation was referred to the Expediency Council where it is still awaiting consideration. (Freedom House, 3 March 2010) **[112c] (p3)**

23.02 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)**

23.03 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)**

23.04 The 2009 Social Institutions and Gender Index (SIGI), a composite measure of gender equality based on the Organisation for Economic Co-operation and Development's (OECD's) Gender, Institutions and Development Database, ranked Iran 95th of the 102 non-OECD countries assessed. The SIGI Country Profile on Iran, accessed on 11 May 2011, stated that: "Iran is a theocratic republic; as such, the situation of women is very much affected by Islam and Sharia law. The Constitution supports equal rights to a large degree, but its enforcement is generally poor and discriminatory provisions still remain." **[39a]**

23.05 The US Commission on International Religious Freedom (USCIRF) *2011 Annual Report*, published on 28 April 2011, stated that: "The government's enforcement of its official interpretation of 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]**

23.06 The United Nations Population Fund *Country Profile 2010*, accessed 4 April 2011, stated that:

"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 [Millenium Development Goals 3] and pertinent international conferences and conventions. There is limited women's participation in wage labour outside the agricultural sector (14.7%). 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. Creating conducive environment for women's economic participation is a pre-requisite to promoting Iran's economic competitiveness and active interaction with [the] global economy, a primary goal of Iran's Twenty-Year Outlook (2005-2025). Furthermore, there is limited women's representation in Parliament (2.8%) and participation in governance and decision making positions." **[10s]**

23.07 Amnesty International's *Annual Report 2011*, published on 12 May 2011 and covering events in 2010, noted that "Women faced continuing discrimination in law and practice; those campaigning for women's rights were targeted for state repression. Parliament debated draft legislation on family protection whose controversial provisions, if enacted, would further erode women's rights. Women's rights activists, including those mounting the One Million Signatures Campaign to demand legal equality for women, continued to face pressure." **[9y]**

See also Government suppression of women's rights organisations and Trafficking

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LEGAL RIGHTS

23.08 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)**

23.09 The US Department of State *Country Report on Human Rights Practices 2010*, released on 8 April 2011, (USSD Report 2010) stated that:

"The constitution nominally provides women with equal protection under the law and all human, political, economic, social, and cultural rights in conformity with Islam. Provisions in the Islamic civil and penal codes, particularly sections dealing with family and property law, discriminate against women. Shortly after the 1979 revolution, the government replaced those laws that provided women with increased rights in the home and workplace with a legal system based largely on Shari'a practices…The governmental Center for Women and Family continued to publish reports on feminism with a negative slant and limited the debate on women's issues to matters related to the home." **[4f] (Section 6)**

23.10 The Freedom House report, *Freedom in the World 2011 – Iran*, (Freedom House 2011) covering events in 2010, published on 12 May 2011, 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." **[112a]** The United Nations Children's Fund's (UNICEF) input into the 2010 Human Rights Council Universal Periodic Review stated "The government in 2008 amended some laws including a law that passed parliament recognising women's entitlement for full coverage from insurance companies when they are involved in accidents leading to injury or death and another law recognising women's right to inherit land from their deceased husbands…Legal inequities still exist for women across the spectrum, most notably in the area of civil and political rights." **[10w] (p4)**

23.11 The FH report on women's rights published on 3 March 2010 stated that:

"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)**

23.12 The Women's Forum against Fundamentalism in Iran's website, accessed on 9 March 2011, included a list of "official laws against women in Iran" complied in 2005. **[59a]** 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

23.13 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]**

23.14 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)**

23.15 The same FH report also noted that:

"The laws regulating the personal status and family rights of women, found mostly in Books 7 to 10 of the civil code, are discriminatory in relation to marriage, the right to divorce, and child custody. The government-proposed Family Protection Bill was passed in September 2008, but not before a large and diverse coalition of women's groups, supported by moderate clerics and politicians, was able to secure the removal of two of the most onerous provisions. Under the bill's original version, a man would no longer be required to have his first wife's permission before taking another wife, and women would have been required to pay tax on their *mehriyeh* (dowry) at the outset of marriage." **[112c] (Autonomy, security and freedom of the person)**

23.16 The same report observed that:

"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 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

23.17 An August 2010 report by the Iran Human Rights Documentation Centre (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)**

23.18 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)** The USSD Report 2010 stated: "In March 2009 President Ahmadi-Nejad instructed the relevant bodies to implement a law in which women's share of their husband's inheritance would increase to one-fourth from the previously stipulated one-eighth of his property. At year's end [2010] there was no information on the law's implementation." **[4f] (Section 6)**

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POLITICAL RIGHTS

23.19 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)**

23.20 The USSD Report 2010 observed that "Women cannot serve in many high-level political positions or as judges, except as consultant or research judges without the power to impose sentences." **[4f] (Section 6)**

23.21 The USSD Report 2010 also noted that:

> "According to the Guardian Council's interpretation, the constitution barred women and persons of non-Iranian origin or religions other than Shia Islam from becoming

president. Women were also barred from serving as supreme leader; as members of the Assembly of Experts, Guardian Council, or Expediency Council (a body responsible for mediating between the Majles and the Guardian Council and serving as a consultative council for the supreme leader); and as certain types of judges… On December 20 [2010], President Ahmadi-Nejad appointed Farahnaz Torkestani to a vicepresidential cabinet post as head of the National Youth Organization. Women also served as the vice presidents of legal affairs and science and technology and as the health minister. Twelve women served in the Majles during the year [2010]." **[4f] (Section 6)**

23.22 The FH report on women's rights, published on 3 March 2010, stated:

"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 section on Government suppression of women's rights organisations

23.23 The Freedom House Report 2011 noted that "Twice-elected parliament member Marzieh Vahid-Dastjerdi became Iran's first female cabinet minister in September 2009, when she was appointed to head the Health Ministry." **[112a]** Two other female nominees, Fatemeh Ajorlou for welfare and social security minister and Susan Keshavarz for education minister were rejected. (British Broadcasting Corporation (BBC) News, 3 September 2009) **[21a]** Marzieh Vahid Dastjerdi, a gynaecologist regarded as a conservative, described her appointment as "an important step for women". (Keesing's News Digest for September 2009) **[12a]** A *Guardian* article dated 6 October 2009 noted that although the present parliament was "monopolised by hardliners", it included 13 women [out of 290 members]. **[16d]**

23.24 The UN Secretary-General's report of 15 September 2010 stated that:

"Women's participation in decision-making, governance and political life remains extremely low, with women holding only 2.7 per cent of the seats in the Islamic Consultative Assembly, or Majlis. The authorities state, however, that the number of women candidates running in the most recent parliamentary election was 30 times higher than 30 years ago, and that the number of women in senior managerial or university positions has increased by 1 per cent." **[10u] (p8)**

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SOCIAL AND ECONOMIC RIGHTS

Abortion

23.25 On 30 September 2008, the Pew Forum on Religion and Public Life reported that:

"Abortion has been illegal in Iran since the 1979 Islamic Revolution. Although there are no explicit exceptions to this prohibition, Iranian law generally allows acts that are performed to save the life of a person; thus, it is commonly understood that abortion is illegal except when necessary to save the mother's life. In 2005, the Iranian parliament passed a measure allowing abortions within the first four months of pregnancy in cases of fetal impairment that would result in economic burden; the measure was ultimately blocked by the Iranian Guardian Council." **[63a]**

23.26 The FH report on women's rights, published 3 March 2010, stated that:

"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)**

See also Women, sub section Health and welfare and Medical issues

Marriage

23.27 Book 7 of the Iranian Civil Code relates to marriage and divorce. **[51a]**

23.28 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.

"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)**

23.29 The USSD Report 2010 stated that: "The government does not recognize marriages between Muslim women and non-Muslim men or Baha'i marriages." **[4f] (Section 5)**

See Sigheh (temporary marriage) below

23.30 A BBC News article dated 10 June 2008 reported that being married is a job requirement for both men and women in some areas despite economic difficulties leading many people to postpone marriage. **[21f]** A husband has the right to prevent his wife working if the employment is "incompatible with the family interests or the dignity of himself or his wife." (Freedom House, 3 March 2010) **[112c] (Economic rights and equal opportunity)**

See also Legal Rights above

Sigheh (temporary marriage)

23.31 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)**

23.32 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)**

23.33 The USSD Report 2010 stated "The country's Islamic law permits a man to have as many as four wives and an unlimited number of sigheh, based on a Shia custom in which a woman may become the wife of a Muslim man after a simple religious ceremony and a civil contract outlining the union's conditions. Sigheh wives and any

resulting children were not granted rights associated with traditional marriage." **[4f] (Section 5)**

23.34 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)**

23.35 The USSD Trafficking in Persons Report 2010, published 14 June 2010, noted that the legal process of fixed term marriage (sigheh) was sometimes abused to coerce women into prostitution. **[4g] (p180)**

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Mehriyeh (nuptial gift/marriage settlement)

23.36 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)**

23.37 An article dated 2 October 2009 by a Professor of Sociology and Women's Studies at Purdue University, published on Payvand's Iran News website stated that anecdotal evidence indicated that "…the practice of mahr/mehrieh, whereby the groom promises an amount of money to his bride, has been growing rather than declining in Iran." The article suggested that women's limited employment opportunities and being unable to rely on a steady income may partially explain this trend. **[53a]**

See also section on Divorce

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 The main text of this COI Report contains the most up to date publicly available information as at 13 May 2011. Further brief information on recent events and reports has been provided in the Latest News section to 21 June 2011.

Adultery

23.38 Book 2 of the Islamic Penal Code 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]**

23.39 The USSD 2010 noted "Women sometimes received disproportionate punishment for crimes such as adultery, including death sentences." **[4f] (Section 5)**

23.40 The same report continued "Adultery remained punishable by death by stoning, but there were no reported executions by stoning during the year [2010]. The law provides that a victim of stoning is allowed to go free if he or she escapes. It is much more difficult for women to escape as they are buried to their necks whereas men are buried only to their waists. According to AI [Amnesty International], 10 women and four men were at imminent risk for death by stoning at year's end [2010]." **[4f] (Section 1a)**

23.41 On 29 October 2009, Amnesty International reported that:

> "The majority of those sentenced to death by stoning are women, who suffer disproportionately from such punishment. One reason is that they are not treated equally before the law and courts, in clear violation of international fair trial standards. The age of criminal responsibility for women is lower than that for men and a woman's testimony is worth only half that of a man. They 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]**

23.42 The Global Campaign to Stop Killing and Stoning Women website, accessed 26 April 2011, stated that "…most stoning sentences in Iran are issued not on the basis of testimony or confession but on the judge's 'knowledge' or 'intuition.' Article 105 of the Islamic Penal code of Iran allows a single judge to rule according to his personal opinion instead of hard evidence. As a result, most if not all adultery cases are unfairly tried." **[114a]**

See also subsections on Stoning, Honour killings and Death penalty

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Divorce

23.43 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]**

23.44 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 sets out the circumstances under which divorce may be obtained. **[51a]**

23.45 The USSD Report 2010 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

was not required to cite a reason for divorcing his wife. Traditional interpretations of Islamic law recognized a divorced woman's right to part of shared property and to alimony. These laws were not enforced. According to a study by the National Organization for Civil Registration, quoted in a book by a women's rights activist, more than 89 percent of women did not receive their due alimony, and 9 percent did not receive their share of the wedding gift (wedding contracts traditionally stipulate that in case of divorce the groom give his bride the wedding gift for financial support). The law provides divorced women preference in custody for children up to age seven; divorced women who remarry are forced to give the child's father custody. After the child reaches age seven, the father is entitled to custody (unless the father has been proven unfit to care for the child). The court determines custody in disputed cases." **[4f] (Section 6)**

See Child custody below

23.46 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)**

23.47 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

23.48 The Freedom House (FH) report on women's rights, published 3 March 2010, stated that:

"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)**

23.49 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)**

23.50 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)**

23.51 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)**

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Dress code and gender segregation

23.52 The Freedom House (FH) report *Women's Rights in the Middle East and North Africa 2010 – Iran*, published 3 March 2010, observed that:

"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)**

23.53 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 sharèe* (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. Immediately following the revolution, observance of head coverings and modest dress for women was enforced by a special police service in all public places, and women were harassed, arrested, fined, and detained for violations. During the reform era under President Khatami (1997-2005), this enforcement was relaxed considerably although not eliminated. However, 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)**

23.54 The USSD Report 2010 stated "The penal code provides that a woman who appears in public without an appropriate 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. Pictures of uncovered or immodestly dressed women in the media or in films were often digitally altered." **[4f] (Section 6)**

23.55 The USSD Report 2010 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." **[4f] (Section 6)** The UN Secretary-General's report dated 15 September 2010 reported that "The first women-only bank branch, which allows women to manage their finances without having to deal with unrelated men, was opened in Mashhad in June 2010." **[10u] (p9)**

23.56 The Freedom House Report 2011 noted that: "Women must conform to strict dress codes and are segregated from men in some public places, and there has been a crackdown in recent years on women deemed to be dressed immodestly." **[112a]**

23.57 The USSD Report 2010 noted:

"During the year [2010] vigilantes continued to attack young persons considered 'un-Islamic' in their dress or activities, invade private homes, abuse unmarried couples, and disrupt concerts. In May according to press reports, authorities launched an intensified campaign to enforce the mandatory hijab and issued a list of acceptable men's hairstyles. According to press reports, morality police have stopped or detained more than two million individuals since 2007 for inappropriate hairstyles (usually related to the length of men's hair or beards) or bad hijab." **[4f] (Section 5)**

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Women in the workplace

23.58 The World Bank Country Brief on Iran, updated September 2010, noted that: "Iranian women are playing an increasingly important role in the economy, though their market participation and employment rates remain limited." **[36a]**

23.59 The FH report on women's rights published 3 March 2010 stated that:

"Iranian women's economic status does not yet match the remarkable expansion in their literacy rates, educational attainment, and sociopolitical activism. As of 2006, the female labor-force participation (LFP) rates in the formal sector of economy remained very low: 12.6 percent in urban areas and 12.3 percent in rural areas, for an overall female LFP rate of 12.5 percent, compared with 66.1 percent for men. These official statistics may be misleading, as data on women's overall economic activity, especially in the informal and private sectors, have been inconsistent and the subject of debate among economists. Depending on the methods of assessment and criteria used, the estimates have varied widely and they mostly give results much higher than the official rates. For example, the World Bank, whose figures include both the formal and informal sectors, estimated the 2006 LFP rate at 32 percent for women and 75 percent for men.

"Women hold a minimal share of executive, administrative, and managerial positions (3.4 percent as of 2006). This is due in part to the bulging youth population and its rising demand for new jobs, combined with cultural and ideological biases that give priority to hiring and promoting men, especially in the private sector." **[112c] (Economic rights and equal opportunity)**

23.60 The FH report of 3 March 2010 also noted that female employment in Iran "…has gradually shifted away from the agricultural and manufacturing sectors, such as the export-oriented carpet industry, and toward the service sector, particularly education, health, and social services." **[112c] (Economic rights and equal opportunity)**

23.61 An article on Payvand's Iran News website dated 2 October 2009 stated that:

"Some 33% of Iran's female labor force is in professional jobs, concentrated in education, healthcare, and social services, hardly a seismic shift from the pre-revolutionary period in terms of gender roles. Slightly over half of all teachers in Iran are women, but the proportion of female university teaching staff is, at 20%, less than that of Algeria (41%), Tunisia (40%), Turkey (38%), and Bahrain (36%). Iranian census data reveal no evidence of a shift to the FIRE [finance, insurance and real estate jobs] sector, and less than 4% of employed women are found in senior or executive or managerial positions." **[53a]**

23.62 The USSD Report 2010 stated that:

"…social and legal constraints limited women's professional opportunities. Women were represented in many fields, including the legislature, municipal councils, police, and firefighters, but a woman must seek her husband's consent before working outside the home. According to a 2009 World Economic Forum report, the unemployment rate for women, who constituted 33 percent of the workforce, was 15.8 percent, compared with 9.3 percent for men. Cultural discrimination remained a factor; one member of parliament suggested that banning women from the workplace could solve the country's unemployment problems. Women cannot serve in many high-level political positions or as judges, except as consultant or research judges without the power to impose sentences." **[4f] (Section 6)**

23.63 The FH report of 3 March 2010 noted that:

"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)**

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Education

23.64 The Freedom House Report 2011 noted: "Women are widely educated; a majority of university students are female, and 94 percent of secondary-school-aged girls attend school, compared with only 80 percent of boys." **[112a]**

23.65 The FH report on women's rights of 3 March 2010 observed that women's right to education in Iran was limited by "traditional societal attitudes" rather than legal barriers. The report stated:

"The gender gap in education is closing, as evidenced by literacy rates of 87 percent for men and 77 percent for women as of 2007, and women are actually outperforming men at the tertiary level. While initially the Islamic Republic government prevented women from studying in certain fields at universities, most fields of study and employment have been legally open to women since the late 1990s. The number of female students in

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nontraditional majors such as engineering, medicine, law, and the natural sciences has been growing, and women have also engaged in many nontraditional occupations.

"At the same time, female students are increasingly being denied their choice of university because of sex segregation and new regulations introduced in 2007 and 2009, which impose gender quotas and force students to attend university in their hometowns. Women's rights activists have argued that these measures aim to limit the social and geographic mobility of students, especially female students, and decrease the rising proportion of women in nontraditional fields such as medicine. Especially in small towns and rural or tribal areas, access to schools and opportunities for higher education are much more limited for female students." **[112c] (Economic rights and equal opportunity)**

23.66 The USSD Report 2010 noted "Women had access to primary and advanced education, and approximately 65 percent of university students were women. Government officials acknowledged the use of quotas to limit women's university admissions in certain fields such as medicine and engineering. In addition social and legal constraints limited women's professional opportunities." **[4f] (Section 6)**

See also Children, Education

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VIOLENCE AGAINST WOMEN

23.67 The FH report on women's rights dated 3 March 2010 reported that:

"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)**

23.68 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)**

23.69 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)**

23.70 The Freedom House report *Women's Rights in the Middle East and North Africa 2010 – Iran*, published 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)**

23.71 The USSD Report 2010 stated that:

"Rape is illegal and subject to strict penalties including the death penalty, but it remained a problem. There were reports of government forces raping individuals in custody … Spousal rape is not illegal. Cases of rape were difficult to document due to social stigma against the victims. Most rape victims did not report the crime to authorities because they feared societal reprisal such as ostracism or punishment for having been raped. According to the penal code, rape is a capital offense, and four male witnesses or a combination of three male and two female witnesses are required for conviction. A woman or man found making a false accusation of rape is subject to 80 lashes." **[4f] (Section 6)**

23.72 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)**

23.73 The USSD Report 2010 noted:

"The law does not specifically prohibit domestic violence. Spousal abuse and violence against women occurred. According to a study published in 2008 using 2005 data, 52.7 percent of women reported being physically abused during their married lives. A study published in 2009 using data from 2006 reported that half of the secondary students interviewed had witnessed spousal abuse in their families. A survey of women with infertility from August 2009 to January 2010 revealed that approximately 62 percent had experienced domestic abuse because of their infertility. Most women said their abuse was psychological; 22 percent of women had experienced physical or sexual abuse because of infertility. Abuse in the family was considered a private matter and seldom discussed publicly, although there were some efforts to change this attitude, particularly by the 'One Million Signatures for the Repeal of Discriminatory Laws' (also known as OMSC and 'Change for Equality') campaign. Some nongovernmental shelters and hotlines assisted victims during the year [2010]." **[4f] (Section 6)**

23.74 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)**

23.75 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 2010 which observed that "The blood money paid to the family of a female crime victim is half the sum paid for a man." **[4f] (Section 6)**

23.76 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)**

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Honour killings

23.77 A report by the Norwegian Country of Origin Information Centre (Landinfo) published on 22 May 2009 noted that access to information from Iran on "honour-related violence" and "honour killings" is very limited:

"The primary sources of available open information are Iranian and are representatives of civil society, the authorities and media run by exiled Iranians. The Iranian authorities do not permit human rights groups such as Amnesty International or Human Rights Watch, foreign researchers or journalists to travel to Iran on their own to obtain information about honour killings or other forms of violence against women. One exception to the authorities' policy of refusing foreigners entry to Iran, was the trip made by the UN Special Rapporteur to Iran in 2005 (United Nations Commission on Human Rights 2006) [See below]." **[33b] (p5)**

23.78 The USSD Report 2010 stated "According to a police official quoted in a domestic newspaper in 2008, 50 honor killings were reported during a seven-month period, although official statistics were not available. The punishment for perpetrators was often a short prison sentence." **[4f] (Section 6)**

23.79 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. 80 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)**

23.81 The Amnesty International report dated July 2008 on human rights abuses against the Kurdish minority stated that "Self-immolation is a practice that occurs in all the areas of Kurdish settlement, where it is more common than in other parts of Iran. Some alleged suicides may have been staged to cover up 'honour' killings." **[9e]** On 28 August 2008, Iran Human Rights Voice (IHRV) reported that, in the first half of 2008 [1387], the number of Kurdish women victims of honour killings had increased. According to the Committee Against Honor-Related Violence, the number of murders in the first five months of 2008 stood at six; however, Parvin Zabihi, an advocate for women in the Kurdistan section of Iran, was reported as saying that the numbers were probably higher as details of three further murder cases had been received. **[11b]**

23.82 The Landinfo report of 22 May 2009 observed that:

"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)**

23.83 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 women 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 extend 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)**

23.84 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]**

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Government suppression of women's rights organisations

Subsection should be read in conjunction with Political affiliation, Freedom of speech and media, and Human rights institutions, organisations and activists.

23.85 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…". **[8aa]** 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]**

23.86 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… Among those particularly targeted have been supporters of the Campaign for Equality, a women's rights initiative launched in 2006. Its volunteers are collecting a million signatures demanding an end to legal discrimination against women in Iran, such as exclusion from key areas of the state, including standing for the presidency, and in the areas of marriage, divorce, child custody and inheritance. Even though the Campaign for Equality conducts its activities in full compliance with the law, the authorities have impeded its work and repressed its activists. They have regularly blocked access to the campaign's main website, frequently denied the group permission to hold public meetings, prevented activists from travelling abroad or summoned them for interrogation, and apparently been behind threatening phone calls." **[9t] (p31-32)**

23.87 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

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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)**

23.88 The IHRDC report continued:

"The scope of the arrests was broad and deep. Those arrested included: (1) leaders of the women's rights movement, particularly the women named in the first indictment [Shadi Sadr, Shirin Ebadi, Noushin Ahmadi Khorasani and Parvin Ardalan **(p21)**], (2) veteran women's rights activists and their lawyers, (3) leaders, members and signature collectors of the One Million Signatures Campaign, and (4) members of the Mourning Mothers organization, who participated in peaceful gatherings to protest their loved ones' detention.

"The arresting agents often did not provide identification or arrest warrants, and conducted warrantless searches of homes and workplaces. They detained activists for extended periods without charge, and denied them access to their families and lawyers. When interrogators allowed contact, they often monitored communications. They held some in solitary confinement for long periods of time, and crammed others into unsanitary and overcrowded cells. Interrogators questioned activists for hours. They attempted to humiliate, shame, and threaten activists, physically assaulted many and possibly raped at least one while she was forcibly drugged. The authorities often charged the women with threatening national security and conspiring with foreign agents to overthrow the Iranian government. They falsely accused many of membership in the outlawed Mujahedin-e Khalq (MEK) – a crime punishable by death. They set punishingly high bails for some activists and denied bail to others. They banned some activists from leaving the country." **[51c] (p17-18)**

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.

23.89 On 5 January 2010, the International Campaign for Human Rights in Iran (ICHRI) reported that:

"Numerous women's rights campaigners, female journalists and relatives are being arrested and persecuted as authorities in the Islamic Republic of Iran attempt to repress masses of Iranians from advocating for their civil rights in recent weeks…

"'It is evident that the authorities are singling out women's rights activists and arbitrarily arresting them, as well as female journalists, in the context of recent public demonstrations,' stated Aaron Rhodes, a spokesperson for the Campaign…Some activists have been threatened with execution, while others have disappeared, with no official record of their arrest or whereabouts provided." **[52i]**

23.90 The Freedom House report *Women's rights in the Middle East and North Africa 2010 – Iran*, published 3 March 2010 stated 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. In the last two years alone, 68 women involved in the One Million Signatures Campaign to Change Discriminatory Laws (Change for Equality) have been arrested and imprisoned. Due to domestic and international pressure by human rights activists and organizations, and especially intervention by defense lawyers such as Nobel laureate Shirin Ebadi, most activists have been released on bail after a few days or weeks in prison. The government continues to intimidate some of the released activists by summoning them to court for interrogation under the pretense of due process.

"However, authorities have recently broken with the practice of releasing activists on bail. In February 2009, Alieh Eghdamdoust, 57, became the first women's rights activist in the Islamic Republic to have her prison sentence implemented. According to the International Campaign for Human Rights in Iran, the sentence was based solely on her activities promoting women's rights. Eghdamdoust was arrested in June 2006 with 70 others during a peaceful women's rights protest in Tehran's Hafte Tir Square. After a week in prison, she was charged with violation of national security through participation in an illegal protest and disrupting public order. Eghdamdoust was initially sentenced to 20 lashes and three years and four months in prison, but an appeals court reduced the penalty to three years in prison. On February 1, 2009, she was transferred to the Office of Implementation of Sentences at the Revolutionary Courts, and began serving her sentence. Her lawyer, Nasim Ghanavi, argues that her participation in the peaceful protest was authorized by Article 27 of the constitution, which holds protests to be legal as long as the demonstrators do not carry arms or insult Islam. **[112c] (Nondiscrimination and access to justice)**

23.91 The 5 January 2010 ICHRI article included details of 20 women activists and relatives who had been arrested in December 2009 and January 2010. **[52i]** The ICHRI website has a section on women rights which provides detailed information on the situation for women rights activists.

23.92 In a joint statement dated 20 May 2010, the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT) strongly condemned the prison sentences given to four human rights activists, three of whom were women. The statement noted that:

"On May 17, 2010, Ms. Shadi Sadr, a prominent lawyer, women's rights activist, Director of Raahi (a legal advice centre for women), founder of Zanan-e Iran (a website dedicated to the work of Iranian women's rights activists) and a journalist for Meydaan, an on-line newspaper of the Stop Stoning to Death Campaign, and Ms. Mahbubeh Abbas-Gholizadeh, founding member of Stop Stoning to Death Campaign and Women's Charter, Founder of a civil society training and capacity building centre for non-governmental organisations in Tehran and Editor of the quarterly journal Farzaneh (Sage), were sentenced to respectively six years of imprisonment with 74 lashes and two and a half years of imprisonment with 30 lashes, on charges of 'acting against national security and harming public order' after they participated in a rally within the framework of the 'One Million Signatures Campaign' in March 2007 outside a revolutionary court where four fellow feminists were on trial. Iranian authorities arrested

them along with 30 other protesters. The two human rights defenders, who are currently abroad, were tried in absentia on May 16, and will appeal the court's decision…

"Ms. Bahareh Hedayat, also active in the Iranian women's rights movement and a founding member of the One Million Signatures Campaign, who was arrested in December 2009 during a gathering in front of Evin prison to stand in solidarity with the families of recent political detainees, was sentenced by the 28th branch of the Revolutionary Court to nine years of imprisonment on charges of 'propaganda against the regime through interviews with foreign media, insulting the leader and the President, disrupting public order by participation in illegal gatherings, illegal entry and demolition of the entrance gate of Amir Kabir University'. She is detained in the Women's Section of Evin Prison." **[56a]**

23.93 The UN Secretary-General's Report dated 15 September 2010 stated that:

"The Islamic Republic of Iran notes that there are 736 non-governmental organizations active in women's affairs, 12 times more than a decade ago. The crackdown on women's rights activists and female journalists has continued over the past year, however. Many have faced intimidation, harassment and, in some cases, detention or travel bans. The authorities often invoke external security threats to suppress women's rights activists." **[10u] (p9)**

23.94 The August 2010 IHRDC report 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)**

23.95 An Amnesty International public statement of 8 March 2011 highlighted the cases of "nine women prisoners of conscience" who were "either imprisoned or facing imminent imprisonment". Furthermore, "Amnesty International also expressed concern that dozens of other women are currently detained arbitrarily, many as prisoners of conscience, for their peaceful political activities, or their work defending human rights… Many other women political prisoners and prisoners of conscience are serving long-prison terms, imposed after unfair trials." **[9k]**

23.96 The Women's Learning Partnership (WLP) for rights, development and peace is an international, non-governmental organization (NGO) in Special Consultative Status with the Economic and Social Council of the United Nations. WLP reported on 8 March 2011 that "Iranian women's rights activists commemorate the 100th anniversary of International Women's Day while facing increased pressures and while many of their colleagues remain in prison. While the activists in the One Million Signatures [OMS] Campaign have remained active carrying out trainings and awareness raising activities on women's rights, the pressure on them as well as other women's rights activists is increasing." **[13a]**

23.97 The same WLP article included the names of some of the imprisoned OMS campaigners together with details of the sentences they received. The WLP website provides regular updates on the treatment of women activists.

See also Freedom of speech and media, Human rights institutions, organisations and activists and Latest News

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Health and welfare

23.98 The United Nations Population Fund (UNFPA) website dated 2010, accessed 4 April 2011, 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]**

23.99 The UNFPA website also noted that:

"Iran is known as a family planning success story. The countrys 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]**

23.100 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)**

See also Medical issues

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24. CHILDREN

OVERVIEW

204 The main text of this COI Report contains the most up to date publicly available information as at 13 May 2011. Further brief information on recent events and reports has been provided in the Latest News section to 21 June 2011.

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 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)** When Iran's 2nd Periodic Report was considered by the UN Committee on the Rights of the Child (CRC) on 20 January 2005, the ratification of the ILO Convention was welcomed but:

"… the Committee remains concerned at the large number of children below the age of 15, particularly in rural areas, who are involved in child labour, especially in the informal sector, including carpet weaving and other traditional family businesses. The Committee also notes that although article 79 of the Labour Code sets the minimum age of access to employment at 15, other legislation, including the Agricultural Code, sets that age at 12." **[10ag] (Para 68)**

24.04 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 2 December 2009) **[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)**

The UNICEF website includes general information on the situation of children in Iran. UNICEF's State of the World's Children report, dated November 2009, provides a series of statistics on children in Iran.

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Basic legal information

24.05 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)**

24.06 The UN 38th session CRC report of 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)**

24.07 The US Department of State *Country Report on Human Rights Practices 2010*, Iran, released on 8 April 2011, (USSD Report 2010) stated:

> "The law requires court approval for the marriage of girls younger than 13 and boys younger than 15, but it was reportedly not unusual in rural areas for parents to have their children marry before they became teenagers, often for economic reasons. The age of criminal responsibility for girls is nine years, while the law does not consider boys criminally responsible until age 15; thus, if a 12-year-old girl accuses a 14-year-old boy of rape, the 12-year-old girl would face any criminal penalties alone. Sex outside of marriage is illegal and is punishable by death, although media reported that the common punishment was imprisonment and lashing." **[4f] (Section 6)**

LEGAL RIGHTS

24.08 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)**

24.09 The USSD Report 2010 stated "The labor code prohibits all forms of forced or compulsory labor, including by children; however, there were reports that such practices occurred." **[4f] (Section 6c)** 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, it permits children to work in agriculture, domestic service, and some small businesses. The government did not adequately monitor or enforce laws pertaining to child labor, and child labor was a serious problem.

"According to government sources, three million children were prevented from obtaining education because their families forced them to work. Unofficial sources claimed the figure was closer to five million, and credible reports stated that approximately 14 percent of children in the country were forced to work in dangerous conditions. There were reportedly significant numbers of children – primarily Afghan, but also Iranian – working as street vendors in major urban areas. Traffickers also exploited children for forced commercial sexual exploitation and involuntary servitude as beggars and laborers. Children also worked as mechanic apprentices or in clay/brickmaking operations." **[4f] (Section 6d)**

See also Trafficking

24.10 The US Library of Congress website, updated on 30 August 2010 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]**

24.11 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 section on Childcare and protection below

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Judicial and penal systems

24.12 The UN 38th session CRC report of March 2005 noted that:

"The Committee notes the various legislative measures undertaken by the State party and referred to in its response to the list of issues (CRC/C/RESP/71) and welcomes in particular the information provided by the delegation that the Bill on the Establishment of Juvenile Courts has been approved by the Council of Ministers and has been submitted to the *Majlis*, a bill which, inter alia, abolishes the death penalty for crimes committed by persons under 18. The Committee also notes that this Bill has yet to be approved by the Council of Guardians before it becomes law." **[10ag] (Para 8)**

24.13 UNICEF's input into the 2010 UN Human Rights Council's Universal Periodic Review of the situation in Iran, advised that the new bill, the "…Act of Formation of Juvenile Courts" – was submitted to the Parliament in 2005 for ratification and is currently going through the review process for adoption. Amendments have also been made to the

Penal Code Bill and the Penal Procedure Code to address improvements to the low age of criminal responsibility." **[10w]**

24.14 The UN 38th session CRC report of March 2005 stated that: "The Committee reiterates its serious concern at article 220 of the Penal Code, which provides that fathers who kill their child, or their son's child, are only required to pay one third of the blood money to the mother, and are subjected to a discretionary punishment, in the event that the mother makes a formal complaint." **[10ag] (Para 31)**

24.15 The same report went on to say:

"The Committee deeply regrets that, under existing laws, persons below the age of 18 who have committed a crime can be subjected to corporal punishment and sentenced to various types of torture or other cruel, inhuman or degrading treatment or punishment, such as amputation, flogging or stoning, which are systematically imposed by judicial authorities and which the Committee considers to be totally incompatible with article 37(a) and other provisions of the Convention…" **[10ag] (Para 45)**

24.16 The UN 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)**

24.17 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]**

24.18 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]**

24.19 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.

24.20 The UN 38th session CRC report of March 2005 recorded that: "The Committee is concerned about the large number of children living in prisons with their mothers, their living conditions and the regulation of their care if they are separated from their mothers in prison." **[10ag] (Para 51)**

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Death penalty for children

24.21 The Human Rights Watch (HRW) *World Report 2011*, Iran, released on 24 January 2011, reported that "Iran leads the world in the execution of juvenile offenders. Iranian law allows death sentences for persons who have reached puberty, defined as nine [lunar] years old for girls and fifteen [lunar years] for boys." **[8f]** The April 2009 report by the International Federation for Human Rights (FIDH) stated that "Despite several legislative proposals to ban execution of juvenile offenders, this practice is not yet banned under domestic law." **[56b] (p46)**

24.22 The Freedom House Report *Freedom in the World – Iran 2011*, published 12 May 2011 stated: "The government had announced in 2008 that it would no longer execute juveniles, but it later clarified that the death penalty remained an option under the parallel 'retribution' [*qisas*] system, in which the sentence is imposed by the victim's family rather than the state. This would be allowed for male offenders over the age of 15 and female offenders as young as nine." **[112a]**

24.23 The UN Secretary-General's report of 15 September 2010 stated:

"Despite the fact that the judiciary decreed a moratorium on juvenile executions in 2005, it is not legally binding and still allows discretion by the courts. Furthermore, the decree does not apply to *qisas* cases involving murder or manslaughter. A draft juvenile justice bill submitted to the Council of Ministers in 2004 and still being considered by the Iranian legislature provides a valuable opportunity to harmonize the Iranian legal system in the area of juvenile justice. In addition, specific chapters on child rights and juvenile

justice have been included in the draft Islamic Penal Code and the draft Code of Criminal Procedure. The draft Islamic Penal Code promotes the principles of restorative justice and includes provisions for diversion of juvenile cases from the criminal system towards community-based solutions and alternatives to custodial sentencing. However, the bills neither abolish the death penalty for minors having committed a crime nor formally raise the age of criminal responsibility, but give judges the discretion to assess the mental maturity of child offenders and prevent the issuance of death penalties in the first instance. A new child protection bill containing provisions for child victims and witness protection was reviewed and approved by high-ranking judicial officials in 2008, submitted to the Council of Ministers in 2009 and is now before Parliament." **[10u] (p6-7)**

24.24 The HRW report *We are a buried generation*, published in December 2010, provided the following statistics: "In 2009, Iran executed at least four juvenile offenders; in 2008, it executed seven, and in 2007 at least eight. More than 100 juvenile offenders currently remain under sentence of death for alleged crimes including rape, drug-related offenses, and murder. Despite all evidence to the contrary, President Mahmoud Ahmadinejad claimed in 2008 that his country does not execute people for crimes committed before they were 18-years-old." **[8o] (p31)**

24.25 The Foreign and Commonwealth Office's *Annual Report on Human Rights, Iran,* published in March 2011 stated that "…Iran carried out at least two 'juvenile executions' in 2010." **[26d] (p212)** Human Rights Watch's *World Report 2011* reported that "According to a human rights lawyer who defended many juvenile offenders on death row, authorities executed a juvenile offender named Mohammad on July 10, 2010." **[8f]** Amnesty International's report *Death sentences and executions in 2010*, published 28 March 2011, concurred, stating that "…Mohammad A., was executed on 10 July 2010 in Marvdasht, Iran for a crime committed when he was below 18 years of age." **[9v] (p13)**

24.26 The UN Secretary-General's interim report of 14 March 2011 stated that:

"Although fewer juvenile offenders were executed in 2010 than in previous years, death sentences against juvenile offenders continue to be reported. In June 2010, the Special Rapporteur on extrajudicial, summary or arbitrary executions noted with concern the cases of at least nine juvenile offenders who were at risk of imminent execution for crimes committed when they were minors. The Convention on the Rights of [the] Child and the International Covenant on Civil and Political Rights, to both of which Iran is a State party, prohibit the imposition of the death penalty on those who are under the age of 18 years at the time of their crime." **[10aa] (p8)**

24.27 The UN Secretary-General's report of 15 September 2010 noted that:

"A trend has been observed in which cases involving juvenile offenders are prolonged until the accused reaches 18 years of age, when the risk of execution becomes higher. Cases are also prolonged in an effort to encourage families of the victim and perpetrator to reach a *diyah* (blood money) settlement. The Government has stated that its policy is to encourage next of kin to forfeit the right to *qisas* (retribution in kind) and even to assist the convicted person financially to pay the *diyah* settlement." **[10u] (p6)**

24.28 The HRW *World Report 2011* noted that: "There are currently more than a hundred juvenile offenders on death row, including Ebrahim Hamidi, whom a local court sentenced to death for the alleged rape of another boy in 2010. Hamidi was 16 at the

time of the alleged crime." [8f] The UN Secretary-General's report of 15 September 2010 gave the number of juvenile offenders reported to be on death row as 150 and further noted that "At least 33 juvenile executions upheld by the Supreme Court are reported to be awaiting final authorization by the head of the judiciary, while 12 juveniles are reportedly at imminent risk of execution, with such authorization having been issued. During the preparation of the present report, the Government disputed those figures but did not provide official statistics." [10u] (p6)

24.29 On 27 April 2011, Amnesty International reported "…a sharp rise in the rate of executions in public in Iran – which have included the first executions of juvenile offenders in the world this year… On 20 April 2011, two juvenile offenders – identified only as 'A.N' and 'H.B' – were among three individuals hanged in public in Bandar Abbas, southern Iran, after being convicted over a rape and murder committed when they were only 17." [9f]

See also Penal Code and Death penalty and LGBT section, Charges, sentences and punishments

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VIOLENCE AGAINST CHILDREN

24.30 The UN 38th session CRC report of March 2005 noted that:

"The Committee continues to be concerned about legislation that provides for corporal punishment within the family. While welcoming the new Law on the Protection of Children and Adolescents (2003), which includes the prohibition of all forms of molestation and abuse of children and the obligation to report cases of child abuse, the exceptions stated therein continue to legally allow various forms of violence against children. More particularly, several articles of the Civil and Penal Code have been excluded, including article 1179 of the Civil Law and article 59 of the Penal Code, which gives parents the right to physically discipline their children within non-defined 'normal limits'. In the Committee's view, such exceptions contribute to the abuse of children inside and outside the family and contravene the principles and provisions of the Convention, in particular article 19. The Committee also notes with concern, that certain forms of sexual abuse of children or grandchildren are not explicitly prohibited." [10ag] (Para 47)

24.31 The Iran Human Rights Voice (IHRV) in an article dated 24 September 2008 stated that:

"Many non-governmental organizations supporting children's rights believe child abuse cases have increased at an alarming rate within the recent years. Experts see increasing poverty and a crisis in the family foundation as the main causes of the increasing trend. According to statistics published by the child protection organization Protecting the Rights of Children, in 1386 (2007), compared to [the] previous year, child abuse increased by 3.5 percent. The statistics have been prepared by the society and are not a true reflection of the actual data on the overall condition of society. According to Saeed Madani, an expert on social issues, 'in a study that was done in 1380 (2001) in Tehran, 31 percent of students in middle school had been molested sexually in some shape or form'. Similar studies in other cities have shown a larger percentage of various forms of abuses. Nevertheless, people active in this area believe that the collection of

reports on all forms of child abuse is overshadowed by cultural and traditional barriers." **[11a]**

24.32 The USSD Report 2010 stated:

"There was little information available to reflect how the government dealt with child abuse, including child labor. Abuse was largely regarded as a private family matter. In May [2010] the government announced that approximately 150,000 cases of child abuse had been recorded in the six months prior, and a prominent attorney added that the government did little to address the problem. According [to] a 2005 study by the UN's Integrated Regional Information Network, child sexual abuse was rarely reported." **[4f] (Section 6)**

24.33 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.

For information about child labour see Employment rights

Trafficking

24.34 The USSD's *Trafficking in Persons* report of 14 June 2010 reported that:

"Iranian and Afghan children living in Iran are trafficked internally for commercial sexual exploitation – sometimes through forced marriages, in which their new 'husbands' force them into prostitution and involuntary servitude as beggars or laborers to pay debts, provide income, or support drug addiction of their families. Young men and Afghan boys are forced into prostitution in male brothels in southern Iran. Iranian women and girls are also subjected to forced prostitution in Pakistan, Turkey, Qatar, Kuwait, the United Arab Emirates, Iraq, France, Germany, and the United Kingdom. There are reports of women and girls being sold for marriage to men in Pakistan for the purpose of sexual servitude." **[4g] (p179-180)**

See also Trafficking

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Childcare and protection

24.35 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)**

24.36 The UN 38th session CRC report of March 2005 stated that:

"The Committee continues to be concerned about the large number of children living and/or working in the streets, particularly in urban centres such as Tehran, Isfahan, Mashhad, and Shiraz. It regrets that the State party could not present studies on the extent and nature of the problem and is concerned that the centres known as 'Khaneh Sabz', 'Khaneh Shoush' and 'Khaneh Reyhane' homes, which were established to assist these children, albeit in a limited capacity, have been closed down. It is equally concerned at reports of the round-up and arrest of Afghan children in the streets despite the fact that they were registered with the authorities, and that as a 'condition' for their release the authorities request that their parents register for repatriation. The Committee welcomes the policy of the State party to reunite children with their families, whenever possible, and notes the State party's assurances that these children are assembled in centres for further assistance and not arrested with police methods." **[10ag] (Para 64)**

24.37 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)**

24.38 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)**

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Education

24.39 The Central Intelligence Agency (CIA) World Factbook, updated on 22 February 2011, stated that in 2002, an estimated 77% of the total population were literate (83.5% of men and 70.4% of women). **[111a]**

24.40 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.

24.41 The British Council's undated report on education in Iran, accessed on 4 May 2011, stated:

"Primary education in Iran is compulsory under the Iranian constitution. As a general rule, primary, secondary and higher education is free, although private schools and universities do exist and are permitted to charge tuition fees. According to government figures, over 95% of Iranian children currently receive primary and secondary education. All schools are single-sex. There are over 113,000 schools throughout Iran, teaching over 18 million children. It is estimated that there are almost 1 million teachers within the education system.

"More than 50% of the country's 66m population is under the age of 25, which creates huge demand within the education system. In particular, admissions to post-secondary courses are highly competitive and university places are won through the National Entrance Examination (Konkur). There are currently well over 1 million students pursuing courses in Iranian universities, over half of these at private universities. Iran has 52 state universities and 28 medical universities, as well as a significant number of government research institutes. There are 25 private universities, including the Islamic Azad University, which has branches all over the country.

"The academic year runs for 10 months (200 active days) from September to June. There are three terms: September-December, January-March and April-June." **[113a]**

For more detailed information consult the British Council report directly. **[113a]**

24.42 Europa World online, accessed on 4 May 2011, noted that:

"Primary education, beginning at the age of six and lasting for five years, is compulsory for all children and provided free of charge. Secondary education, from the age of 11,

lasts for up to seven years, comprising a first cycle of three years and a second of four years. According to the Government, 24,000 schools were built between the 1979 Revolution and 1984. In 2005/06, according to UNESCO [UN Educational, Scientific and Cultural Organisation] estimates, primary enrolment included 93.6% of children in the relevant age-group, while in 2004/05 enrolment at secondary schools included 77.3% of the appropriate age-group." **[1e] (Education)**

24.43 The British Council's undated report, accessed 4 May 2011, noted that "…there are discrepancies between the standard of education provided in urban and rural areas, as well [as] between the different regions of the country." **[113a]** The USSD Report 2010 stated that "Although primary schooling up to age 11 is free and compulsory for all, media and other sources reported lower enrollment in rural areas for girls than for boys. More than 25 percent of refugee children of primary school age were not enrolled in school." **[4f] (Section 6)** To ease the shortage of teachers in rural areas, "…the Ministry of Education established specific Rural Teacher Training Centres, as well as conscripting teachers to be sent to non-urban areas." (British Council, accessed 4 May 2011) **[113a]**

24.44 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]**

24.45 Europa World online, accessed on 4 May 2011, stated that:

"Iran has 39 universities, including 16 in Tehran. Universities were closed by the Government in 1980 but have been reopened gradually since 1983. According to official sources, some 1,538,900 students were enrolled at Iran's public colleges and universities in the 2006/07 academic year, in addition to the 1,289,600 students enrolled at the Islamic Azad University. Apart from Tehran, there are universities in Bakhtaran, Esfahan, Hamadan, Tabriz, Ahwaz, Babolsar, Meshed, Kermanshah, Rasht, Shiraz, Zahedan, Kerman, Shahrekord, Urmia and Yazd. There are c. 50 colleges of higher education, c. 40 technological institutes, c. 80 teacher-training colleges, several colleges of advanced technology, and colleges of agriculture in Hamadan, Zanjan, Sari and Abadan. Vocational training schools also exist in Tehran, Ahwaz, Meshed, Shiraz and other cities." **[1e] (Education)**

See also Academic Freedom

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HEALTH AND WELFARE

24.46 The World Health Organisation's report, *World Health Statistics 2010*, recorded that the under-five mortality rate was 32 per 1000 live births. The number of live births attended by skilled health personnel was 97% and 98% of 1 year old children were immunised against measles. **[28a]**

24.47 An undated article on the UNICEF website, accessed on 4 April 2011 stated that:

"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]**

See also Medical Issues

DOCUMENTATION

24.48 A comprehensive 2005 UNICEF report, *Birth Registration in Iran*, stated that:

"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.

24.49 The USSD Report 2010 stated that "The responsibility for implementing birth registration law falls to the Ministries of Justice, Interior, and Foreign Affairs. According to UNICEF, despite efforts to register rural births, 13 percent of births were not reported in 2005." **[2f] (Section 6)**

24.50 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]**

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25. TRAFFICKING

25.01 The US Department of State *Trafficking in Persons* report (USSD TiP 2010), covering the period April 2009 to March 2010, published 14 June 2010 noted that Iran is not a party to the 2000 United Nations (UN) TiP Protocol. The report stated:

"A 2004 law prohibits trafficking in persons by means of the threat or use of force, coercion, abuse of power or of a position of vulnerability of the victim for purposes of prostitution, removal of organs, slavery or forced marriage. Reports indicate, however, the law remains unenforced. The Constitution and Labor Code both prohibit forced labor and debt bondage; the prescribed penalty of a fine and up to one year's imprisonment is not sufficient to deter these crimes and is not commensurate with prescribed penalties for serious crimes, such as rape." **[4g] (p180)**

25.02 The USSD TiP 2010 report noted that:

"The Government of Iran does not fully comply with the minimum standards for the elimination of trafficking, and is not making significant efforts to do so. Lack of access to Iran by U.S. Government officials impedes the collection of information on the country's human trafficking problem and the government's efforts to curb it. The government did not share information on its anti-trafficking efforts with the international community during the reporting period. Publicly available information from NGOs [non-governmental organisations], the press, international organizations, and other governments nonetheless support two fundamental conclusions: first, trafficking within, to, and from Iran is extensive; and second, the authorities' response is not sufficient to penalize offenders, protect victims, and eliminate trafficking. Indeed, some aspects of Iranian law and policy hinder efforts to combat trafficking. These include punishment of victims and legal obstacles to punishing offenders. In international fora, the Iranian government has objected to the principle that victims of trafficking should not be punished for crimes committed as a result of being trafficked." **[4g] (p180)**

25.03 The same report also noted that:

"No reliable information was available on human trafficking investigations, prosecutions, convictions or punishments during the past year [2009]… Law enforcement data is unknown; there were reports of some prosecutions for traffickers who forced Iranian girls into prostitution in the Gulf. Investigations, prosecutions, and convictions of trafficking offenders were not priorities in the country. It was extremely difficult for women forcibly held in commercial sexual exploitation to obtain justice; first, because the testimony of two women is equal to that of one man, and second, because women who are victims of sexual abuse are vulnerable to being executed for adultery, defined as sexual relations outside of marriage. Official complicity may be a problem; human traffickers were reported to have very close links to some authorities and security agencies." **[4g] (p180)**

25.04 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:

"Trafficking in girls and women also remains a concern in the Islamic Republic of Iran. Most recently, the International Labour Organization Committee of Experts expressed concern in 2009 regarding trafficking in girls and requested the Government to ensure that children under the age of 18 are protected from being trafficked for commercial, sexual and labour exploitation. The Islamic Republic of Iran has taken measures to combat trafficking; for instance, the law on combating human trafficking, enacted in 2004, criminalizes trafficking in persons and prohibits the forcing of women into prostitution and slavery. Under that law, a number of offenders were reportedly arrested, convicted and executed by the Government." **[10u] (p9)**

See also Children and Women

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26. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

26.01 The World Health Organisation (WHO) April 2009 Country Cooperation Strategy for Iran stated:

"Health status has improved over four decades. The Ministry of Health and Medical Education (MOHME) finances and delivers primary health care (PHC). Recent remarkable developments in the health sector, such as establishing health networks to ensure provision of PHC services, resulted in improvement in various health indicators. However, considerable disparities remain; over 8-10% of the population is not covered by any insurance scheme and has to pay directly. Restricted access and low service availability in the less developed provinces (Sistan and Baluchistan) result in poor health indices compared to the rest of the country." **[28d]**

26.02 The World Bank Country Brief, updated September 2010, stated that:

"Iran's health outcomes have also improved greatly over the past twenty years, standing currently above regional averages. Key to this success is effective delivery of primary health care. Iran's First Master Health Plan, 1983-2000, accorded priority to basic curative and preventive services as opposed to sophisticated hospital-based tertiary care and focused strictly on the population groups at highest risk, particularly in deprived areas. Moreover, as a result of the prioritization and effective delivery of quality primary health care, health outcomes in rural areas are almost equal to those in urban areas, with outcomes in terms of infant and maternal mortality nearly identical between urban and rural areas." **[36a] (p1)**

26.03 The United Nations Population Fund (UNFPA) Country Profile 2010, accessed 20 May 2010, 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]**

26.04 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]**

26.05 Information from the Foreign and Commonwealth Office (FCO) dated 14 February 2011 stated:

"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.

"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 an extensive range of specialist care found in Tehran, both in the private and governmental sector.

"For complex medical conditions where treatment is not available locally, the patients can apply to the Supreme Medical Council for financial assistance towards payment of medical expenses overseas. The Supreme Medical Council consists of a group of specialist doctors who assess and examine each case to determine whether such assistance in funding should be allocated." **[26a]**

26.06 An International Organisation for Migration (IOM) Country Brief on Iran updated on 30 November 2009 stated that:

"According to the last census that the Statistical Centre of Iran undertook in 2003, there are 730 medical establishments (e.g. hospitals, clinics) in Iran, of which 488 are directly affiliated and run by the Ministry of Health and Medical Education, 120 owned by the private sector and the rest are managed by other organizations such as the Social Security Organization of Iran (SSO). About 73% of all Iranians have SSO coverage according to the same source.

"Iran has been very successful in training/educating the necessary human resources for its health system. The system of almost 30 years ago where the country was facing a shortage of all kinds of skilled personnel in the health and medical sector has been completely changed. Today, there is enough trained adequate medical staff to meet the country's needs. An elaborate system of health network[s] has been established which has ensured provision of Primary Health Care (PHC) to the vast majority of the public. However, access and availability of health care continues to be somewhat limited in lesser developed provinces where the health indicators are also lower compared to the national averages." **[48a] (p3)**

26.07 The UNFPA Country Profile 2010 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]**

26.08 A national therapeutic drug policy/essential list of drugs is present, formulated in 1988. The essential drugs list was last updated in 2001. (WHO, 2005) **[28e]**

26.09 Information from the FCO dated 14 February 2011 noted:

> "Most drugs are readily available in Iran and those medicines not easily available, which are approved by the US Food and Drug Administration, can be ordered through the Red Crescent Society or governmental pharmacists, by presenting a doctor's prescription. The prices for medications bought in Iran are much cheaper than UK prescription and dispensing charges. 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. Care should be taken that the medicines prescribed comply to [sic] international standards. **[26a]**

26.10 The IOM Country Brief updated on 30 November 2009 observed that:

> "Iran has a rather developed pharmaceutical production capability but the country still relies on importations of raw materials and many specialized drugs. The Ministry of Health has the mission to provide access to sufficient quantities of safe, effective and high quality medicines at an affordable price for the entire population. Since the 1979 revolution, Iran has adopted a full generic-based National Drug Policy, with the local production of essential drugs and vaccines.
>
> "Therefore, apart from very rare and special medicines, all medications are available in Iran. There are many private pharmacies all over the country. There are also four major governmental pharmacies that would provide any kind of prescribed medicine, but in small quantities to avoid the creation of [a] black market. There are thousands of pharmaceutical facilities in Tehran and hundreds more around the country." **[48a] (p5)**

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

26.11 UNAIDS statistics for 2009, accessed 9 May 2011, indicated that an estimated 92,000 people were living with HIV in Iran, of whom approximately 26,000 were women aged over 15. Furthermore, an estimated 6,400 people had died of AIDS. **[10v]**

26.12 The UNAIDS *Report on the global AIDS epidemic 2010*, published on 23 November 2010, stated that "The Islamic Republic of Iran is believed to have the largest number of people who inject drugs in the region, and its HIV epidemic is centred mainly within this population group. An estimated 14% of people who inject drugs countrywide were living with HIV in 2007." **[10o] (p54)**

26.13 A February 2010 report by the National AIDS Committee Secretariat, Ministry of Health and Medical Education, Iran, stated that:

> "Provision and distribution of antiretroviral drugs became part of the country's healthcare system in 1997 when antiretroviral drugs including lamivudine, zidovudine and Indinavir made it into Iran's pharmacopoeia. Subsequently, Indinavir was removed from the list of Iranian generic drugs and nelfinavir and abacavir were added onto the

list. In 2004 the go-ahead to bring in didanozine, stavudine and nevirapine was secured. In 2005 stavudine and nevirapine became available to patients. After a while didanozine also became available. In 2006 as part of a project initiated by the Global Fund to Fight AIDS, Tuberculosis, and Malaria, efavirnez was introduced into the country's drug system. Later in the same year, the global fund tried to bring in kaletra, tenofovir and atazanavir which are now available to patients. Except for the last three items, government has paid for all other antiretroviral drugs available in Iran… Prescription of antiretroviral drugs on the basis of the national guideline is free and conducted by counselling centers for behavioral diseases (Triangular clinics) which operate under the supervision of Universities of Medical Sciences. There have been no limits as far as the number of patients is concerned. Besides, no one has been given any priority on the basis of gender, age or social background when it comes to availability to drugs. A small percentage of diagnosed patients buy their own antiretroviral drugs. There are no accurate figures on their numbers, but according to key informants, there are very few of them. In the past years, the government has made efforts to increase the availability of centres which offer antiretroviral therapy services. So far 62 cities across 30 provinces have at least one centre capable of rendering such services. In other words, all those who are identified to need treatment, meet the requirements mentioned in the country guideline for the launch of the treatment, and of course are willing to undergo treatment receive antiretroviral therapy free of charge. One of the significant problems during past two years was shortage of supply change of ARVs. Some actions are undertaken to change the situation to ensure the uninterrupted provision of ARVs." **[85a]**

26.14 The USSD Report 2010 stated that "Persons with HIV/AIDS reportedly faced discrimination in schools and workplaces. The government supported programs for HIV/AIDS awareness and generally did not interfere with private HIV/AIDS-related NGOs. Government hospitals diagnosed and treated AIDS patients free of charge." **[4f] (Section 6)**

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MENTAL HEALTH

26.15 The most recent 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)**

26.16 A review article by Vandad Sharifi, MD, published in the 2009 Spring and Summer edition of the Iranian Journal of Psychiatry and Behavioral Sciences (IJPBS), commented on the provision of general mental health services in Iran:

"The main strategy of Iran's National Program of Mental Health has been the integration of mental health into the primary health care (PHC) system. Since 1986, expansion of the integration has resulted in great improvements in the provision of mental health services in rural areas but there is some evidence showing that the integration did not reach its objectives in urban areas where most of the country's population reside.

Recently, some initiatives have been made to face the challenge, for example, home care, aftercare services, and community mental health centers." **[17a]**

26.17 The IJPBS article further stated:

"Despite the fact that the majority of mental health professionals, including all psychiatrists currently live in cities, service delivery is very poor and disorganized where public and private sectors provide care in an uncoordinated manner and services are manly [sic] hospital- and office-based. In addition, with a [sic] very few exceptions, community-based programs for patients with severe mental illnesses are nonexistent, and service disengagement and the revolving door phenomenon of discharges, and readmissions is incredibly frequent… The shortage in psychiatric beds is great and insufficient provision of community based services has increased the magnitude of the problem…

"Since 2004, supported by the Mental Health Office at the Ministry of Health, home aftercare services were developed in several centers across the country to deliver a community-based service to the patients with severe mental illnesses. The service uses a multidisciplinary approach to care for patients with severe mental illnesses…

"A recent randomized trial of the service in Tehran has shown its effectiveness in reduction of rehospitalisation and improved functioning. Recently, a community-based protocol was developed and approved by the Mental Health Office to provide outpatient services to patients with severe mental disorders. In this package, services such as home care, telephone followup, family education, and rehabilitation and crisis services have been proposed. Now, three centers in Tehran and Isfahan have started its implementation and investigation of its effectiveness…

"Another improvement has been the establishment of psychiatric wards and outpatient clinics in general hospitals. These services are provided by specialist mental health professionals such as psychiatrists and psychologists… Despite the regulation to allocate up to 10% of the general hospital beds to psychiatric beds, the expansion is still facing resistance from other medical disciplines and partly because of that, their ability to provide care to patients with severe mental disorders is limited." **[17a]**

26.18 Regarding the organisation of mental health services, the 2006 WHO-AIMS report noted:

"There are 855 outpatient mental health facilities available in the country, of which 40 are for children and adolescents only…The majority (50-80 %) of patients in outpatient facilities receive one or more psychosocial treatments. All mental health outpatient facilities had at last [sic] one psychotropic medicine of each therapeutic class (anti-psychotic, antidepressant, mood stabilizer, anxiolytic, and antiepileptic medicines) available in the facility or a nearby pharmacy all year round.

"There are 31 day treatment facilities available in the country, of which none is [sic] for children and adolescents only…

"There are 46 community-based psychiatric inpatient units providing 1,366 beds (2.02 per 100,000 population). About 3% of these beds in community-based inpatient units are reserved for children and adolescents only… All community-based psychiatric inpatient units had at least one psychotropic medicine of each therapeutic class (anti-

psychotic, antidepressant, mood stabilizer, anxiolytic, and antiepileptic medicines) available in the facility…

"There are 33 mental hospitals available in the country for a total of 5,350 beds (7.9 per 100,000 populations). All of these facilities are organizationally integrated with mental health outpatient facilities. Only 3.4% of these beds in mental hospitals are reserved for children and adolescents. The number of beds has increased by 7% in the last five years. The patients admitted to mental hospitals are primarily diagnosed with mood/affective disorders (65%) and schizophrenia (17%)… All mental hospitals had at least one psychotropic medicine of each therapeutic class (anti-psychotic, antidepressant, mood stabilizer, anxiolytic, and antiepileptic medicines) available in the facility." **[28b] (p12)**

26.19 The WHO Country Cooperation Strategy dated April 2009 stated that "Mental health disorders and substance abuse are highly prevalent (21.9%), particularly in females (25.9% versus 14.9% in males); this is reflected in the numbers seeking professional assistance and the amount of psychotropic drugs used. Major depression and generalized anxiety are common morbidity causes." **[28d]**

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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 *Country Report on Human Rights Practices 2010*, Iran, released on 8 April 2011, (USSD Report 2010) stated:

"The constitution provides for freedom of movement within the country, foreign travel, and 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.

"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 also restricted foreign travel of some religious leaders and individual members of religious minorities and scientists in sensitive fields, and it increasingly targeted journalists, academics, opposition politicians, and activists – including women's rights activists – for travel bans and passport confiscation during the year. The government banned travel to Israel, but this ban was reportedly not enforced…

"A woman must have the permission of her husband, father, or other male relative to obtain a passport. A married woman must receive written permission from her husband before she leaves the country.

"The government did not use forced external exile, but it used internal exile as a punishment. Many dissidents practiced self-imposed exile to be able to express their beliefs freely." **[4f] (Section 2d)**

27.02 The Freedom House report *Freedom in the World 2011 – Iran* published on 12 May 2011, stated that: "Freedom of movement is routinely restricted in Iran. Political activists are often banned from leaving the country after release from detention, and security services have been known to confiscate passports or interrogate travelers on their return from conferences abroad. In April 2010 Khatami was refused permission to leave the country to attend a conference in Japan." **[112a]**

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28. FOREIGN REFUGEES

28.01 The US Department of State *Country Report on Human Rights Practices 2010*, Iran, released on 8 April 2011, (USSD Report 2010) stated:

"The country's laws provide means for granting asylum or refugee status to qualified applicants, and the government reportedly had a system for providing protection to refugees, but the UNHCR [UN High Commissioner for Refugees] did not have any information as to how the country made asylum determinations. The government did not consistently provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. Unlike in the previous years, there were no reports of registered refugees included in mass deportations." **[4f] (Section 2d)**

28.02 The 2011 UNHCR country operations profile on Iran, undated, accessed 31 March 2011, stated:

"The Islamic Republic of Iran hosts the second largest group of long-staying refugees in the world. As of March 2010, according to information provided by the country's Bureau for Aliens and Foreign Immigrants' Affairs (BAFIA), there were some 1,065,000 refugees registered with the authorities, of whom approximately 1,021,600 were Afghans and 43,800 were Iraqis. In addition, there are some 4,000 Iraqi refugees, whom UNHCR was authorized to register pending the grant of legal status by the authorities. The majority of refugees in the country reside in urban areas, while approximately 3 per cent live in settlements.

"UNHCR has assisted with the return of more than 870,000 refugees since 2002, when voluntary repatriation began under the auspices of the Tripartite Agreements between the Islamic Republic of Iran, Afghanistan and UNHCR. These agreements came back into force on 28 June 2010, after three years of suspension, and aim to create conditions conducive to voluntary repatriation. It was agreed to reactivate 10 Dispute Settlement Committees to assist refugees prior to their voluntary repatriation, as well as four Voluntary Repatriation Centres (two in 2010 and two in 2011).

"The number of registered Afghan refugees opting for voluntary repatriation has declined over the last several years due to a combination of factors, including concerns about security and socio-economic problems in Afghanistan. Some 70 per cent of the registered Afghan and Iraqi refugees remaining in the Islamic Republic of Iran have lived in the country for 20 to 30 years.

"In July 2010 the Government of the Islamic Republic of Iran conducted a census of undocumented Afghan nationals irregularly residing in the country, as part of a Comprehensive Regularization Plan. More than 1.5 million people were registered in this process. The Government also finalized its re-registration of Afghan refugees in 2010. Those considered vulnerable or financially destitute continued to be granted exemption from payment of municipality taxes, which are otherwise mandatory for urban Afghan registered refugees." **[10r]**

28.03 The same source also noted that:

"Some 300,000 Temporary Work Permits (TWPs) were distributed in 2009, enabling registered Afghan refugees to work legally in the country and receive benefits. However, the procedures for the re-issuance of TWPs have yet to be put in place, and solutions to assist destitute Afghan refugees who cannot afford the high fees will need to be identified.

"Registered Afghan refugees in Khuzestan province have been permitted to relocate to refugee settlements within the province or opt to repatriate voluntarily. The identified refugee settlements need rehabilitation. Registered Afghans in Hormozgan province have been authorized to remain there until 1 July 2011. During this time the refugees will need to opt for voluntary repatriation or relocation to the western region of the country." **[10r]**

28.04 The USSD Report 2010 stated:

"Twenty-two of 30 provinces were partially or fully closed to refugees; therefore, authorities generally required registered Afghan refugees in these 'No-Go Areas' to choose either to relocate to refugee settlements, sometimes in other parts of the country, or to repatriate. However, the UNHCR noted that some of these refugee settlements needed rehabilitation. The limited number of resettlement locations is a major constraint for the UNHCR to assist refugees with relocation within the country. Of the 7,922 Afghans who repatriated from January 1 to November 7 [2010], the vast majority said they were under pressure to return due to the government's No-Go Areas policy." **[4f] (Section 2d)**

28.05 The United States Committee for Refugees and Immigrants World Refugee Survey on Iran 2009 (USCRI 2009), released on 17 June 2009, stated that:

"Iran deported over 406,000 Afghans in 2008 and over 720,000 over the past two years. Although both the Government and UNHCR characterized the deportees as illegally present economic migrants, in the Chamany Babrak reception camps in Kabul, most could produce refugee documentation. Iranian soldiers also reportedly evicted entire refugee settlements without checking for status. Authorities deported many without warning, separating them from their families, with little time to collect belongings and wages. Others claimed that authorities beat, detained, or required them [to] work unpaid for days before deportation…

"BAFIA re-registered over the internet the Afghan refugees it recognized and issued them six-month, renewable residence permits if they paid registration fees and local taxes. Authorities compelled refugee men under 60 to apply and pay for temporary work permits but for women this was optional." **[35a]**

28.06 The Amnesty International report *Death sentences and executions in 2010*, published on 28 March 2011, noted that "In April [2010], mass protests in Afghanistan took place after reports surfaced that dozens of Afghans had been executed in secret in Iran at that time. Although the Iranian authorities denied this, they acknowledged that over 4,000 Afghans were detained in Iran, the majority for drug trafficking." **[9v] (p27)**

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IDENTITY CARDS

28.07 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]**

28.08 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 USSD Report 2010 stated: "Citizenship is derived by descent when a child is born to a citizen 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." **[4f] (Section 6)**

29.06 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.

 The main text of this COI Report contains the most up to date publicly available information as at 13 May 2011. Further brief information on recent events and reports has been provided in the Latest News section to 21 June 2011.

"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)**

29.07 The Freedom House report *Women's Rights in the Middle East and North Africa 2010 – Iran*, published 3 March 2010, noted that:

"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)**

ID CARDS

29.08 The Danish Immigration Services Report of April 2009 on their fact finding mission to Iran from 24 August to 2 September 2008 advised that:

"According to the Attorney at Law, Iran presently operates with two kinds of ID cards. One ID card is called 'Shenasnameh'. It is, at present time, the most used ID card and is issued after registration of birth. During the last years, Iran has issued a new national ID card. This ID card has a unique ID number for every Iranian citizen. The previous ID card did not have any unique number since it was issued in different towns and the numbers often repeated themselves. Not all Iranians are in possession of this new ID card yet, though it is the aim of the government that this ID card will replace the 'Shenasnameh' and become the only accepted ID card in Iran. Iranian citizens who have been issued with the new national ID card often carry both this ID card and the 'Shenasnameh' on them." **[86a] (paragraph 8.1)**

29.09 Information on the Middle East Consultancy Services website dated 2010 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 A Canadian Immigration and Refugee Board (CIRB) report of 3 April 2006 provided the following on fraudulent or counterfeit passports:

"Based on consultations with UNHCR [United Nations High Commissioner for Refugees] personnel in Tehran, a UNHCR official stated that, while counterfeit Iranian passports can be purchased rather easily on the black market with prices fluctuating 'according to the quality of the counterfeit work,'authorities are generally adept at identifying these documents via a 'double check' mechanism in the law enforcement database which tracks passport issuance (UN 31 Mar. 2006). Under Article 15(1) of the 1988 amended Passport Act, individuals found guilty of making fraudulent or counterfeit passports face 18 months in prison (ibid.). However, the UNHCR official also added that the 'Islamic Penal Code prescribes other punishments for those who are involved in forgery activities' (ibid.). For example, under Article 525(2) of the Islamic Penal Code, anyone caught using a 'fake stamp' in a passport can be 'subject to one to ten years of imprisonment' (ibid.). **[2x] (p2)**

30.02 The Danish Immigration Service's April 2009 report on their fact finding mission to Iran from 24 August to 2 September 2008 stated that:

"According to the airline liaison officer and document advisor at the embassy (3), some Iranians manage to leave through the airport on forged documents. The embassy has recently come across three false Schengen visas. In such cases bribery might also be involved. People caught by the airport authorities attempting to leave Iran on forged documents face serious questioning at the airport. The person may be fined. It was added that it is unclear whether the person may also be detained or imprisoned for trying to leave the country on false documents. Sajdrabi [who is in charge of passport border control at Imam Khomeini International Airport] explained that if a person is caught trying to leave Iran on a forged document he or she will not be allowed to board the plane. The person will be held back in the airport and the authorities will try to find information on how the forged document has been obtained. It was added that anyone trying to leave on forged documents might receive a fine. This will be for the court to decide. Sajdrabi was unable to confirm whether a person would be detained or imprisoned for using false documents." **[86a] (paragraph 7.5.2)**

30.03 A response by the 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]**

30.04 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 Information on the WegoIran website, accessed 5 April 2011, stated that "The new Iranian passports are usually valid for 10 years. They can be renewed after five years." **[105a]**

31.02 The US Department of State Consular Information Sheet updated 6 October 2009 stated that:

"All Iranian nationals, including U.S.-Iranian dual nationals, must have an exit permit stamped in their Iranian passports in order to depart Iran. The stamp is affixed to the Iranian passport when it is issued and remains valid until the expiration date of the passport. All Iranian nationals residing abroad, including U.S.-Iranian dual nationals, are no longer required to pay an exit tax regardless of the duration of their stay in Iran." **[4t]**

31.03 The Advisory Panel on Country Information (APCI) review of the COI Service's Iran COI Report of August 2008, undertaken by Dr Reza Molavi and Dr Mohammad M Hedayati-Kakhki of the Centre for Iranian Studies at Durham University, dated 23 September 2008, (APCI Report 2008) stated that:

"… In the past, namely prior to approximately December 2006, a separate, green stamp was physically included to the passport at the time of issue to authorise the general right to travel, leading to some confusion in terminology, calling it an 'exit authorisation/stamp'; the current procedure of making this a precondition for the very issuance of the passport reflects more accurately the nature of this process." **[6a] (p72)**

31.04 The US Department of State *Country Report on Human Rights Practices 2010*, Iran, released on 8 April 2011, (USSD Report 2010) stated: "A woman must have the permission of her husband, father, or other male relative to obtain a passport. A married woman must receive written permission from her husband before she leaves the country." **[4f] (Section 2d)**

31.05 The APCI Report 2008 stated that:

"The authorisation which permits a woman to receive a passport and, by default, travel outside Iran unless otherwise specified by the husband, is referred to as the Consent for International Travel. However, it is a common misconception that this Consent is itself some form of visual attribute, such as a stamp, present in the passport and verifiable. In fact, as the Consent for Travel is a prerequisite for the issuance of the passport itself, the very fact of a woman's possession of such a passport serves as an indicator to the relevant inspecting official, at the border, that she is in fact authorised to travel, without the need for a discrete 'stamp' as provided following a husband's consent. The only indicator of this fact, common to both men and women, is a pre-printed notice containing a box with text ('Date of issue… The holder of this passport is authorised, to cross the national border, on a multiple-entry basis, subject to the payment of the exit fee on each occasion') on page 6 of the new-format passports." **[6a] (p72)**

31.06 The APCI Report 2008 continued:

"… a check is carried out, at the time of passport issue, in relation to any other outstanding security issues, such as outstanding warrants, which could prevent either a male or a female from being issued the passport. This takes place at the time of the general passport application rather than when issuing any particular 'exit stamp', as explained above. This is done using a specialised database, which is also the same system used at the airport when conducting the final verification of eligibility to travel at the security checkpoint, as will be explained below. Where women are concerned, this is done in addition to the marital-consent check for married women." **[6a] (p73)**

31.07 The same report continued:

"However, it must be clarified that, in reality, only those individuals who have been the subject of a specific Exit Ban order are 'flagged' on this system, rather than those who are being investigated, released on bail, summonsed to court or indeed any other stage prior to the issuing of the actual Exit Ban. …Exit Bans are only rarely issued unless there is a very specific reason to believe the individual would attempt to depart from the country." **[6a] (p74)**

31.08 The Danish Immigration Service's report of April 2009 on their fact finding mission to Iran from 24 August to 2 September 2008 noted that:

"Mirfakhar [Director General, Consular Affairs, Ministry of Foreign Affairs] and Sajdrabi [who is in charge of passport border control at Imam Khomeini International Airport] explained that Mehrebad Airport, which used to be the only airport in Tehran, is no longer being used for international departures and arrivals. The airport is mainly used for domestic flights; the only exceptions being international VIP flights and flights for pilgrims travelling on pilgrimage." **[86a] (paragraph 7.9.1)**

31.09 The Danish Immigration Service's April 2009 report provided comprehensive information on the security procedures for leaving Iran from Imam Khomeini International Airport:

"Sajdrabi introduced the delegation to the security procedures in Imam Khomeini International Airport and explained the various security checks. The first security check takes place upon entry from the public area into the terminal area for travellers only. The passenger's luggage will be checked at this point. The luggage goes through a scanner and if anything looks suspicious, the Immigration Police will take the person aside and open the suitcase. The passport of the person travelling is checked and the person passes through a detector (women and men go through separate detectors). This check is the responsibility of the Immigration Police. After passing through the luggage check the passenger goes to the check-in counter. At the check-in counter, flight personnel will check in the passenger's luggage, check the visa and issue a boarding pass. If anything is wrong in terms of visa or passport, the flight personnel will contact the Immigration Police.

"After check-in, the passenger goes to a counter where Immigration Police conducts a third security check. The Immigration Officer sits inside a booth behind a glass window. He checks the passport and personal information on a computer system. The passport and the exit visa are verified. The data of the passport holder appears on the screen, together with a photograph of the traveller. If the person is married and has children, the photos and names of his wife and children will also appear on the screen. If the passport holder is registered on a list of individuals who have an outstanding issue with

the government or for other reasons are not allowed to leave Iran, this information will appear on the screen. When the security check is completed, and if the person is allowed to leave Iran, an exit stamp will be stamped in the passport. The person travelling now enters the duty free zone. Before entering the area with flight gates, yet another security check is conducted. This is a physical check where the hand luggage is scanned and the passenger goes through a metal detector. This security check is conducted by the Revolutionary Guards. The Immigration Police and airline personnel conducted the previous checks. The very last check is done just before boarding, where the traveller shows his or her boarding pass. Airport personnel conduct this check.

"On the tour through the checks, Sajdrabi pointed to the fact that a staircase guarded by an airport official separates the airport's arrival and departure areas. However, the delegation noticed upon departure from Iran, that no one was guarding the staircase. Which means that a person who may, for whatever reason not want to travel or enter the last check done by the Iranian Revolutionary Guards Corps, can enter the arrival area if the staircase is not guarded at the time." **[86a] (paragraph 7.9.2)**

31.10 The Danish Immigration Service's report of April 2009 on their fact finding mission to Iran from 24 August to 2 September 2008 reported on the security procedures in Imam Khomeini International Airport on arrival:

"After leaving the aircraft the person enters an area with counters for passport checks. There are separate counters for foreigners and Iranians. The Immigration Police who are sitting inside a booth behind a glass window conduct this security check. The Immigration Officer scans the passport and registers all the personal data from the passport of the arriving passenger in the computer system. The personal information is already registered in the computer system. The information includes a photograph of the passport holder and this photograph appears on the screen. The Immigration Officer checks the validity of the passport and if the person is entering Iran on illegal grounds or has outstanding issues with the authorities he will be held responsible in accordance to Iranian law, rules and regulations…According to Sajdrabi, the computer system is a few years old and has been able to identify forged visas, passports and other documents." **[86a] (paragraph 7.9.3)**

31.11 The office of the United Nations High Commissioner for Refugees (UNHCR) stated in their *Comments on the Iran Country Report of April 2005*, dated August 2005, that:

"There are no specific provisions relating to the exit of a mother with minor children from the country without the consent of the father or paternal grandfather. According to the Law on Passports, authorization in writing of the guardian is required for issuance of a passport for a minor or inclusion of a minor's name in a relative's passport. According to an ACCORD report, 'if a woman has managed to obtain travel documents for her minor children, she has probably resorted to an illegal act based on which she can be sentenced upon return. For example she may have forged her husband's authorization and submitted it to the Passport Bureau and could therefore be sentenced to imprisonment from two months to up to two years' (ACCORD, June 2001, p104)." **[3h] (p5)**

31.12 In a report dated 17 November 2005, the CIRB reported that:

"In 10 and 16 November 2005 telephone interviews with the Research Directorate, the first counsellor of the Embassy of the Islamic Republic of Iran in Ottawa provided the following information:

"'A minor child can leave Iran only with the consent of his or her father. A mother cannot bring a child out of the country without the consent of her husband. If the father decides to bring the child out of the country, no further consent is required. The fathers consent must be provided at the time the child obtains a passport. In order to obtain a child's passport, the father must apply in person, in which case he can grant permission to his wife to take the child out of the country. The childs passport is stamped to indicate the valid period (often five years) in which the mother can take her child out of the country. There are generally no further steps required, even at the airport, for a mother to take her child out of the country. However, the father can decide to cancel the validity of the passport stamp at any time, thereby forbidding the mother to leave Iran with her minor child.' The counsellor could not provide further details on the procedure that must be followed by a father who wishes to cancel the validity of the passport stamp.

"…the counsellor added that minor children (under 18) of Iranian citizens require their father's permission to leave Iran, 'even if the mother has been granted full custody by an Iranian court,' and further added that since non-Iranian women who marry Iranian nationals must convert to Islam and acquire Iranian citizenship, they too require their husbands permission to depart the country." **[2ab] (p1)**

31.13 The APCI Report 2008 stated that there was:

"… [a] requirement for an administrative fee that must be paid in order to be enabled to leave the country. This step applies to both for men and for women regardless of marital status, is an administrative rather than a security step.

"… the contemporary procedure, in place by the end of 2006, requires the official to issue a separate receipt, on a discrete piece of paper unattached to the passport, indicating confirmation—as this is more consistent with the fact that the stamp is not a security/immigration measure but rather a levy-collection one. The individual who left legally and in compliance with this procedure would not have evidence of this payment as the receipt/confirmation is handed over to the border official to prove that payment has occurred. The payment procedure is still often mistakenly referred to as 'stamping' the passport for exit." **[6a] (p73-74)**

31.14 The Danish Immigration Service's Report dated April 2009 reported on their fact finding mission to Iran from 24 August to 2 September 2008; referring to legal exit from Iran, the report stated that:

"A western embassy (3) explained that Iranian male citizens have permission to leave the country until reaching the age of military service. When reaching the age of military service, a person has to apply for permission to travel outside Iran. The permission can be obtained through a bank or at the airport. It was added that when a person obtains a passport and permission to leave, the person can also return to Iran. When a person has completed his military service, he is free to travel, if he does not have any issues with the authorities.

"The embassy further stated that members of minority groups may face difficulties in obtaining the permission to leave, which indicates that not all Iranian citizens may be

granted the permission even though they may qualify for this according to law. Minorities may be discriminated against, and it may be more difficult for them to obtain a passport or permission to leave Iran." **[86a] (paragraph 7.1)**

31.15 The same report continued:

"Sajdrabi [who is in charge of passport border control at Imam Khomeini International Airport] informed that permission to leave Iran might be revoked in cases where the authorities find it necessary. This may be because a person has outstanding issues with the government or other reasons that may lead to the authorities revoking the permission. When asked, Sajdrabi did not specify the 'other reasons'. Hence, a person may not be allowed to leave even though he or she has permission to do so. The Immigration Police may revoke the permission to leave anywhere in the airport, since the airport is under the jurisdiction of the Immigration Police." **[86a] (Paragraph 7.2)**

31.16 Furthermore:

"Sajdrabi stated that if a person has a case pending before the court, the person cannot leave Iran. The person will be registered on a list of people who are not allowed to leave the country. The list appears in the computer system used by the airport personnel. Hence, an immigration officer sitting at one of the counters, examining the passport of the travelling person will see the list and will then prevent the person from travelling.

"Mirfakhar [Director General, Consular Affairs, Ministry of Foreign Affairs] confirmed that there is a list in the airport with names of people who cannot leave Iran. The people on the list have committed crimes and for this or other relevant reasons they are not allowed to leave the country. The other relevant reasons vary depending on the specific case. If a person on the list has already left Iran, the person may face problems on return. The seriousness of the problems depends on the crime that caused the person to appear on the list." **[86a] (Paragraph 7.3)**

31.17 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)**

31.18 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]**

31.19 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

31.20 The 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 Baloushistan Province or the Oman sea for those wishing to go to neighbouring Arab States. If caught at the border, the irregular migrants are initially detained by the police in 'special camps' or 'closed camps' prior to being deported and handed over to the authorities of the country of origin. If caught within Iran, they are brought before a judge and might face a fine prior to being deported, (23 Dec. 2004, Para. 12, 7)." **[2x] (p3)**

See also Corruption and Forged and fraudulently obtained official documents.

31.21 The APCI Report 2008 stated that:

"According to Article 34, any Iranian who leaves the country illegally, without a valid passport or similar travel documents, will be sentenced to between one and three years imprisonment, or will receive a fine between 100,000 and 500,000 Rials. In order to

proceed the cases relating to illegal departure, a special court is located in Mehrabad Airport in Tehran. Its branch number is given as 1610. If an Iranian arrives in the country, without a passport or any valid travel documents, the official will arrest them and take them to this court. The court assesses the background of the individual, the date of their departure from the country, the reason for their illegal departure, their connection with any organisations or groups and any other circumstances. The judge will decide the severity of the punishment within the parameters of Article 34. This procedure also applies to people who are deported back to Iran, not in the possession of a passport containing an exit visa; in this case the Iranian Embassy will issue them with a document confirming their nationality.…illegal departure is often prosecuted in conjunction with other, unrelated offences. Such a methodology appears to suggest that it is the investigation into the facts surrounding the easily observable and provable offence of illegal departure, namely the motive for such an act (as a decision to depart illegally suggests a desire to escape prosecutorial/police detection for past illegal deeds), that eventually results in the discovery of the underlying offence, leading to a combined prosecution." **[6a] (p76)**

31.22 The Danish Immigration Service's report also commented on the situation on return for those who have left Iran illegally

"The sources were consulted on the matter of return to Iran of Iranians who have left the country illegally. Mirfakhar informed that a person who has left Iran illegally and who is not registered on the list of people, who cannot leave Iran, will not face problems with the authorities upon return, though the person may be fined. It was added, that a person who has committed a crime and has left Iran illegally will only be prosecuted for the crime previously committed and not for leaving the country illegally. However, a western embassy (3) stated that a fine is given for leaving the country illegally. The fine for illegal exit can run up to 50 million Iranian Rial which amounts to approximately 5,000 USD. To the knowledge of the embassy, people who have left Iran illegally are not detained upon return. The embassy did not know what happens if a person is unable to pay the fine. The Attorney at Law confirmed that there is a fine for leaving Iran illegally. However, he believed the fine to be around 200-300 US dollars.

"It was added that if a person has outstanding issues with the authorities (other than leaving illegally) he or she may very likely be punished for these upon return. The punishment will be according to law. However, it may also come to a stricter punishment since the person has left Iran illegally. It was further explained that if a person continues to leave Iran illegally the penalty might rise accordingly. Hence, continuous illegal departures from Iran will result in harsher criminal punishment. A western embassy (1) informed that an Iranian citizen can return even if he or she has left the country illegally. The embassy explained that the punishment a person might face upon return depends on the acts committed before leaving Iran. A fine may be given for illegal exit. The embassy did not know the size of the fine. Mahdavi stated that only a small number of Iranians leave the country illegally. The fine for leaving Iran illegally is a few hundred dollars and there is no other punishment. This statement is in contrast to the information given by a western embassy (1) and the Attorney at Law. Both sources knew of high numbers of Iranians who have left Iran illegally. According to Sajdrabi, a person who has left Iran illegally will be subjected to the laws and regulations that cover these issues. When asked to specify this, Sajdrabi repeated that Iranian laws and regulations will be applied in accordance." **[86a] (Paragraph 7.4.)**

See also Political dissidents outside Iran regarding the treatment of those who have criticised the regime whilst abroad.

31.23 The Danish Immigration Service's report also reported on the possibility of being able to bribe officials when leaving Iran:

"A western embassy (3) stated that Iranians abroad might be misinforming foreign authorities by saying that they have left Iran illegally through an airport, as this is very difficult due to thorough security checks. However, it was elaborated that it may be possible to bribe airport personnel, which makes it possible to leave through the airport illegally. This, though, will include bribing of a lot of airport staff members since there are several check points in the airport. Sajdrabi at first rejected that it is possible for anyone to bribe his or her way through the airport. It was explained how the Immigration Police does not have influence on who can exit Iran, as it is the information in the computer system that will provide information as to who is prohibited from leaving Iran. However, it was later stated that in cases where a person does manage to leave Iran illegally this is not due to flaws within the computer system but rather a human error – i.e. a person has been bribed." **[86a] (Paragraph 7.5.1.)**

The Danish Immigration Service's April 2009 report contains further information on exit and entry procedures, including documentation and may be accessed directly.

See also Forged and fraudulently obtained documents and Corruption

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FAILED ASYLUM SEEKERS

31.24 On 6 May 2011, Amnesty International reported that "Nineteen-year-old student activist Arash Fakhravar 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 Fakhravar (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 Fakhravar 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]**

31.25 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.

"On 17 February 2011, an article written by a former Supreme Court judge appeared in *Iran* newspaper, a daily paper published by the Iranian government. 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'." **[9q]**

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32. EMPLOYMENT RIGHTS

32.01 The US Department of State *Country Report on Human Rights Practices 2010*, Iran, released on 8 April 2011 (USSD Report 2010) stated:

"The law provides workers the right to establish unions; in practice the government did not permit independent unions and severely restricted workers' attempts to organize. Workers in transportation, education, and other sectors were systematically suppressed. A national organization known as Workers' House was the sole authorized national labor organization. It served primarily as a conduit for government control over workers.…

"The 1990 labor code stipulates that workers may establish an Islamic labor council or a guild at any workplace or that workers may appoint an official representative. The law strongly favors Islamic labor councils; no other form of representation is allowed in a workplace where such a council has been established. Although Workers' House oversees Islamic labor councils, the Interior Ministry, the Ministry of Labor, and the Islamic Information Organization draft councils' constitutions, operational rules, and election procedures. There is no representative workers' organization for workers who are noncitizens.

"Restrictions on freedom of association for workers continued during the year [2010] as the government and the judiciary imprisoned and aimed to silence labor activists. Because of the severe crackdown on labor unions from the previous year, many workers groups cancelled annual May Day protests, including activities focused on the banned teachers union…

"The law prohibits public sector strikes, and the government considered unlawful any strike deemed contrary to government economic and labor policies, including strikes in the private sector, but strikes did occur. According to international media reports,

security forces continued to respond with arbitrary arrests and violence to workers' attempts to conduct labor strikes." **[4f] (Section 7a)**

32.02 The USSD Report 2010 also noted that "The labor code prohibits all forms of forced or compulsory labor, including by children; however, there were reports that such practices occurred." **[4f] (Section 7c)**

32.03 The same report continued:

"On March 16 [2010], according to international media, the Supreme Labor Council announced an annual minimum wage of 303,048 toman ($303); labor rights activists claimed that amount was insufficient to feed a family of four in Tehran.

"The labor law does not cover an estimated 700,000 legal workers, as it applies in full only to workplaces with 10 or more workers. Workplaces with fewer than five workers or in export processing zones are exempt from all labor laws. Afghan workers, especially those working illegally, often were paid less than the minimum wage." **[4f] (Section 7e)**

32.04 On 1 May 2009, Amnesty International (AI) reported that "Independent trade unions are banned in Iran. Under Iranian labour legislation, workers are allowed to form Islamic Labour Councils (ILCs) – which cannot defend the terms and conditions of their members – in companies with more than 50 workers. They are not, however, permitted to set up any other labour organization." **[9n]**

32.05 The Freedom House report *Freedom in the World 2011 – Iran*, published on 12 May 2011 stated:

"Iranian law does not allow independent labor unions, though workers' councils are represented in the Workers' House, the only legal labor federation. In 2009, union members throughout the country were attacked and arrested by security forces for participating in May Day celebrations, and many others were targeted after the presidential election. In 2010, a large-scale strike over tax increases by Iran's influential bazaar merchants initially led to confrontations between the traders and Basij units that attempted to forcibly open bazaars, but Ahmadinejad ultimately offered concessions to calm the dispute." **[112a]**

See also Political affiliation, Economy and Children

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Annex A

CHRONOLOGY OF MAJOR EVENTS

This chronology is taken from the British Broadcasting Corporation (BBC) News, Timeline: Iran, updated 10 May 2011. **[21p]**

1925

Reza Khan seized power in Persia by military coup. Subsequently elected Shah.

1935

Persia renamed Iran.

1941

British and Soviet forces occupied Iran; Shah forced to abdicate in favour of his son.

1946

Following end of war, occupying forces left.

1963

Shah launched 'White Revolution'. Reforms opposed by landlords and conservative clergy.

1964

Ayatollah Khomeini deported to Iraq for opposition activities.

1965

Prime Minister Mansur assassinated, reportedly by a follower of Khomeini.

1977

Anti-government strikes and demonstrations.

1978

September — The Shah's policies alienate the clergy and his authoritarian rule leads to riots, strikes and mass demonstrations. Martial law is imposed.

1979

January — Shah forced to leave country.
February — Khomeini returned and took power.
April — Iran declared an Islamic republic. Supreme authority given to Walih Faqih appointed by clergy, initially Khomeini.
November — Students seized hostages in US Embassy in Tehran.

1980

February — Bani-Sadr elected President.
September — Iraq invaded Iran. Strongly resisted by Iran; outbreak of hostilities.

1981

January — US hostages released.

 The main text of this COI Report contains the most up to date publicly available information as at 13 May 2011. Further brief information on recent events and reports has been provided in the Latest News section to 21 June 2011.

June	Fighting between MEK supporting Bani-Sadr and Revolutionary Guard Corps led to Bani-Sadr's dismissal and his departure at the end of July 1981, after several weeks of hiding, for France.
July	Muhammad Ali Rajaei voted President. Muhammad Javad Bahonar became Prime Minister.
August	President and Prime Minister killed in bomb attack; MEK blamed.
October	Hojatoleslam Ali Khamenei elected President; Mir Hussein Moussavi appointed Prime Minister.

1985

After the US and Soviet Union halted arms supplies, the US attempted to win the release of hostages in Lebanon by offering secret arms deals, this would later become known as the Iran-Contra affair.

1987

Islamic Republican Party dissolved.

20 July UN Security Council adopted Resolution 598.

1988

Ceasefire declared in Iran/Iraq war.

1989

3 June Death of Ayatollah Khomeini. Replaced by Ayatollah Khamenei formerly President Khamenei.

July Rafsanjani became President. Post of Prime Minister abolished.

1993

Rafsanjani re-elected with reduced margin.

1994

February Rafsanjani survived assassination by BKO.

1997

May Rafsanjani stood down. Seyed Mohammad Khatami won Presidential election by landslide.

June Closure of the Iranian Embassy in Kabul, followed by a trade embargo with Afghanistan initiated by Iran.

August Khatami inaugurated.

October Khatami appointed former Prime Minister Moussavi as his senior adviser.
American vessels were present in the Persian Gulf to calm tension between Iran and Iraq over the September bombings in southern Iraq.

December The Conference of the Organisation of the Islamic Conference was held in Tehran.

1998

March The Iranian gas and oil industry was opened up to foreign investors for the first time.

June The impeachment of the Interior Minister by the Majlis was followed by his immediate re-appointment by Khatami in a newly created Vice-President Cabinet post.

July	The former mayor of Tehran, Gholamhossein Karbaschi, was found guilty on charges of corruption and embezzlement. He was sentenced to five years imprisonment and other punishments.
	The Solidarity Party of Islamic Iran was recognised and registered as a new political party.
	An amnesty was issued for 1,041 prisoners sentenced by the revolutionary and public courts.
August	Iranians were permitted to visit Shi'a Muslim shrines in Iraq for the first time in 18 years.
	British Airways resumed direct flights to Tehran.
	Iranians, including diplomats, were captured by the Taleban in northern Afghanistan.
September	The Government of Iran gave the United Kingdom assurances that it had no intention, nor would it take any action to threaten the life of Salman Rushdie or those associated with his work, nor would it encourage or assist others to do so. They also disassociated themselves from the bounty offered to carry out the fatwa and stated that they did not support it.
October	The deaths of Iranians captured in August by the Taleban led to Iranian troops amassing at the border with Afghanistan. Exchange of mortar and artillery fire resulted.

1999

February	State and local elections held for the first time since the revolution.
July	A student demonstration for press reform resulted in a police raid on Tehran University dormitory complex. Six days of street riots followed the worst since the revolution.

2000

February	Khatami and his liberal/reformist supporters win 170 of 290 seats in the Majlis. Conservatives lose control of parliament for the first time since the revolution.
April	New Press Law adopted. Sixteen reformist newspapers banned.
August	Fatwa religious decree issued allowing women to lead religious congregations of female worshippers.

2001

June	Khatami re-elected for a second term after winning just under 77 per cent of the vote.
August	Khatami sworn in.

2002

January	US President describes Iraq, Iran and North Korea as an "axis of evil" in his State of the Union address. This is a reference to the proliferation of long-range missiles said to be under development and a perceived threat considered to be as dangerous to the US as terrorism. This statement causes offence across the Iranian political spectrum.
February	Iran rejects the proposed new UK ambassador to Tehran.
September	Russian technicians begin construction of Iran's first nuclear reactor at Bushehr, despite strong objections from the United States.
	Iran accepts Britain's nomination for a new ambassador, ending a diplomatic spat over the previous candidate's rejection.
	UK Foreign Secretary, Jack Straw, is in Iran at the end of a Middle East tour for talks that are expected to focus on the Iraq crisis.

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December	Richard Dalton, the new UK ambassador took up his post on 1 December 2002. Iran and Iraq consider resuming trade.

2003

February	A military aircraft crashes in the south-east of the country, killing all 302 people on board. It is Iran's worst air disaster.
March	Local elections in Iran appear to have swung in favour of conservative candidates, in a blow to reformist President Khatami. Iran's Revolutionary Guards renew the death sentence on British author Salman Rushdie, passed 14 years ago by the late Ayatollah Khomeini. Iranian Foreign Minister Kamal Kharrazi says his country is not taking sides in the war in Iraq.
June	Thousands attend student-led protests in Tehran against the clerical establishment.
August	Diplomatic crisis with UK over arrest of former Iranian ambassador to Argentina, sought by Buenos Aires on warrant alleging complicity in 1994 Jewish centre bombing.
September	UN nuclear watchdog gives Tehran weeks to prove that it is not pursuing atomic weapons programme.
October	Shirin Ebadi becomes Iran's first Nobel Peace Prize winner. The lawyer and human rights campaigner became Iran's first female judge in 1975 but was forced to resign after the 1979 revolution.
November	Iran says it is suspending its uranium enrichment programme and will allow tougher UN inspections of its nuclear facilities. International Atomic Energy Agency (IAEA) report says Iran has admitted producing high-grade plutonium for peaceful purposes, but concludes there is no evidence of a nuclear weapons programme.
December	40,000 people are killed in an earthquake in south-east Iran; the city of Bam is devastated.

2004

February	Conservatives gain control of parliament in controversial elections. Thousands of reformist candidates were disqualified by the hardline Council of Guardians ahead of the polls.
June	Iran is rebuked by the IAEA for failing to fully cooperate with an inquiry into its nuclear activities. Three British naval craft and their crews are impounded after allegedly straying into Iranian waters. The eight servicemen are released four days later.
November	Iran agrees to suspend most of its uranium enrichment as part of a deal with the EU.

2005

February	Amid tension with Washington over its nuclear programme, Iran forms a common "front" with Syria, another state which is under pressure from the US. More than 400 people are killed in an earthquake in the southern province of Kerman.
June	Mahmoud Ahmadinejad, Tehran's ultra-conservative mayor, wins a run-off vote in presidential elections, defeating cleric and former president, Akbar Hashemi Rafsanjani.

August	Tehran says it has resumed the conversion of uranium and insists the programme is for peaceful purposes. An IAEA resolution finds Iran in violation of the nuclear Non-Proliferation Treaty.
December	A military aircraft crashes in a Tehran suburb. More than 100 people are killed.

2006

January	Iran breaks IAEA seals at its Natanz nuclear research facility. Bomb attacks in the southern city of Ahvaz the scene of sporadic unrest in recent months kill eight people and injure more than 40.
February	IAEA votes to report Iran to the UN Security Council over its nuclear activities. Iran says it has resumed uranium enrichment at Natanz.
March	Earthquakes kill scores of people and render thousands homeless in Lorestan province.
April	Iran says it has succeeded in enriching uranium at its Natanz facility.
31 August	A UN Security Council deadline for Iran to halt its work on nuclear fuel passes. The IAEA says Tehran has failed to suspend the programme.
December	Iran hosts a controversial conference on the Holocaust; delegates include Holocaust deniers. UN Security Council votes to impose sanctions on Iran's trade in sensitive nuclear materials and technology. Iran condemns the resolution and vows to speed up uranium enrichment work.

2007

February	IAEA says Iran failed to meet a deadline to suspend uranium enrichment, exposing Tehran to possible new sanctions.
March-April	Iran detains 15 British sailors and marines who were patrolling the mouth of the Shatt al-Arab waterway that separates Iran and Iraq. A diplomatic stand-off ends with their release two weeks later.
April	President Ahmadinejad says Iran can produce nuclear fuel on an industrial scale.
June	Protests erupt after government imposes petrol rationing amid fears of possible UN sanctions.
July	Iran agrees to allow inspectors to visit the Arak nuclear plant following talks with the IAEA.
August	The former president, Akbar Hashemi Rafsanjani, is elected head of the Assembly of Experts (the body which appoints, supervises and can dismiss the supreme leader), a position which further solidifies the veteran politician's role within the Iranian establishment, one that is increasingly at odds with the incumbent president.
October	US announces sweeping new sanctions against Iran, the toughest since it first imposed sanctions almost 30 years ago.
December	A new US intelligence report plays down the perceived nuclear threat posed by Iran.

2008

February	Iran launches a research rocket to inaugurate a newly built space centre. Washington describes the launch as "unfortunate".
March	President Ahmadinejad makes unprecedented official visit to Iraq, where he calls on foreign troops to leave. He also stresses his government's desire to help rebuild Iraq and signs a number of cooperation agreements.

	Conservatives win over two-thirds of seats in parliamentary elections in which many pro-reform candidates were disbarred from standing. The conservatives include supporters of President Ahmadinejad as well as more pragmatic conservatives who oppose his confrontational foreign policy.
May	IAEA says Iran is still withholding information on its nuclear programme. Iran's new parliament elects former nuclear negotiator Ali Larijani as its speaker.
June	EU foreign policy chief Javier Solana presents an offer of trade benefits, which Tehran says it will look at, but will reject if it demands suspension of uranium enrichment.
July	Iran test-fires a new version of the Shahab-3, a long-range missile it says is capable of hitting targets in Israel.
August	Informal deadline set by Western officials for Iran to respond to package of incentives in return for halt in nuclear activities passes without reply. Iran says it has successfully launched a test rocket capable of carrying a satellite into space.
September	UN Security Council passes unanimously a new resolution reaffirming demands that Iran stop enriching uranium, but imposes no new sanctions. The text was agreed after Russia said it would not support further sanctions.
November	Parliament votes to dismiss the interior minister, Ali Kordan, who admitted that a degree he said he held from Oxford University was fake. The move is a blow to President Ahmadinejad ahead of next year's presidential election. In an unprecedented move, President Ahmadinejad congratulates US president-elect Barack Obama on his election win. Mr Obama has offered to open unconditional dialogue with Iran about its nuclear programme.
December	Police raid and close the office of a human rights group led by the Nobel Peace Prize winner, Shirin Ebadi. Officials say the centre is acting as an illegal political organisation.

2009

February	Speaking on the 30th anniversary of the Islamic revolution in Iran, President Mahmoud Ahmadinejad says he would welcome talks with the US as long as they are based on "mutual respect".
March	Supreme Leader Ali Khamenei tells anti-Israel rally that US President Obama is following the "same misguided track" in Middle East as President Bush.
April	An Iranian court finds Iranian-American journalist Roxana Saberi guilty of spying for the US. She is sentenced to eight years in prison.
May:	Iran rejects a US state department report saying it remains the "most active state sponsor of terrorism" in the world. Jailed Iranian-American journalist Roxana Saberi is freed and returns to US.
June	Mr Ahmadinejad is declared to have won a resounding victory in the 12 June presidential election. The rival candidates challenge the result, alleging vote-rigging. Their supporters take to the streets, and at least 30 people are killed and more than 1,000 arrested in the wave of protests that follow. The Iranian authorities claim foreign interference is stoking the unrest, and single out Britain for criticism.
July	President Ahmadinejad dismisses his most senior vice-president, Esfandiar Rahim Mashaie, under pressure to do so by Supreme Leader Ayatollah Ali Khamenei.
August	Mahmoud Ahmadinejad sworn in for second term as president presents cabinet – the first since the founding of the Islamic Republic in 1979 to include women.

	A number of senior opposition figures are accused of conspiring with foreign powers to organise unrest and are put on trial. Supreme Leader Ayatollah Ali Khamenei says there is no proof that opposition leaders blamed for the post-election unrest were agents of foreign powers.
September	Iran admits that it is building a uranium enrichment plant near Qom, but insists it is for peaceful purposes. The country test-fires a series of medium- and longer-range missiles that put Israel and US bases in the Gulf within potential striking range.
October	Five permanent UN Security Council members plus Germany offer Iran proposal to enrich its uranium abroad.
November	Iran refuses to accept the international proposal to end the dispute over its nuclear programme. UN nuclear watchdog IAEA passes a resolution condemning Iran for developing a second uranium enrichment site in secret. Iran denounces the move as "political" and announces plans to create 10 more uranium enrichment facilities.
December	Death of influential dissident cleric Grand Ayatollah Hoseyn Ali Montazeri triggers further clashes between opposition supporters and security forces. At least 8 people die in what is the worst violence since the contested presidential election.

2010

January	Iran executes two men arrested during the period of unrest that followed the disputed presidential election of June 2009. It also puts 16 people on trial over the Ashura Day opposition protests in December, when eight people were killed. Iranian physics professor Masoud Ali-Mohammadi is killed in a bomb attack in Tehran. No group claims responsibility. The government accuses the US and Israel of his death, while Iranian opposition groups say Mr Mohammadi supported one of their candidates in last year's presidential election.
February	Iran says it is ready to send enriched uranium abroad for further enrichment under a deal agreed with the West. The US calls on Tehran to match its words with actions. Opposition leader Mir Hossein Mousavi says the opposition will continue its peaceful struggle against the government.
May	Iran reaches a deal to send uranium abroad for enrichment after mediation talks with Turkey and Brazil; Western states respond with scepticism, saying the agreement will not stop Iran from continuing to enrich uranium.
June	UN Security Council imposes fourth round of sanctions against Iran over its nuclear programme, including tighter financial curbs and an expanded arms embargo.
July	International outcry as a woman is sentenced to death by stoning for adultery. 27 killed as suicide bombers attack a Shia mosque in Zahedan near the Pakistan border.
August	In what Tehran describes as a milestone in its drive to produce nuclear energy, engineers begin loading fuel into the Bushehr nuclear power plant.
September	Stuxnet – a computer worm which affects industrial systems and which may have been created by a nation-state – is reportedly detected in staff computers at the Bushehr nuclear plant. Sarah Shourd, a US citizen caught hiking with two friends near the Iran-Iraq border, is freed after a year in prison. The three deny they were spying. US imposes unprecedented sanctions against eight senior Iranian officials for human rights violations.

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October	A former British embassy employee jailed in 2009 for espionage has his sentence commuted.
December	Main achievement of talks in Geneva between Iran and key world powers on Iran's nuclear programme is to agree to hold another round of talks in Istanbul in January.
	President Ahmadinejad sacks Foreign Minister Manouchehr Mottaki, thought to be his main opponent within Iranian leadership.

2011

January	Nuclear chief Ali Akbar Salehi says Iran now possesses technology needed to make fuel plates and rods for nuclear reactors.
February	First mass opposition demonstrations in a year amid a wave of unrest rippling across the Middle East and North Africa.
	Iran sends two warships through the Suez Canal for the first time since the Islamic Revolution. Iran said the warships carried no military, nuclear or chemical equipment, and were bound for a training mission in Syria. Israel described the move as an act of provocation.
March	Rare public row between Supreme leader Ayatollah Khamenei and President Ahmadinejad over the resignation of Intelligence Minister Moslehi.
	Iran criticises Bahrain for its crackdown on Shia pro-reform protesters, and for calling in Saudi troops.

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Annex B

POLITICAL ORGANISATIONS

"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." (Jane's *Sentinel Security Assessment*, updated 4 June 2010) **[61f] (Internal Affairs)**

Europe World Online, accessed on 28 April 2011, noted:

"Most of the following are either registered political parties which have boycotted elections to the Majlis-e-Shura-e Islami (Islamic Consultative Assembly) in the 2000s, or are unregistered organizations or guerrilla groups:

Ansar-e Hezbollah (Helpers of the Party of God)
Daftar-e Tahkim-e Vahdat (Office for Strengthening Unity)
Democratic Party of Iranian Kurdistan
Fedayin-e-Khalq (Organization of the Iranian People's Fedayeen – Majority)
Fraksion-e Hezbollah
Free Life Party of Kurdistan (PJAK)
Hezb-e Etemad-e Melli (National Confidence Party – NCP)
Hezb-e Hambastegi-ye Iran-e Islami (Islamic Iran Solidarity Party)
Hezb-e-Komunist Iran (Communist Party of Iran)
Iran National Front (Jebhe Melli Iran)
Jame'e-ye Eslaami-e Mohandesin (Islamic Society of Engineers)
Jebbeh-ye Mosharekat-e Iran-e Islami (Islamic Iran Participation Front)
Komala Party of Iranian Kurdistan
Marze Por Gohar (Glorious Frontiers Party)
Mujahidin-e-Khalq (Holy Warriors of the People)
National Democratic Front
Nehzat-e Azadi-ye Iran (Liberation Movement of Iran)
Pan-Iranist Party
Sazeman-e Mujahidin-e Enqelab-e Islami (Organization of the Mujahidin of the Islamic Revolution)
Sazmane Peykar dar Rahe Azadieh Tabaqe Kargar (Organization Struggling for the Freedom of the Working Class)
Tudeh Party of Iran (Party of the Masses)
[1f] (Political Organisations)

The following is a short description of some political parties:

al-Ahwaz Arab People's Democratic Front (APDF) also known as Al-Ahwaz Arab Popular Democratic Front, Arab People's Democratic Front, Democratic Popular Front for the Arab People of Ahwaz
Formed 12 June 2005; London-based separatist group dedicated to the independence of Iran's Khuzestan region in southwestern Iran which is home to many of Iran's ethnic Arab minority. The group aims to establish an independent, Marxist Arab state for the people of Khuzestan. (US Department of Homeland Security, 1 March 2008) **[74a]**

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. Frood 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]**

See also section on Monarchists

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." (Janes *Sentinel Security Assessment*, 4 June 2010) **[61f] (Internal Affairs)**

See also Student Activists

Free Life Party of Kurdistan (Partiya Jiyana Azada Kurdistan – PJAK)
"Founded 2004; militant organisation which operates in mountainous areas of Iran and northern Iraq; apparently has close links with the Partiya Karkeren Kurdistan (PKK) (Kurdistan Workers' Party) of Turkey; seeks a federal, secular system of govt in Iran, in order to secure the national rights of the Kurdish people. Sec.-Gen: Rahman Haji Ahmadi." (Europa World online, 28 April 2011) **[1f]**,

See also section on Partiya Jiyana Azada Kurdistan (PJAK) – Kurdistan Free Life Party

Hezb-e Etemad-e Melli (National Confidence Party—NCP)
"Founded 2005 by Mahdi Karrubi, formerly of the Militant Clergy Association, shortly after his defeat in the presidential election of June; reformist, centrist. Sec.-Gen: Mahdi Karrubi." (Europa World online, 28 April 2011) **[1f]**,

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*, 4 June 2010) **[61f] (Internal Affairs)**

Hezb-e Motalefeh-e Islami (Islamic Coalition Party)
Founded 1963; also known as Jam'iyat-e Motalefeh-e Islami (Islamic Coalition Society); traditionalist conservative, includes clerics and merchants; opposed to political reforms, but some members favour economic reforms. Secretary General: Muhammad Nabi Habibi. (Europa World online, 28 April 2011) **[1f]**,

Iran National Front (Jebhe Melli Iran)
"Founded late 1940s by the late Dr Muhammad Mussadeq; secular pro-democracy opposition group, which also seeks to further religious freedom within Iran." (Europa World online, 28 April 2011) **[1f]**. Website: www.jebhemelli.net

Iran Paad
"…claims to have been founded in London about 19 years ago, with the aim of providing an umbrella organisation that would invite all other Monarchist groups to be part of their network. Iran Paad claims to have thousands of members both inside and outside of Iran. They also organise demonstrations which take place outside Iranian Embassies in other countries of the world, to keep their campaign in the public's eye." (Advisory Panel on Country Information (APCI) Report 2008) **[6a] (p24)**

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]**

Jame'e-ye Eslaami-e Mohandesin (Islamic Society of Engineers)
"Founded 1988; conservative; members incl. President Mahmoud Ahmadinejad. Sec.-Gen: Muhammad Reza Bahonar." (Europa World online, 28 April 2011) **[1f]**,

Jamiyat-e Isargaran-e Inqilab-e Islami (Islamic Revolution Devotees' Society)
Hardline conservative; includes former officers of the Revolutionary Guards. Co-Founder: Mahmoud Ahmadinejad. (Europa World online, 28 April 2011) **[1f]**

Jebhe-yi Mosharekat-i Islami-i Iran (Islamic Iran Participation Front)
"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*, 4 June 2010) **[61f] (Internal Affairs)**

The party's leader, Mohsen Mirdamadi, was arrested following the June 2009 presidential election and was among those tried in a televised mass 'show trial' on 1 August 2009. (US State Department of State *Country Report on Human Rights Practices 2009*, Iran, released on 11 March 2010 (USSD Report 2009)) **[4f] (Section 1e)** On 18 April 2010, Agence France Presse reported that he 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]**

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" activites (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 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

"Founded 1969; Kurdish wing of the Communist Party of Iran; Marxist-Leninist.
Sec.-Gen: Abdullah Mohtadi." (Europa World online, 28 April 2011) **[1f]** An earlier party, also called Komala, was formed by left-leaning Kurdish activists in Mahabad in the 1940s. In July 1945, this Komala Party changed its name to the Kurdistan Democratic Party of Iran (KDPI) [also known as the Democratic Party of Iranian Kurdistan]. (Human Rights Watch, 9 January 2009) **[8h]**

Kurdistan Democratic Party of Iran (KDPI) or, Democratic Party of Iranian Kurdistan (DPIK)

Founded 1945; seeks a federal system of government in Iran, in order to secure the national rights of the Kurdish people; member of the Socialist International; 95,000 members. (Europe World Online, 28 April 2011) **[1f] (Political Organisations)** Mustafa Hijri [Moustapha Hedjri] was elected leader in July 2004. (Jane's *Sentinel Security Assessment*, 23 January 2009) **[61b] (Non-state Armed Groups)** 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)**

KDPI (Revolutionary Leadership) (KDPI RL)

Formed as a result of the KDPI leadership split in 1988. (Chatham House, December 2007) **[73a] (p6)**

Lejnat al-Wefaq 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*, 4 June 2010) **[61f] (Internal Affairs)**

Marze Por Gohar (Glorious Frontiers Party)

Founded 1998 in Tehran; nationalist party advocating a secular republic in Iran.
Chair. Roozbeh Farahanipour. (Europa World online, accessed 3 May 2011)
Website: www.marzeporgohar.org

Mujahidin-e-Khalq (MEK) (Holy Warriors of the People) or, People's Mojahedin Organisation of Iran (PMOI)

The Mojahedin-E Khalq (MEK) is also known as the MKO and is an Islamist/Socialist organisation formed in 1965. Its leaders are Masud and Maryam Rajavi. The organisation has

been classified as a terrorist organisation by several countries; it was removed from the UK's list of alleged terrorist groups in June 2008. (Danish Immigration Service, April 2009) **[86a](p16)** Member of the National Council of Resistance [see below]; based in Paris 1981–86 and in Iraq since 1986. (Europe World Online, accessed on 28 April 2011) **[1f] (Political Organisations)**

National Council of Resistance (NCR)

"The National Council of Resistance was formed in Paris, France, in October 1981 by former President Abolhasan Bani-Sadr and Massoud Rajavi, the leader of the Mujahidin-e-Khalq in Iran. In 1984 the Council comprised 15 opposition groups, operating either clandestinely in Iran or from exile abroad. Bani-Sadr left the Council in that year because of his objection to Rajavi's growing links with the Iraqi Government. The French Government asked Rajavi to leave Paris in June 1986 and he moved his base of operations to Baghdad. In June 1987 Rajavi, Secretary of the NCR, announced the formation of a 10,000–15,000-strong National Liberation Army as the military wing of the Mujahidin-e-Khalq. However, the status of the Mujahidin was initially uncertain following the invasion of Iraq by the US-led coalition in March 2003 … and firmer measures being taken against the activities of the organization by the authorities in Paris in mid-2003. In July 2004 the USA declared a group of 3,800 members of the Mujahidin-e-Khalq interned in Iraq to have 'protected status' under the Geneva Convention. There is also a National Movement of Iranian Resistance, based in Paris." (Europe World Online, accessed on 28 April 2011) **[1f] (Political Organisations)**

Nehzat-e Azadi-ye Iran (Liberation Movement of Iran or Freedom Movement of Iran)

Founded 1961; emphasis on basic human rights as defined by Islam. Secretary General: Dr Ibrahim Yazdi. (Europa World online, accessed 28 April 2011) **[1f]** On 20 March 2011, Voice of America reported that Ibrahim Yazdi had been released from prison and had announced his resignation as leader of the Freedom Movement of Iran, "…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." **[98c]**

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*, 4 June 2010) **[61f] (Internal Affairs)**

Tudeh Party of Iran (Party of the Masses)

"Founded 1941; declared illegal 1949; came into open 1979; banned again April 1983." First Secretary Central Committee: Ali Khavari. (Europa World online, accessed 3 May 2011) Website www.tudehpartyiran.org

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
President:	Mahmoud Ahmadinejad (assumed office 6 August 2005; re-elected 12 June 2009).
First Vice-President:	Muhammad Reza Rahimi.
Vice-President in charge of Legal and Parliamentary Affairs:	Hojatoleslam Sayed Muhammad Reza Mir Taj al-Diny.
Vice-President and Head of the Atomic Energy Organization	Fereydoun Abbasi Davani
Vice-President and Head of the Organization for the Protection of the Environment:	Muhammad Javad Muhammadi Zadeh.
Vice-President for Strategic Planning and Supervision Affairs:	Ebrahim Azizi.
Vice-President and Head of the National Youth Organization:	Farahnaz Torkestani
Vice-President and Head of the Martyrs' and Self-Sacrificers' Affairs Foundation:	Masoud Zaribafan.
Vice-President and Head of the Cultural Heritage, Handicrafts and Tourism Organization:	Hamid Baghaei.
Vice-President for Physical Training and Head of the Physical Education Organization:	Sayed Ali Saidloo.
Vice-President for Science and Technology:	Nasrin Soltankhah.

COUNCIL OF MINISTERS

Minister of Defence and Armed Forces Logistics:	Brig.-Gen. Ahmad Vahidi.
Minister of Foreign Affairs	Ali Akbar Salehi
Minister of the Interior:	Mostafa Muhammad Najjar.
Minister of Intelligence and Security:	Heydar Moslehi.
Minister of Petroleum:	Masoud Mir-Kazemi.
Minister of Energy:	Majid Namjou.
Minister of Education:	Hamid Reza Haji Babaie.
Minister of Communications and Information Technology:	Reza Taqipour.
Minister of Economic Affairs and Finance:	Sayed Shamseddin Hosseini.
Minister of Commerce:	Mahdi Ghazanfari.
Minister of Health and Medical Education:	Marzieh Vahid Dastjerdi.

Minister of Co-operatives:	Muhammad Abbasi.
Minister of Agricultural Jihad:	Sadeq Khalilian.
Minister of Justice:	Morteza Bakhtiari.
Minister of Welfare and Social Security:	Sadeq Mahsouli.
Minister of Industries and Mines:	Ali Akbar Mehrabian.
Minister of Science, Research and Technology:	Kamran Daneshjou.
Minister of Culture and Islamic Guidance:	Sayed Muhammad Hosseini.
Minister of Labour and Social Affairs:	Abdolreza Sheikholeslami.
Minister of Housing and Urban Development and Acting Minister of Roads and Transport:	Ali Nikzad.

(Europa World online, The Government, February 2011) **[1g]**

AHMADINEJAD, Mahmoud

The BBC News country profile, Iran, updated 22 February 2011, stated:

"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… The ultra-conservative Mr Ahmadinejad served as Tehran's mayor before winning a run-off vote in elections in June 2005, defeating his rival, the former president Akbar Hashemi Rafsanjani, to become Iran's first non-cleric president for 24 years… Born near Tehran in 1956, Mahmoud Ahmadinejad is a former provincial governor and Revolutionary Guards officer. He was actively involved in the Islamic revolution and was a founding member of the student union that took over the US embassy in Tehran in 1979. But he denies being one of the hostage-takers." **[21e]**

BAZARGAN, Dr Mehdi

Dr Bazargan was a pro-democracy activist who was imprisoned several times in the 1960s and 70s due to his non-violent opposition to the Shah. Co-founder of the Liberation Movement of Iran in 1961 and the Iranian Human Rights Association in 1977; briefly appointed Provisional Prime Minister by Ayatollah Khomeini when the Shah was forced out of Iran in 1979 "…but he resigned within a year, complaining that radical clerics were undermining his government." Died in early 1995. (Iran Chamber Society, 2009) **[58c]**

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) **[21l]**

KARBASCHI, Gholamhossein
Former mayor of Tehran from 1988 to 1998, instrumental in Mohammad Khatami's presidential victory in 1997; tried on corruption charges in 1998, sentenced to two years in prison and banned from holding office for ten years. Mr Karbaschi supported Mehdi Karrubi in the June 2009 presidential election. (*New York Times*, 10 March 2009) **[77b]**

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 [see below], as a symbol of the opposition. Indicated in late January 2010 that Ahmadinejad is the chief executive of Iran by virtue of the Supreme Leader's backing, but later reiterated strong criticism of regime's use of force against protesters. Was been [sic] physically blocked by regime from attending Green demonstrations during 2010 and, with Musavi, is under house arrest as of February 2011." (Congressional Research Service, 18 April 2011) **[78f] (p6)**

KHAMENEI, Sayed Ali
The BBC News country profile, Iran, updated 22 February 2011, 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, Mohammed
A Congressional Research Service (CRS) report of 18 April 2011 stated that Mr Khatemi was:

"… [a] reformist president during 1997-2005 and declared he would run again for President in June 2009 elections, but withdrew when allied reformist Mir Hossein Musavi entered the race in late March 2009. Khatemi elected May 1997, with 69% of the vote; reelected June 2001 with 77%. Rode wave of sentiment for easing social and political restrictions among students, intellectuals, youths, and women. These groups later became disillusioned with Khatemi's failure to stand up to hardliners on reform issues. Now heads International Center for Dialogue Among Civilizations… Perceived as open to a political compromise that stops short of replacement of the regime but guarantees social and political freedoms." **[78f] (p5)**

KHOMEINI, Ruhollah (Ayatollah)
The Shi'ite cleric who led the revolution that overthrew the Shah in 1979. He was Iran's ultimate political and religious authority for the next 10 years. Died 3 June 1989. (Encyclopaedia Britannica.com, 2009) **[69a]**

LARIJANI, Ali
The CRS report of 18 April 2011 stated that Ali Larijani is the current Majles Speaker. Moreover, he was the:

"Overwhelming winner for Majles seat from Qom on March 14, 2008, and selected Majles Speaker (237 out of 290 votes). Former state broadcasting head (1994-2004) and minister of culture and Islamic guidance (1993), was head of Supreme National Security Council and chief nuclear negotiator from August 2005 until October 2007 resignation. Sought to avoid U.N. Security Council isolation. Politically close to Khamene'i but criticized election officials for the flawed June 12, 2009, election and subsequent crackdown. Backs arrests of Green movement protesters. Brother of judiciary head. Another brother, Mohammad Javad, was deputy foreign minister (1980s.) May run again for President in 2013." **[78f] (p4)**

LARIJANI, Sadeq (Ayatollah)
The CRS report of 18 April 2011 stated that AyatollahSadeq Larijani was "Named judiciary head in late August 2009, replacing Ayatollah Mahmoud Shahrudi, who had headed the Judiciary since 1999. Brother of Ali Larijani; both are close to the Supreme Leader but are moderate-conservative opponents of Ahmadinejad. Both also support hard line against Green movement." **[78f] (p5)**

MONTAZERI, Hussein Ali
Grand Ayatollah Montazeri was Ayatollah Khomeini's "heir apparent" until he was cast aside by Khomeini, the founder of the Islamic Republic, in 1989 for criticising human rights abuses by the Iranian regime. (*The National*, 21 September 2009) **[64a]**

"Since then, despite official harassment of his aides and a six-year period of house arrest, Grand Ayatollah Montazeri has remained the outspoken conscience of Iran's religious community, an advocate of democratic pluralism and foreign policy moderation…Grand Ayatollah Montazeri was put under house arrest in 1997 after questioning the unaccountable authority exercised by Ayatollah Khamenei… Despite his defiance, Grand Ayatollah Montazeri was released from house arrest, unbowed, in January 2003 to a rapturous welcome by hundreds of supporters. It was believed the authorities were worried that the ageing cleric could become a focus for opposition groups in Iran if he died while under house arrest."

In June 2009, he questioned the validity of President Amadinejad's re-election, stating that "…'no one in their right mind' could believe the official results of the presidential elections." (*The National*, 21 September 2009) **[64a]**

Montazeri died on 20 December 2009 aged 87 and was buried at the Masoumeh shrine, one of the holiest in Shia Islam. (The *Guardian*, 21 December 2009) **[16i]**

MOUSAVI [MUSAVI], Mir Hossein
The CRS report of 18 April 2011 stated:

"Musavi is a non-cleric. About 68. 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 later adopted views similar to Khatemi on political and social freedoms and on reducing Iran's international isolation, but supports strong state intervention in the economy to benefit workers, lower classes." **[78f] (p5-6)**

Mousavi stood as a moderate in the 2009 presidential election and was the main challenger to President Ahmadinejad. (BBC News, 16 June 2009) **[21q]** He was fired from his post as head of the Arts Institution in December 2009 but retained his post on the Expediency Council. (BBC News, 22 December 2010) **[21c]**

The CRS report of 18 April 2011 added that Mousavi:

"Appeared at some 2009 protests, sometimes intercepted or constrained by regime security agents. However, [he is] not necessarily respected by harder line opposition leaders who criticize his statements indicating reconciliation with the regime is possible. He and wife (prominent activist Zahra Rahnevard) repeatedly harassed by regime during 2009 protests. He and Mehdi Karrubi [see above] placed under strict house arrest after Green demonstrations resumed in February 2011. Prevented by regime from attending father's Tehran funeral on April 1, 2011." **[78f] (p5-6)**

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 18 April 2011 stated:

"Some Iranian exiles, as well as some elites still in Iran, 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. In January 2001, the Shah's son, who is about 50 years old, ended a long period of inactivity by giving a speech in Washington, DC, calling for unity in the opposition and the institution of a constitutional monarchy and democracy in Iran. He has since broadcast messages into Iran from Iranian exile-run stations in California, and has delivered statements condemning the regime for the post-2009 election crackdown. He does not appear to have large-scale support inside Iran, but he may be trying to capitalize on the opposition's growing popularity. In January 2010, he called for international governments to withdraw their representation from Tehran. Younger brother, Ali Reza Pahlavi, committed suicide in January 2011. As of March 2011, reputedly considering cooperating with younger Green movement figures." **[78f] (p7)**

QALIBAF, Mohammad Baqer

The CRS report of 18 April 2011 stated that Mr Qalibaf is a:

"Former Revolutionary Guard Air Force commander and police chief, but a moderate-conservative ally of Larijani 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 nine out of 15 seats on Tehran city council in December 2006 elections, propelling him to current post as mayor of Tehran. Recruited moderate-conservatives for March 2008 Majles election. May run again in 2013." **[78f] (p4)**

RAFSANJANI, Ali Akbar Hashemi
The CRS report of 18 April 2011 stated that Mr Rafsanjani is:

"A mid-ranking cleric, still heads the Expediency Council, but was seriously weakened in March 2011 by defeat to remain Assembly of Experts chairman. Reputedly lost because hardliners blame him for tacit support of Green challenge to Ahmadinejad reelection. Rift with Ahmadinejad erupted when Ahmadinejad alleged broad Rafsanjani corruption in 2009 campaign; led Rafsanjani to fund much of Musavi's election campaign. Daughter Faizah participated in several 2009 protests and was detained briefly again in February 2011 as protests resumed. Five Rafsanjani family members arrested in June 2009 (and another briefly detained in March 2010), and there was a May 2010 threat to arrest his son, Mehdi, if he returns from exile in Britain. Opposition activists say his sister and brother-in-law have relocated to New York. In September 2010, criticized Ahmadinejad for minimizing the effects of growing international sanctions against Iran. In October 2010, Khamene'i blocked Rafsanjani's efforts to convert endowment of Islamic Azad University, which Rafsanjani helped found, to a religious trust. 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." **[78f] (p4)**

RAJAVI, Massoud
Leader of the Mojahedin-E Khalq (MEK), also known as the MKO. The MEK has been classified as a terrorist organisation by several countries; removed from the UK's list of alleged terrorist groups in June 2008. (Danish Immigration Service, April 2009) **[86a] (p16)**

See Mujahidin-e-Khalq (Holy Warriors of the People) above.

RAJAVI, Maryam
Wife of Massoud Rajavi; leader of the MEK with her husband. (Danish Immigration Service, April 2009) **[86a] (p16)**

See Mujahidin-e-Khalq (Holy Warriors of the People) above.

REZA'I, Mohsen
A conservative candidate in the June 2009 presidential elections. He came third with 1.73% of the vote. (Congressional Research Service, 2 July 2009) **[78b]**

SOLTAN, Neda
Neda Soltan was "…the student who became a symbol of the opposition after she was shot dead during an anti-goverment demonstration on June 20 [2009]." (The *Times*) **[15a]**

Soltani Abdolfattah
"Abdolfattah Soltani is a well-known Iranian human rights lawyer, and spokesman for the Defenders of Human Rights Center, which was co-founded by the Nobel Peace-Prize-winner Shirin Ebadi. He has twice been incarcerated in Iran for political offences, in 2005 and 2009." Mr. Soltani is one of the lead lawyers representing the imprisoned seven leaders of the Baha'i community of Iran. (Iran Press Watch, 22 October 2009) **[65a]**

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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
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 E

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