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310



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Iran

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The Islamic Republic of Iran [note 1] is a constitutional, theocratic republic in which Shi'a Muslim clergy dominate the key power structures. The Supreme Leader of the Islamic Revolution, Ayatollah Ali Khamene'i, dominates a tri-cameral division of power among legislative, executive, and judicial branches. Khamene'i directly controls the armed forces and exercises indirect control over the internal security forces, the judiciary, and other key institutions. The executive branch was headed by President Mohammad Khatami, who won a second 4-year term in June 2001, with 77 percent of the popular vote in a multiparty election. The legislative branch featured a popularly elected 290-seat Islamic Consultative Assembly, Majlis, which develops and passes legislation. Reformist and moderate candidates won a landslide victory for 4-year terms in the 2000 Majlis election, gaining a clear majority of that body. However, the 12-member Guardian Council, which reviews all legislation passed by the Majlis for adherence to Islamic and constitutional principles, blocked much of the reform legislation. The 34-member Expediency Council is empowered to resolve legislative impasses between the Guardian Council and the Majlis. The Constitution provides that "the judiciary is an independent power"; however, the judicial branch is widely perceived as heavily biased against pro-Khatami reformist forces.

Several agencies share responsibility for law enforcement and maintenance of order, including the Ministry of Intelligence and Security, the Ministry of Interior, and the Islamic Revolutionary Guards Corp, a military force established after the revolution. Paramilitary volunteer forces known as Basijis, and various gangs of men known as the Ansar-e Hezbollah (Helpers of the Party of God), or more simply "plain clothes," acted as vigilantes aligned with extreme conservative members of the leadership. Civilian authorities did not fully maintain effective control of the security forces and there were instances in which elements of the security forces acted independently of government authority. The regular and the paramilitary security forces both committed numerous, serious human rights abuses.

The mixed economy depends on oil and gas for 80 percent of its export earnings. The population was approximately 68 million. All large-scale industry is publicly owned and administered by the State. Large para-statal charitable foundations called bonyads, most with strong connections to the clerical regime, controlled as much as a third of the country's economy and exercised considerable influence. The Government heavily subsidized basic foodstuffs and energy costs. Government mismanagement and corruption negatively affected economic performance. The official unemployment rate was approximately 16 percent, although other estimates were higher. Estimated inflation was 17 percent with economic growth at 6 percent during the year.

The Government's poor human rights record worsened, and it continued to commit numerous, serious abuses. The right of citizens to change their government was restricted significantly. Continuing serious abuses included: summary executions; disappearances; torture and other degrading treatment, reportedly including severe punishments such as beheading and flogging; poor prison conditions; arbitrary arrest and detention; lack of habeas corpus or access to counsel and prolonged and incommunicado detention. Citizens often did not receive due process or fair trials. The Government infringed on citizens' privacy rights, and restricted freedom of speech, press, assembly, association and religion.

An intense political struggle continued during the year between a broad popular movement favoring greater liberalization in government policies, particularly in the area of human rights, and certain hard-line elements in the Government and society, which viewed such reforms as a threat to the survival of the Islamic Republic. In many cases, this struggle was played out within the Government itself, with reformists and hard-liners squaring off in divisive internal debates. As in the past, reformist members of parliament were harassed, prosecuted, and threatened with jail for statements made under parliamentary immunity.

The Government restricted the work of human rights groups; however, it permitted visits during the year by the U.N. Working Group on Arbitrary Detention and the U.N. Special Rapporteur for the Promotion and Protection of the Right to Freedom of Opinion and Expression. Violence and legal and societal discrimination against women were problems. The Government restricted the work of human rights groups.

The Government discriminated against minorities and severely restricted workers' rights, including freedom of association and the right to organize and bargain collectively. Child labor persisted. Vigilante groups, with strong ties to certain members of the Government, enforced their interpretation of appropriate social behavior through intimidation and violence. There were reports of trafficking in persons.

In October, lawyer and human rights activist Shirin Ebadi was awarded the Nobel Peace Prize for her work in advancing human rights both in the country and internationally.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were reports of political killings. The Government was responsible for numerous killings during the year, including executions following trials in which there was a lack of due process. Government affiliated vigilante groups also were responsible for extrajudicial killings.

The law criminalized dissent and applied the death penalty to offenses such as "attempts against the security of the State, outrage against high-ranking officials, and insults against the memory of Imam Khomeini and against the Supreme Leader of the Islamic Republic." Citizens continued to be tried and sentenced to death in the absence of sufficient procedural safeguards.

Exiles and human rights monitors alleged that many of those supposedly executed for criminal offenses, such as narcotics trafficking, actually were political dissidents. Supporters of outlawed political groups, or in the case of the Mujahedin-e Khalq, a terrorist organization, were believed to constitute a large number of those executed each year.

In July, an Iranian-Canadian photographer, Zahra Kazemi, died in custody after being arrested for taking photographs at Evin prison in Tehran. After initially claiming that she had died as a result of a stroke, the Government subsequently admitted that she died as a result of a blow to the head and charged individuals involved in her detention. The Government also denied Canada's request, based on her son's statement, that Kazemi's remains be sent to Canada for further autopsy and burial. The Government claimed to be following the wishes of her mother that she be buried in the country, but the mother later said that she was coerced into making the request.

Two political activists associated with the outlawed Komala party, Sassan al-Kanaan and Mohammad Golabi, were executed in February and March. The Democratic Party of Iranian Kurdistan (KDPI), an opposition party, alleged that the Government executed party member Jalil Zewal in December, after 9 years in prison during which he was reportedly subjected to torture. KDPI member Ramin Sharifi was also executed in December after his arrest in July. Mohammad Golabi was reportedly tortured while in detention. Sassan al-Kanaan's execution was reportedly carried out while his mother was in Tehran meeting on his behalf with the U.N. Working Group on Arbitrary Detention. KPI reports that hard-line vigilante groups killed at least seven other Kurdish civilians were killed during the year.

The 1998 murders of prominent political activists Darioush and Parvaneh Forouhar, writers Mohammad Mokhtari and Mohammad Pouyandeh, and the disappearance of political activist Pirouz Davani continued to cause controversy about what is perceived to be the Government's cover-up of involvement by high-level officials. Prominent investigative journalist Akbar Ganji, who was arrested in 2000 and sentenced to 6 years in prison for his reporting on the case, remained in prison (see Sections 1.d. and 1.e.). In 2001, the Special Representative for Iran of the Commission on Human Rights (UNSR) also reported claims that there were more than 80 killings or disappearances over a 10-year period as part of a wider campaign to silence dissent. Members of religious minority groups, including the Baha'is, evangelical Christians, and Sunni clerics were killed in recent years, allegedly by government agents or directly at the hands of authorities.

b. Disappearance

Little reliable information was available regarding the number of disappearances during the year.

The Government announced that approximately 4,000 persons—both protesters and vigilantes—were arrested in connection with pro-reform protests in June and stated that roughly 2,000 remained in jail in mid-July. There were no reliable statistics to indicate how many protestors were still being held at year's end.

According to Baha'i sources, since 1979 15 Baha'i have disappeared and are presumed dead. The KDPI noted the continued detention of six Iranian Kurds arrested in 1996 with no subsequent word on their

whereabouts. The Families of Iranian Jewish Prisoners (FIJP) have heard anecdotal stories that some of 12 Jewish citizens, who disappeared while attempting to escape from the country in the 1990s, were being held in prison (see Section 2.c.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids the use of torture; however, there were numerous credible reports that security forces and prison personnel continued to torture detainees and prisoners. Some prison facilities, including Tehran's Evin prison, were notorious for the cruel and prolonged acts of torture inflicted upon political opponents of the Government. Common methods included suspension for long periods in contorted positions, burning with cigarettes, sleep deprivation, and most frequently, severe and repeated beatings with cables or other instruments on the back and on the soles of the feet. Prisoners also reported beatings about the ears, inducing partial or complete deafness, and punching in the eyes, leading to partial or complete blindness.

In August, the Council of Guardians rejected a bill on accession to the U.N. Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. The Majlis amended the bill in late December, reportedly addressing Council of Guardians concerns over the monetary costs of joining the convention. The Council of Guardians also rejected in mid-2002 a bill passed by the Majlis to end torture and forced confessions.

In July 2002, in an effort to combat "un-Islamic behavior" and social corruption among the young, the Government announced the formation of a new "morality force." The force was meant to enforce the Islamic Republic's strict rules of moral behavior. Press reports indicated that members of this force chased and beat persons in the streets for offenses such as listening to music, or in the case of women, wearing makeup or clothing that was not modest enough (see Section 1.f.). While not uniformly enforced, in November, 7 women in Shiraz were reportedly sentenced to 50 lashes for disrespectful behavior during the month of Ramadan.

In March, activist Siamak Pourzand was re-imprisoned after his provisional release in November 2002. After his arrest in 2001, Siamak Pourzand was tried in March 2002 behind closed doors and sentenced to 11 years in prison for "undermining state security through his links with monarchists and counter-revolutionaries." Press reports said that he had confessed to his crimes at his trial, but his wife claimed that the confession was extracted under duress. Pourzand suffered severe health problems while held incommunicado, reportedly including a heart attack, and was allegedly denied proper medical treatment. At year's end, he remained in jail.

In April, Former Deputy Prime Minister and longtime political dissident, Abbas Amir-Entezam was re-imprisoned, after his release in 2002 for medical reasons. Amir-Entezam was reportedly incarcerated for calling for a referendum on whether the country should remain under clerical rule during a speech at Tehran University. He was reportedly a frequent victim of torture in prison and has had numerous medical problems as a result, including a ruptured eardrum due to repeated beatings, kidney failure resulting from denial of access to toilet facilities, and an untreated prostate condition. He reported having been taken on numerous occasions before a firing squad (see Section 1.e.).

In July, an Iranian-Canadian photographer, Zahra Kazemi, died in custody as a result of a blow to the head (see Section 1.a.).

In November, four men were reportedly sentenced to death by stoning for involvement in kidnapping and rape. In December 2002, the Government officially suspended the practices of amputation and lapidation or stoning--a form of capital punishment for adultery and other crimes, although the law has not been rescinded.

During the year, Amnesty International (AI) reported at least six cases of amputation.

Prison conditions in the country were poor. Some prisoners were held in solitary confinement or denied adequate food or medical care to force confessions. After its February visit, the U.N. Working Group on Arbitrary Detentions reported that "for the first time since its establishment, [the Working Group] has been confronted with a strategy of widespread use of solitary confinement for its own sake and not for traditional disciplinary purposes." The Working Group described Sector 209 of Evin Prison as a "prison within a prison," designed for the "systematic, large-scale use of absolute solitary confinement, frequently for long periods."

The 2001 report by the UNSR noted a significant increase in the prison population and reports of overcrowding and unrest. In March, the nongovernmental organization (NGO) Penal Reform International (PRI) reported that 180,000 prisoners occupied facilities constructed to hold a maximum of 65,000 persons. In July, the head of the National Prisons Organization (NPO) assessed the number of prisoners at 156,000.

The UNSR reported that much of the prisoner abuse occurred in unofficial detention centers run by the secret service and military. The UNSR further reported that the unofficial detention centers were to be brought under the control of the NNPO during 2001; however, November press reports indicated that a number of unofficial detention centers continued to operate outside NPO control. The U.N. Working Group on Arbitrary Detention raised this issue with the country's Article 90 Parliamentary Commission, generating a Commission inquiry that reportedly confirmed the existence of numerous unofficial prisons.

In March, PRI announced a cooperative initiative with authorities to improve prison conditions through workshops and training of judges and prison administrators. The report of the U.N. Working Group on Arbitrary Detention noted that the judicial authorities expressed the need for prison reform, but observed that implementation had been limited.

The Government generally has not granted access to human rights monitors other than the International Committee of the Red Cross (ICRC); however, it permitted visits to imprisoned dissidents by U.N. human rights officials during the year (see Section 4). U.N. Working Group on Arbitrary Detention officials visited Evin prison in Tehran—including sector 209, in which many political prisoners were believed held—as well as Esfahan and Shiraz prisons, the Shiraz military prison, and police stations in each city. The Working Group interviewed approximately 140 "ordinary" prisoners plus 14 out of a requested 45 inmates described as political prisoners and prisoners of conscience. The Working Group described the authorities' cooperation as "on the whole positive," although it noted problems with fulfillment of follow-up requests generated by the visit and disappointment over arrests carried out after the Group's departure. Following his November visit to the country, the UNSR for the Promotion and Protection of the Right to Freedom of Opinion and Expression noted that his delegation met with almost 40 dissidents, both in and out of prison.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, these practices remained common. There is reportedly no legal time limit for incommunicado detention, nor any judicial means to determine the legality of detention. In the period immediately following arrest, many detainees were held incommunicado and denied access to lawyers and family members. Suspects may be held for questioning in jails or in local Revolutionary Guard offices.

The security forces often did not inform family members of a prisoner's welfare and location. Authorities often denied visits by family members and legal counsel. In addition, families of executed prisoners did not always receive notification of the prisoners' deaths. Those who did receive such information reportedly were forced on occasion to pay the Government to retrieve the body of their relative.

In January, the Government released Ayatollah Hossein Ali Montazeri, amid reports of health problems after 5 years of house arrest. Montazeri was formerly the designated successor of the late Spiritual Leader, Ayatollah Khomeini, who became an outspoken critic of the Supreme Leader (see Section 2.a.). In recent years, the Government has used the practice of house arrest to restrict the movements and ability to communicate of senior Shi'a religious leaders whose views regarding political and governance issues were at variance with the ruling orthodoxy.

In July, the press reported that Iranian-American academic Dariush Zahedi was detained during a private visit to the country and reportedly held in solitary confinement in Evin prison. Parliament officials noted that Zahedi was held on suspicion of espionage but, after a 40-day investigation, was cleared by the Ministry of Intelligence. However, Zahedi remained in detention after the case was transferred to the judiciary, reportedly at the intervention of Tehran's chief prosecutor. Zahedi was released on \$250,000 (approximately 2 million rials) bail in November and, though technically free to leave the country, is still subject to criminal prosecution.

In November, security agents briefly arrested two sons of Ayatollah Hossein Ali Montazeri, the dissident cleric released from house arrest in January (see Section 1.d.). The arrests were reportedly in response to the sons' attempts to refurbish a building purchased by the family for use as a teaching facility. The Qom mosque and Koranic school at which Montazeri formerly taught has remained closed since 1997, when comments by the cleric questioning the authority of the Supreme Leader sparked attacks on the school and his home by Ansar-e Hezbollah mobs.

In November, student activist Ahmed Batebi met with the UNSR for the Promotion and Protection of the Right to Freedom of Opinion and Expression, while on medical leave from prison where he is serving a 15-year sentence for participating in the 1999 student demonstrations. He was re-arrested shortly afterward and at year's end, he was reportedly being held in Evin prison.

In July 2002, the Government permanently dissolved the Freedom Movement, the country's oldest opposition party, and sentenced over 30 of its members to jail terms ranging from 4 months to 10 years on charges of trying to overthrow the Islamic system. Other members were barred from political activity for up to 10 years, and ordered to pay fines up to more than \$6,000 (approximately 48,000 rials).

Numerous publishers, editors, and journalists were either detained, jailed, and fined, or were prohibited from publishing their writings during the year (see Section 2.a.).

Adherents of the Baha'i faith continued to face arbitrary arrest and detention. According to Baha'i sources, four Baha'is remained in prison for practicing their faith at year's end, one facing a life sentence, two facing sentences of 15 years, and the fourth a 4-year sentence. A small number of Baha'is were and have been in detention at any given time. Sources claimed that such arrests were carried out to "terrorize" the community and to disrupt the lives of its members. Others were arrested, charged, and then quickly released. However, the charges against them often were not dropped, generating continued apprehension (see section 2.c.).

During the year, the Government continued to exchange with Iraq prisoners of war (POWs) and the remains of deceased fighters from the 1980-88 Iran-Iraq war. In March, the Government agreed to release over 900 remaining Iraqi POWs in exchange for 349 Iranian POWs.

The Government did not use forced exile, and no information was available regarding whether the law prohibits forced exile; however, the Government used internal exile as a punishment. Many dissidents and ethnic and religious minorities left and continue to leave the country due to a perception of threat from the Government.

e. Denial of Fair Public Trial

The Constitution provides that the judiciary is "an independent power"; however, in practice the court system was subject to government and religious influence. It served as the principal vehicle of the Government to restrict freedom and reform in the society. U.N. representatives, including the UNSR, and the U.N. Working Group on Arbitrary Detention, and independent human rights organizations noted the absence of procedural safeguards in criminal trials.

There are several different court systems. The two most active are the traditional courts, which adjudicate civil and criminal offenses, and the Islamic Revolutionary Courts. The latter 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 committed in connection with military or security duties by members of the army, police, and the Revolutionary Guards. A press court hears complaints against publishers, editors, and writers in the media. The Supreme Court has limited review authority.

After the revolution, the judicial system was revised to conform to an Islamic canon based on the Koran, Sunna, and other Islamic sources. Article 157 provides that the Head of the Judiciary, currently Ayatollah Mahmoud Hashemi Shahroudi, shall be a cleric chosen by the Supreme Leader. The head of the Supreme Court and Prosecutor General also must be clerics. Women were barred from serving as judges.

Many aspects of the pre-revolutionary judicial system survived in the civil and criminal courts. For example, defendants have the right to a public trial, may choose their own lawyer, and have the right of appeal. Panels of judges adjudicate trials. There is no jury system in the civil and criminal courts. If post-revolutionary statutes did not address a situation, the Government advised judges to give precedence to their own knowledge and interpretation of Islamic law.

The U.N. Working Group on Arbitrary Detention noted in its report failures of due process in the court system, caused by the absence of a "culture of counsel" and the concentration of authority in the hands of a judge who prosecutes, investigates, and decides cases. The Working Group called for active involvement of counsel in cases, from the custody and investigation phase through the trial and appeals phases. The Working Group welcomed the 2002 reinstatement of prosecution services, after a 7-year suspension, but noted that the reforms have thus far only been applied in three jurisdictions.

Trials in the Revolutionary Courts, in which crimes against national security and other principal offenses are heard, were notorious for their disregard of international standards of fairness. Revolutionary Court judges acted as both prosecutor and judge in the same case, and judges were chosen in part based on their ideological commitment to the system. Pretrial detention often was prolonged and defendants lacked access to attorneys. Indictments often lacked clarity and included undefined offenses such as "anti-revolutionary behavior," "moral corruption," and "siding with global arrogance." Defendants did not have the right to confront their accusers. Secret or summary trials of 5 minutes duration occurred. Others were show trials that were intended merely to highlight a coerced public confession.

The legitimacy of the Special Clerical Court (SCC) system continued to be a subject of debate. The clerical courts, which investigate offenses and crimes committed by clerics, and which are overseen directly by the Supreme Leader, were not provided for in the Constitution, and operated outside the domain of the judiciary. In particular, critics alleged that the clerical courts were used to prosecute clerics for expressing

controversial ideas and for participating in activities outside the sphere of religion, such as journalism. The recommendations of the U.N. Working Group on Arbitrary Detention included a call to abolish both the Special Clerical Courts and the Revolutionary Courts, which were described as "responsible for many of the cases of arbitrary detention for crimes of opinion."

No accurate estimates were available regarding the number of citizens imprisoned for their political beliefs. In November, the UNSR for the Promotion and Protection of the Right to Freedom of Expression and Opinion estimated the number to be in the hundreds. The Government has arrested, convicted, and sentenced persons on questionable criminal charges, including drug trafficking, when their actual "offenses" were political. The Government has charged members of religious minorities with crimes such as "confronting the regime" and apostasy, and conducted trials in these cases in the same manner as threats to national security.

In March 2002, after a trial behind closed doors but with his lawyer present, Nasser Zarafshan, the attorney representing the families of the victims of the 1998 extrajudicial killings of dissidents by intelligence ministry officials, was sentenced to 5 years in prison and 70 lashes. He was charged with leaking confidential information pertaining to the trial. Human Rights Watch (HRW) reported that he was also charged with "having weapons and alcohol at his law firm." Zarafshan was originally arrested in 2000 but released after a month pending trial. An appeals court upheld his conviction in July 2002. In November, the Supreme Court reportedly dismissed his appeal (see Section 1.a.).

Several other human rights lawyers were also reportedly abused, among them Mohammad Dadkhah, who participated in the defense of members of the Iran Freedom Movement and is a founding member of the Iranian Center for Protection of Human Rights, and Abdol Fattah Soltani, who was reportedly charged for raising accusations of torture during the 2002 defense of a number of political prisoners. In 2002, Dadkhah was sentenced to 5 months in jail and banned from practicing law for 10 years; Soltani was sentenced to 4 months in prison and barred from practicing law for 5 years. Both men reportedly began their jail terms in January. The U.N. Working Group on Arbitrary Detention included among its recommendations the need for guaranteeing the immunity of counsel in pleading cases as an essential element of the right to due process.

In November 2002, academic Hashem Aghajari was sentenced to death at a closed trial for the crime of blaspheming against Islam during a speech in Hamedan. In addition to the death sentence, he was sentenced to 74 lashes, exile to a remote desert location, 8 years in jail, and a ban on teaching for 10 years. The death sentence was widely denounced both domestically and abroad. President Khatami and hundreds of Majlis members questioned the verdict. In February, the Supreme Court revoked his death sentence, but the case was sent back to the lower court for retrial. No verdict was issued by year's end (see Section 2.b.).

Former Deputy Prime Minister and longtime political dissident, Abbas Amir-Entezam was re-imprisoned in April, after his release in 2002 for medical reasons. Amir-Entezam, who has spent much of the past 24 years in prison, was reportedly incarcerated for calling for a referendum on whether the country should remain under clerical rule during a speech at Tehran University (see Section 1.c.).

The trials in 2000 and 2001 of 13 Jewish citizens on charges related to espionage for Israel were marked by a lack of due process. Ten of the original 13 were sentenced to jail terms ranging from 4 to 13 years. The last five in prison were reportedly released in April (see Section 2.c.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution states that "reputation, life, property, (and) dwelling(s)" are protected from trespass except as "provided by law;" however, the Government infringed on these rights. Security forces monitored the social activities of citizens, entered homes and offices, monitored telephone conversations, and opened mail without court authorization.

Vigilante violence included attacking young persons considered too "un-Islamic" in their dress or activities, invading private homes, abusing unmarried couples, and disrupting concerts or other forms of popular entertainment. Attacks targeted women whose clothing did not cover their hair and all parts of their body except the hands and face, or those who wore makeup or nail polish.

Authorities entered homes to remove television satellite dishes, or to disrupt private gatherings in which unmarried men and women socialized, or where alcohol, mixed dancing, or other forbidden activities were offered or took place. The Government campaign against satellite dishes continued, although enforcement appeared to be arbitrary and sporadic, varying widely with the political climate and the individuals involved. Press reports from November noted that, after a roughly 4-month hiatus, security authorities resumed efforts to remove satellite dishes from Tehran homes, confiscating 450 dishes in 1 neighborhood during a single day. A Revolutionary Court order reportedly mandated the security forces to dismantle all satellite dishes in Tehran and confiscate any satellite-related equipment found during house searches.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of the press, except when published ideas are "contrary to Islamic principles, or are detrimental to public rights;" however, the Government restricted freedom of speech and of the press in practice. Since the election of President Khatami, the independent press, especially newspapers and magazines, played an increasingly important role in providing a forum for an intense debate regarding reform in the society. However, basic legal safeguards for freedom of expression did not exist, and the independent press was subjected to arbitrary enforcement measures by elements of the Government, notably the judiciary, which treated such debates as a threat.

The Government continued to harass senior Shi'a religious and political leaders and their followers who dissent from the ruling conservative establishment. In July 2002, the Friday prayer leader of Isfahan, Ayatollah Jalaeddin Taheri, resigned and, in a written statement, said he could no longer tolerate the corruption and repression of the country's clerical leadership. The Supreme Leader of the Islamic Republic appoints Friday prayer leaders, who are the senior religious authorities in their districts. According to HRW, the conservative establishment attempted to limit the damage by restricting coverage of Taheri's statement.

In October, reformist parliamentarian and outspoken critic Mohsen Armin was sentenced to 6 months in prison for insulting a conservative parliament member, according to press reports. The judge reportedly also stripped Armin of his "social rights" for 1 year for not appearing in court. Armin ascribed his absence from court to his assumption that he held parliamentary immunity. At year's end, Armin had not been imprisoned.

In January 2002, reformist members of Parliament staged a walkout to protest pro-reform Parliamentarian Hossein Loqmanian's imprisonment, which led the Supreme Leader to pardon him after he had spent several weeks in prison. In late 2001, Loqmanian began serving a 13-month sentence for insulting the judiciary. He became the first Majlis member to serve a jail sentence.

In spring 2001, security forces arrested parliament member Fatima Haghghatjoo for inciting public opinion and insulting the judiciary for criticizing the arrest of a female journalist and claiming that the Government tortured prisoners. She was the first sitting Majlis member to face prosecution for statements made under cover of immunity. Haghghatjoo was sentenced to 17 months in prison, though she has not yet served time.

Newspapers and magazines represented a wide variety of political and social perspectives, many allied with members of the Government. Many subjects were tolerated, including criticism of certain government policies. However, the Press Law prohibits the publishing of a broad and ill-defined category of subjects, including material "insulting Islam and its sanctities" or "promoting subjects that might damage the foundation of the Islamic Republic." Prohibited topics include fault-finding comments regarding the personality and achievements of the late Leader of the Revolution, Ayatollah Khomeini; direct criticism of the Supreme Leader; assailing the principle of velayat-e faqih, or rule by a supreme religious leader; questioning the tenets of certain Islamic legal principles; publishing sensitive or classified material affecting national security; promotion of the views of certain dissident clerics, including Ayatollah Montazeri; and advocating rights or autonomy for ethnic minorities.

The Press Law established the Press Supervisory Board, which is composed of the Minister of Islamic Culture and Guidance, a Supreme Court judge, a Member of Parliament, and a university professor appointed by the Minister of Islamic Culture and Guidance. The Board is responsible for issuing press licenses and for examining complaints filed against publications or individual journalists, editors, or publishers. In certain cases, the Press Supervisory Board may refer complaints to the Press Court for further action, including closure. Its hearings were conducted in public with a jury composed of clerics, government officials, and editors of government-controlled newspapers. The jury was empowered to recommend to the presiding judge the guilt or innocence of defendants and the severity of any penalty to be imposed, although these recommendations were not legally binding.

Since 2000, approximately 100 newspapers and magazines have been closed for varying lengths of time. In the last few years, some human rights groups asserted that the increasingly conservative Press Court assumed responsibility for cases before Press Supervisory Board consideration, often resulting in harsher judgments. Recent efforts to amend the press laws have not met with success, although in October, parliament passed a law limiting the duration of temporary press closures to a maximum of 10 days for newspapers, 4 weeks for weeklies or bi-weeklies, 2 months for monthlies, and 3 months for other publications. The importance of the legislation was to stop the practice of extending "temporary" bans indefinitely.

Public officials frequently lodged complaints against journalists, editors, and publishers. Offending writers

were subject to lawsuits and fines. Suspension from journalistic activities and imprisonment were common punishments for guilty verdicts for offenses ranging from "fabrication" to "propaganda against the State" to "insulting the leadership of the Islamic Republic."

Freedom of the press continued to deteriorate during the year. Many newspapers and magazines were closed, and many of their managers were sentenced to jail and, sometimes, lashings. Several dozen reform newspapers continued to publish, most with heavy self-censorship. When shut down, others often opened to take their place. A number of Internet news sites continued to operate from outside the country. There is little information on the extent of readership inside the country.

Dozens of individual editors and journalists have been charged and tried by the Press Court in recent years, and several prominent journalists were jailed for long periods without trial. Others have been sentenced to prison terms or exorbitant fines. At year's end, at least 10 journalists, editors, and publishers remained in prison, according to Reporters Without Borders (RSF). Journalists imprisoned during the year include: Ali-Reza Jabari, arrested in March and sentenced to 3 years in prison and 253 lashes; Iraj Jamshidi, imprisoned without trial and held mostly in isolation since July; Taghi Rahmani, held in solitary confinement since June and reportedly sentenced in a separate case to 13 years in jail; and Reza Alijani and Hoda Saber, both held since June, and reportedly sentenced in separate cases to 6 and 10 years, respectively. In October, journalist Mohsen Sazgara was released from jail amid rumors of ill health, after 4 months in prison on charges of inciting protest.

In January, the judiciary halted efforts by deputy speaker of the Majlis, Mohammad-Reza Khatami, to reopen the banned newspaper Norouz under the new name Rouz-e No, by extending the 6-month ban on the original publication. Khatami was slated to replace former Norouz editor and parliament member Mohsen Mirdamadi, who was sentenced despite parliamentary immunity in May 2002 to 6 months in jail and banned from practicing journalism for 4 years for "insulting the state, publishing lies, and insulting Islamic institutions." At year's end, there were no reports that Mirdamadi had been imprisoned.

In January, the newspaper Hayat-e No was banned and editor Alireza Eshraghi arrested after the paper reprinted a 1937 U.S. cartoon about President Franklin Roosevelt's battle with the Supreme Court. The authorities deemed that the judge portrayed too closely resembled the late Ayatollah Ruhollah Khomeini. The daily Hamshahri was also temporarily suspended in January after refusing to print an article from the chief of a state-run trade union.

In January, the Press Court also closed the reformist daily Bahar after the newspaper ran an article about a company whose shareholders include former president Hashemi Rafsanjani, former judiciary head Ayatollah Yazdi, and Ahmad Janati, head of the Council of the Guardians of the Revolution. Bahar was first closed in 2000 and had only re-opened in December 2002.

In February, according to Al, Abbas Abdi and Hussein Qazian, were sentenced to 8 and 9 years, respectively, in the National Institute for Research Studies and Opinion Polls case. In April, an appeals court reduced the sentences to 4 years and 6 months for each. The third defendant in the case, Behrouz Geranpayeh, was reportedly released on bail in January, pending a final ruling. The case originated in October 2002, when the judicial authorities closed the Institute which had found in a poll commissioned by the Majlis that a majority of citizens supported dialogue with the United States. The defendants were charged with spying for the United States, illegal contacts with foreign embassies, working with anti-regime groups, and carrying out research on the order of a foreign polling organization. Government intelligence officials had publicly stated that the accused were not spies. According to press reports, President Khatami also rejected the charges, stating that the Intelligence and Foreign Ministries had cleared the pollsters' work. Reformist parliamentarians were reportedly barred from the court and the defendants were not allowed to see their families or their attorneys.

In October, RSF reported that the Government closed the newspaper Avay-e Kordestan, marking the first time a Kurdish language newspaper was banned in the country.

The Government directly controlled and maintained a monopoly over all television and radio broadcasting facilities; programming reflected the Government's political and socio-religious ideology. Because newspapers and other print media had a limited circulation outside large cities, radio and television served as the principal news source for many citizens. Satellite dishes that received foreign television broadcasts were forbidden; however, many citizens, particularly the wealthy, owned them. In December 2002, the Majlis passed a bill legalizing private ownership of satellite receiving equipment. However, the Guardians Council rejected the legislation in January on constitutional and religious grounds. The Government reportedly acted to block foreign satellite transmissions during the year using powerful jamming signals (see Section 1.f.).

The Ministry of Islamic Culture and Guidance was in charge of screening books prior to publication to ensure that they did not contain offensive material. However, some books and pamphlets critical of the Government were published without reprisal. The Ministry inspected foreign printed materials prior to their release on the market. In August, author of "Iran's women Musicians," Toka Maleki, its publisher Jaafar

Homai, and cultural critic Banafsheh Samgis received prison terms for publishing and publicly commenting on the book, which was deemed to contain "lies" about Islamic history. Translator of the book, "Women behind Veil and Well-Dressed Men," Maliheh Moghazei and Ministry of Culture and the Islamic Guidance Director General Majid Sayyad also received prison terms in connection with the book's publication.

The Government effectively censored domestic films, since it remained the main source of production funding. Producers must submit scripts and film proposals to government officials in advance of funding approval. However, such government restrictions appeared to have eased in recent years.

The Government censored Internet sites. In May, a government spokesman acknowledged state attempts to block access to "immoral" websites. The judiciary also announced the creation of a special unit to handle Internet-related issues. According to press reporting, the judiciary highlighted over twenty subject areas to be blocked, including: insulting Islam, opposing the Constitution, insulting the Supreme Leader or making false accusations about officials, undermining national unity and solidarity, creating pessimism among the people regarding the Islamic system, and propagating prostitution and drugs.

The Government restricted academic freedom. Government informers were common on university campuses. Admission to universities was politicized; all applicants had to pass "character tests" in which officials screened out applicants critical of the Government's ideology. To obtain tenure, professors had to refrain from criticism of the authorities.

b. Freedom of Peaceful Assembly and Association

The Constitution permits assemblies and marches "provided they do not violate the principles of Islam;" however, in practice the Government restricted freedom of assembly and closely monitored gatherings to prevent anti-government protest. Such gatherings included public entertainment and lectures, student gatherings, labor protests, funeral processions, and Friday prayer gatherings.

During a wave of student protests in June, vigilantes beat many protestors, and police arrested approximately 4,000 persons (both protestors and vigilantes), according to government figures shortly after the protests. The Government banned demonstrations planned for July 9 to commemorate the killing of several students by security forces in demonstrations held in 1999 and arrested more student activists at that time (see Sections 1.b. and 1.f.).

Paramilitary organizations such as the Ansar-e Hezbollah, a group of vigilantes who seek to enforce their vision of appropriate revolutionary comportment upon the society, harassed, beat, and intimidated those who demonstrated publicly for reform. Ansar-e Hezbollah gangs were used to harass journalists, intimidate dissident clerics, and disrupt peaceful gatherings (see Section 2.b.). Ansar-e Hezbollah cells were organized throughout the country and some were reportedly linked to individual members of the country's leadership.

In June, during a wave of pro-reform protests, members of vigilante groups, such as Ansar-e Hezbollah, attacked protestors, according to press reports. Ansar-e Hezbollah members reportedly stormed a university dormitory in Tehran, destroyed student property, and injured more than 50 students. Some vigilantes were reportedly included among those arrested by authorities during the clashes. Vigilantes who attacked a demonstration in Shiraz reportedly killed one protestor. Before being transferred to Government custody, vigilantes reportedly seized and beat, journalist Ensafali Hedayat. Vigilante groups were also reported to have attacked protestors during pro-reform demonstrations near Tehran University in December.

In December, vigilantes beat reformist parliamentarian, Mohsen Mirdamadi, as he began a speech in Yazd. President Khatami ordered a crackdown on vigilantes after the attack; five individuals were subsequently arrested. At year's end, there was no further information on the status of their detention.

In November 2002, the Aghajari verdict sparked large and ongoing protests at universities throughout the country (see Section 1.e.). Students boycotted classes for almost 2 weeks and staged the largest pro-reform demonstrations in 3 years, with crowds of up to 5,000 at any given location. In late December 2002, two students were given jail terms for their protests against the Aghajari sentence. Hojatollah Rahimi was sentenced to 2 years in prison and 70 lashes for "insulting religious sanctities and issuing an insulting declaration." Co-defendant Parviz Torkashvand was sentenced to 4 months in jail and 40 lashes.

A government clampdown using Basiji and other forces restored quiet for 2 weeks, until a large demonstration occurred at the University of Tehran, attended by over 2,000 within the walls of the campus, and with a larger crowd outside. Law enforcement officials and "plainclothes" forces wielding batons, whips, and belts suppressed the protest. Basiji violently dispersed subsequent demonstrations.

The Constitution provides for the establishment of political parties, professional associations, Islamic

religious groups, and organizations for recognized religious minorities, provided that such groups do not violate the principles of "freedom, sovereignty, and national unity," or question Islam as the basis of the Islamic Republic; however, the Government limited freedom of association, in practice.

In 2001, the Government provisionally closed the 50-year-old Iran Freedom Movement political party for "attempting to overthrow the Islamic regime," and the Government permanently banned it in 2002. In response to the permanent dissolution of the movement, President Khatami warned against the banning of political groups, saying that suppression did not eliminate ideas; they were simply forced underground and continue to grow (see Sections 1.d. and 1.e.).

c. Freedom of Religion

The Constitution declares that the "official religion of Iran is Islam and the doctrine followed is that of Ja'fari (Twelver) Shi'ism." the Constitution also states that "other Islamic denominations are to be accorded full respect," and recognizes Zoroastrians, Christians, and Jews, the country's pre-Islamic religions, as "protected" religious minorities; however, in practice The Government restricted freedom of religion. Religions not specifically protected under the Constitution did not enjoy freedom of religion. This situation most directly affected the approximately 300,000 followers of the Baha'i faith, who were not recognized by the Government as a community and were considered to belong to an outlawed political organization. The central feature of the country's Islamic republican system is rule by a "religious jurisconsult." Its senior leadership, including the Supreme Leader of the Revolution, the President, the Head of the Judiciary, and the Speaker of the Islamic Consultative Assembly (Parliament) was composed principally of Shi'a clergymen.

The Ministry of Intelligence and Security (MOIS) monitored closely religious activity. Adherents of recognized religious minorities were not required to register individually with the Government. However, their community, religious, and cultural organizations, as well as schools and public events, were monitored closely. The population was approximately 99 percent Muslim, of which 89 percent were Shi'a and 10 percent Sunni (mostly Turkomans, Arabs, Baluchis, and Kurds). Baha'i, Christian, Zoroastrian, and Jewish communities constituted less than 1 percent of the population.

Members of the country's religious minorities, particularly Baha'is, reported imprisonment, harassment, and intimidation based on their religious beliefs. All religious minorities suffered varying degrees of officially sanctioned discrimination, particularly in the areas of employment, education, and housing. The Government generally allowed recognized religious minorities to conduct religious education of their adherents, although it restricted this right considerably in some cases. Religious minorities, by law and practice, are barred from election to a representative body, except to the five Majlis seats reserved for minorities, and from holding senior government or military positions. Members of religious minorities were allowed to vote, but they could not run for President. Although the Constitution mandates an Islamic Army, members of religious minority communities sometimes served in the military.

The Government allowed recognized religious minorities to establish community centers and certain privately-financed cultural, social, sports, or charitable associations. However, since 1983 the Government has denied the Baha'i community the right to assemble officially or to maintain administrative institutions.

The legal system discriminated against religious minorities, awarding lower monetary compensation in injury and death lawsuits for non-Muslims than for Muslims and imposing heavier punishments on non-Muslims than on Muslims. In April, the Council of Guardians rejected a bill passed by the Majlis in late 2002 equalizing the "blood money" paid to the families of male crime victims except for Baha'is. Proselytizing of Muslims by non-Muslims is illegal and the Government was harsh in its response, in particular against Baha'is and evangelical Christians. The Government did not ensure the right of citizens to change or recant their religion. Apostasy, specifically conversion from Islam, is punishable by death.

Although Sunni Muslims are accorded full respect under the terms of the Constitution, some Sunni groups claimed to be discriminated against by the Government.

Baha'is were considered apostates because of their claim to a religious revelation subsequent to that of the Prophet Mohammed. The Government defined the Baha'i faith as a political "sect" linked to the Pahlavi monarchy and therefore, as counterrevolutionary. Historically at risk, Baha'is often have suffered increased levels of mistreatment during times of political unrest. Baha'is may not teach or practice their faith or maintain links with co-religionists abroad. The Government continued to imprison and detain Baha'is based on their religious beliefs. A 2001 Ministry of Justice report indicated that government policy aimed at the eventual elimination of the Baha'is as a community.

In 2001, the UNSR estimated the Christian community at approximately 300,000. Of these, the majority were ethnic Armenians and Assyro-Chaldeans. Protestant denominations and evangelical churches also were active, but reported restrictions on their activities. The authorities became particularly vigilant in recent years in curbing proselytizing activities by evangelical Christians.

Estimates of the size of the Jewish community varied from 25,000 to 30,000, a substantial reduction from the estimated 75,000 to 80,000 Jews in the country prior to the 1979 revolution. While Jews were a recognized religious minority, allegations of official discrimination were frequent. The Government's anti-Israel stance, and the perception among many citizens that Jewish citizens supported Zionism and the State of Israel, created a threatening atmosphere for the small community. Jews limited their contact with and did not openly express support for Israel out of fear of reprisal. Jewish leaders reportedly were reluctant to draw attention to official mistreatment of their community due to fear of government reprisal.

The Government carefully monitored the statements and views of the country's senior Muslim religious leaders. It has restricted the movement of several who have been under house arrest for years.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government placed some restrictions on these rights. Citizens may travel within the country and change their place of residence without obtaining official permission. The Government required exit permits (a validation stamp in the passport) for foreign travel for draft-age men and citizens who were politically suspect. Some citizens, particularly those whose skills were in short supply and who were educated at government expense, must post bonds to obtain exit permits. The Government restricted the movement of certain religious minorities and several religious leaders (see Sections 1.d. and 2.c.).

Citizens returning from abroad sometimes were subjected to searches and extensive questioning by government authorities for evidence of anti-government activities abroad. Recorded and printed material, personal correspondence, and photographs were subject to confiscation.

The Government permitted Jews to travel abroad, but often denied them multiple-exit permits issued to other citizens. Baha'is often experienced difficulty in obtaining passports.

Women must obtain the permission of their husband, father, or other male relative to obtain a passport. Married women must receive written permission from their husbands before being allowed to leave the country.

The law contains provisions for granting refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. There were no reports of the forced return of persons to a country where they feared persecution; however, there were reports that the Government deported refugees deemed "illegal" entrants into the country. In times of economic uncertainty, the Government increased pressure on refugees to return to their home countries. The Government generally cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

The country hosted a large refugee population, mostly Afghans, as well as a significant number of Iraqis. At year's end, UNHCR estimated that approximately 1 million refugees from Afghanistan remained in the country. Up to 500,000 Afghan refugees have returned to Afghanistan since early 2002, including approximately 100,000 during the first half of the year, according to UNHCR. The Government denied UNHCR concerns that the Government was pressing them to leave. Most refugees subsisted on itinerant labor. The Government accused many Afghans of involvement in drug trafficking. After the September 2001 terrorist attacks, the Government sealed its border in anticipation of a war in Afghanistan and a resulting wave of refugees. The Government set up several refugee camps just inside Afghanistan to deal with the crisis.

The UNHCR estimated that there were approximately 200,000 Iraqi refugees in the country, the majority of whom were Iraqi Kurds, but also including Shi'a Arabs. Iraq expelled many of the Iraqi refugees at the beginning of the Iran-Iraq war because of their suspected Iranian origin. In numerous instances, both the Iraqi and Iranian Governments disputed their citizenship, rendering many of them stateless. Other Iraqi refugees arrived following Iraq's invasion of Kuwait in 1990. During the year, the Government took substantial steps to prepare for the possibility of new Iraqi refugees, but significant outflows never appeared. In November, UNHCR initiated a pilot repatriation of refugees from the country and had repatriated a few hundred to Iraq by early December. According to press reports, refugee officials speculated that up to three-quarters of the 200,000 refugees in the country may have crossed back into Iraq without formal assistance since April.

Although the Government claimed to host more than 30,000 refugees of other nationalities, including Tajiks, Bosnians, Azeris, Eritreans, Somalis, Bangladeshis, and Pakistanis, it did not provide information about them or allow the UNHCR or other organizations access to them.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The right of citizens to change their government is restricted significantly. The Supreme Leader, the recognized Head of State, is elected by the Assembly of Experts, and can only be removed by a vote of this same Assembly. The Assembly itself is restricted to clerics, who serve an 8-year term and are chosen by popular vote from a list approved by the Government. There is no separation of state and religion, and clerical influence pervades the Government, especially in appointed, rather than elected, positions. The Government effectively controlled the selection of candidates for elections. The Council of Guardians, which reviews all laws for consistency with Islamic law and the Constitution, also screens candidates for election for ideological, political, and religious suitability. It accepts only candidates who support a theocratic state; clerics who disagree with government policies or with a conservative view of the Islamic state also have been disqualified. Two bills approved by the Majlis in late 2002 to expand presidential power and limit the Council of Guardian's ability to disqualify candidates were rejected by the Council of Guardians at mid-year.

Regularly scheduled elections are held for the Presidency, the Majlis, and the Assembly of Experts. Mohammad Khatami, a former Minister of Culture and Islamic Guidance who was impeached in 1992 by the Majlis for "liberalism" and "negligence," was elected President in 1997 and reelected in 2001 with 77 percent of the vote. The UNSR reported that the Guardian Council significantly limited the number of candidates permitted to run in elections and noted that the Interior Minister denounced the "unprincipled disqualification" of candidates.

Elections were held in the fall of 1998 for the 86-member Assembly of Experts. The Council of Guardians disqualified numerous candidates, which led to criticism from many observers that the Government imperily predetermined the election results.

Elections were last held for the 290-seat Majlis in 2000 and were scheduled to be held again in February 2004. Of more than 6,000 candidates, the Council of Guardians disqualified 576 before the 2000 elections, a substantial decrease from the 44 percent of candidates disqualified before the 1996 elections. Most of those disqualified were outspoken advocates of political reform, including some of the most prominent supporters of President Khatami. In 2001, by-elections were held for vacant Majlis seats. The Council of Guardians reportedly disqualified 100 potential candidates, more than one-quarter of those wishing to run. Furthermore, the Supreme Leader and other conservatives within the Government used constitutional provisions to block much of the early reform legislation passed by the Majlis.

In 1999, elections for nationwide local councils were held for the first time since the 1979 revolution. Government figures indicated that roughly 280,000 candidates competed for 130,000 council seats across the nation. Women were elected to seats in numerous districts. However, the Councils did not appear to wield significant autonomy or authority. A second series of municipal council elections took place in February. A combination of low voter turnout (below 50 percent) and popular dissatisfaction with both the performance of the councils and the record of reformists swept many reformists from office.

Women held 9 out of 290 Majlis seats. There were no female cabinet members, although several held high-level positions, such as Vice-President, and a woman served as Presidential Adviser for Women's Affairs, and another as head of the Environmental Protection Agency.

Majlis seats were reserved for elected Christian (three), Jewish (one) and Zoroastrian (one) deputies. Religious minorities were barred from being elected to any other seats on a representative body and from holding senior government or military positions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government continued to restrict the work of local human rights groups. The Government denies the universality of human rights and has stated that human rights issues should be viewed in the context of a country's "culture and beliefs."

Various professional groups representing writers, journalists, photographers, and others attempted to monitor government restrictions in their fields, as well as harassment and intimidation against individual members of their professions. However, their ability to meet, organize, and effect change was curtailed severely by the Government. There were domestic NGOs working in areas such as health and population, women and development, youth, environmental protection, human rights, and sustainable development. Some reports estimate a few thousand local NGOs currently in operation.

International human rights NGOs such as HRW and AI were not permitted to establish offices in or conduct regular investigative visits to the country. Authorities barred HRW and AI representatives from attending the European Union's late 2002 human rights talks in Tehran, despite the EU's invitation. An October EU-Iran human rights dialogue was held in Brussels to facilitate the participation of NGO representatives. The Government also opened a human rights dialogue with Australia in 2002 and with Switzerland in October.

The ICRC and the UNHCR both operated in the country. However, the Government did not allow the UNSR to visit the country from 1997 to 2001, the last year his mandate to monitor human rights in the country was in effect. The Government allowed two visits by U.N. human rights representatives during the year, one by the UNSR for the Promotion and Protection of the Right to Freedom of Opinion and Expression and one by a U.N. Working Group on Arbitrary Detention. In December, the Plenary of the U.N. 58th General Assembly adopted a resolution condemning the country for human rights abuses, include public executions, amputation, torture, suppression of free speech, and discrimination against women and minorities.

The Islamic Human Rights Commission (IHRC) was established in 1995 under the authority of the head of the judiciary, who sits on its board as an observer. In 1996 the Government established a human rights committee in the Majlis, the Article 90 Commission, which receives and considers complaints regarding violations of constitutional rights. However, many observers believed that these committees lacked independence.

In October, the Article 90 Commission issued a report on the death in custody of Iranian-Canadian photojournalist Zahra Kazemi. The report identified Tehran's Chief Prosecutor and other members of the judiciary as being directly involved in subjecting Kazemi to violent interrogations in Evin Prison, and later attempting to cover up the cause of her death. The report noted that Kazemi had applied for and received official government permission to act as a journalist and photographer while in the country. The Article 90 Commission findings reportedly dismissed allegations of MOIS involvement in Kazemi's death, though an MOIS officer was charged with her murder.

In October, lawyer and human rights activist Shirin Ebadi was awarded the Nobel Peace Prize for her work in advancing human rights both in the country and internationally. Ms. Ebadi, who served as one of the first female judges in the country before being forced to resign after the revolution, has campaigned on behalf of women, children, and victims of government repression. She represented the family of Darius and Parvaneh Forouhar, killed in 1998, and of a student killed during the 1999 student protests, which exposed links between vigilante groups and government officials and led to her arrest in 2000. Ms. Ebadi is a founder of the Center for the Defense of Human Rights, which represents defendants in political cases. She has also agreed to represent the family of Ms. Kazemi.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

In general the Government did not discriminate on the basis of race, disability, language, or social status; however, it discriminated on the basis of religion, sex, and ethnicity. Kurds, Azeris, and Ahwazi Arabs were not allowed to study their languages.

Women

Although spousal abuse and violence against women occurred, statistics were not available. Abuse in the family was considered a private matter and seldom was discussed publicly. Rape is illegal, and subject to strict penalties, but remained a widespread problem. The UNSR published statistics provided by the IHRC indicating that, at the end of 2001, an estimated 1,000 of approximately 3,000 active files were related to women's issues.

Prostitution was illegal. Accurate information regarding the extent of the problem was not widely available, although the issue received greater attention as a result of the public's growing interest in social problems. Press reports described prostitution as a widespread problem.

Provisions in the Islamic Civil and Penal Codes, in particular those sections dealing with family and property law, discriminate against women. Shortly after the 1979 revolution, the Government repealed the Family Protection Law, a hallmark bill adopted in 1967 that had given women increased rights in the home and workplace, and replaced it with a legal system based largely on Shari'a practices. In 1998, the Majlis passed legislation that mandated segregation of the sexes in the provision of medical care. In August, the Guardian Council rejected a bill that would require the country to adopt U.N. conventions on eliminating torture and ending discrimination against women.

Even though the law permits it, marriage at the minimum age of 9 was rare. In mid-2002, authorities approved a law that requires court approval for the marriage of girls below the age of 13 and boys younger than 15. All women must have the permission of their father or a male relative to marry. The law allowed for the practice of temporary marriages based on a Shi'a custom in which a woman or a girl may become the wife of a married or single Muslim male after a simple and brief religious ceremony. The temporary marriage may last any length of time. According to Shi'a Islamic law, men may have as many temporary wives as they wish. Such wives are not granted rights associated with traditional marriage.

The Penal Code includes provisions for the stoning of women and men convicted of adultery, although judges were instructed at the end of 2002 to cease imposing such sentences (see Section 1.c.). Women have the right to divorce if their husband has signed a contract granting that right or if the husband cannot

provide for his family, is a drug addict, insane, or impotent. However, a husband is not required to cite a reason for divorcing his wife. In December 2002, a new law made the adjudication of cases in which women demand divorces less arbitrary and less costly.

A widely used model marriage contract limits privileges accorded to men by custom, and traditional interpretations of Islamic law recognize a divorced woman's right to a share in the property that couples acquire during their marriage and to increased alimony. Women who remarry are forced to give the child's father custody of children from earlier marriages. However, the law granted custody of minor children to the mother in certain divorce cases in which the father is proven unfit to care for the child. In November, women were granted the right to custody of both male and female children up to 7 years of age; previously divorced women were allowed to retain custody over boys only until two years of age.

The testimony of a woman is worth half that of a man in court. The "blood money" paid to the family of a female crime victim is half the sum paid for a man. A married woman must obtain the written consent of her husband before traveling outside the country (see Section 2.d.).

Women had access to primary and advanced education; however, social and legal constraints limited their professional opportunities. Women were represented in many fields of the work force, and the Government has not prevented women from entering many traditionally male-dominated fields. However, women are barred from seeking the presidency and from appointment to the judiciary. The law provides maternity, child care, and pension benefits.

The Government enforced gender segregation in most public spaces, 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. Women were prohibited from attending male sporting events, although this restriction did not appear to be enforced universally. While the enforcement of conservative Islamic dress codes varied, what women wore in public was not entirely a matter of personal choice. The authorities sometimes harassed women if their dress or behavior was considered inappropriate, and women may be sentenced to flogging or imprisonment for such violations (see Section 1.c.). The law prohibits the publication of pictures of uncovered women in the print media, including pictures of foreign women. There are penalties for failure to observe Islamic dress codes at work.

Children

There is little current information available to assess Government efforts toward assuring the welfare of children. Except in isolated areas of the country, children had access to free education through the 12th grade (compulsory to age 11), and to some form of health care.

There was not enough information available to reflect how the Government dealt with child abuse (see Sections 6.c. and 6.d.).

Persons with Disabilities

There is no current information available regarding whether the Government has legislated or otherwise mandated accessibility for persons with disabilities, or whether discrimination against persons with disabilities is prohibited.

National/Racial/Ethnic Minorities

The Kurds sought greater autonomy from the central Government and continued to suffer from government discrimination. Sunni Kurdish tensions with the Shi'a dominated government predate the 1979 revolution. Kurds often were suspected of harboring separatist or foreign sympathies. These suspicions have led to sporadic outbreaks of fighting between government forces and Kurdish groups. In recent years, greater Kurdish cultural expression has been allowed and Kurdish publications and broadcasting have expanded. However, there was still no public school education in the Kurdish language.

The KDPI claimed that the Government executed at least four Kurdish party members and activists during the year. According to KDPI, plainclothes vigilantes in five separate attacks killed seven more Kurds during the year (see Section 1.a.). Other activists were reported imprisoned.

Azeris comprise roughly one-quarter of the country's population and are well integrated into the Government and society. The Supreme Leader is of Azeri descent, but complained of ethnic and linguistic discrimination, including banning the Azeri language in schools, harassing Azeri activists or organizers, and changing Azeri geographic names. The Government traditionally viewed Azeri nationalism as threatening, particularly since the dissolution of the Soviet Union and the creation of an independent Azerbaijan. Azeri groups also claimed that there were a number of Azeri political prisoners jailed for

advocating cultural and language rights for Iranian Azerbaijanis. The Government has charged several of them with "revolting against the Islamic state."

Foreign representatives of the Ahwazi Arabs of Khuzistan, whose numbers could range as high as 4 million or more, claimed that their community in the southwest of the country suffered from discrimination, including the right to study and speak Arabic. In July, authorities reportedly closed two bilingual Arabic/Farsi newspapers, and imprisoned scores of political activists. They asserted that the Government has ignored their appeals to de-mine the vast stretches of Khuzistan, mined during the Iran-Iraq War. They further stated that many Arabs, both Shi'a and Sunni, have been imprisoned and tortured for criticizing government policies. According to Ahwazi sources, political activist with the Islamic Wafagh Party, Kazem Mojaddam, was sentenced to 2 years imprisonment in November after his initial arrest in June on charges of secession and endangering internal security.

Section 6 Worker Rights

a. The Right of Association

The Labor Code provides workers the right to establish unions; however, the Government did not allow independent unions to exist. A national organization known as the Workers' House was the sole authorized national labor organization. It served primarily as a conduit for the Government to exert control over workers. The leadership of the Workers' House coordinated activities with Islamic labor councils, which were made up of representatives of the workers and one representative of management in industrial, agricultural, and service organizations of more than 35 employees. These councils also functioned as instruments of government control, although they frequently were able to block layoffs and dismissals.

According to the International Confederation of Free Trade Unions (ICFTU), the role of the Worker's House changed in recent years, and there was more tolerance of workers' organizations, which included four nurses organizations, a health workers' union, and a textile workers' union. The report also notes that a 2000 law exempted companies with up to five employees from the need to comply with labor legislation for 6 years. This law affected approximately 3 million workers, making them easier to hire and fire. The Labor Code allows employers and employees to establish guilds. The guilds issued vocational licenses and helped members find jobs. Instances of late or partial pay for government workers reportedly were common.

There were no known affiliations with international labor organizations.

b. The Right to Organize and Bargain Collectively

Workers did not have the right to organize independently and negotiate collective bargaining agreements. The ICFTU noted that the presence of security/intelligence forces in the workplace, as well as increasing use of temporary contracts, acted as obstacles to organizing.

The law prohibits public sector strikes and the Government did not tolerate any strike deemed to be at odds with its economic and labor policies; however, strikes occurred. In addition to strikes, there were also work stoppages and protests by oil, textile, electrical manufacturing, and metal workers, as well as by the unemployed. Many of these protests were due to non-payment of wage arrears, according to the ICFTU. In May, textile workers in Behshar staged a hunger strike to protest non-payment of overdue wages. Teachers staged demonstrations and sit-ins in several cities during the year for improved working conditions and wage benefits.

It is not known whether labor legislation and practice in the export processing zones (EPZs) differ from the law and practice in the rest of the country. According to the ICFTU, labor legislation did not apply in the EPZs.

c. Prohibition of Forced or Bonded Labor

The Penal Code provides that the Government may require any person who does not have work to take suitable employment; however, this did not appear to be enforced regularly. The International Labor Organization (ILO) has criticized this provision frequently as contravening ILO Convention 29 on forced labor. The law prohibits forced and bonded labor by children; however, this was not enforced adequately, and such labor by children was a serious problem.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits forced and bonded labor by children; however, there appears to be a serious problem with child labor. The Labor Law prohibits employment of minors less than 15 years of age and places restrictions on the employment of minors under age 18; however, laws pertaining to child labor were not

enforced adequately. The law permits children to work in agriculture, domestic service, and some small businesses. The law prohibits the employment of women and minors in hard labor or night work. Information regarding the extent to which these regulations were enforced was not available.

e. Acceptable Conditions of Work

The Labor Code empowers the Supreme Labor Council to establish annual minimum wage levels for each industrial sector and region; however, no information was available regarding mechanisms used to set wages. It was not known if the minimum wages were adjusted annually or enforced. The Labor Code stipulates that the minimum wage should be sufficient to meet the living expenses of a family and should take inflation into account. However, under poor economic conditions, many middle-class citizens must work at two or three jobs to support their families.

The Labor Code establishes a maximum 6-day, 48-hour workweek, with 1 weekly rest day, normally Fridays, and at least 12 days of paid annual leave and several paid public holidays.

According to the Labor Code, a Supreme Safety Council, chaired by the Labor Minister or his representative, is responsible for promoting workplace safety and health. Labor organizations outside the country have alleged that hazardous work environments were common in the country and have resulted in thousands of worker deaths per year. It was not known how well the Ministry's inspectors enforced regulations. It was not known whether workers could remove themselves from hazardous situations without risking the loss of employment.

f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and persons reportedly were trafficked to, through, and from the country during the year. It was difficult to measure the extent of the Government's efforts to curb human trafficking, but national and international press reporting indicated that Tehran has taken action against bandits involved in abducting women and children and pursued agreements with neighboring states to curb human trafficking. The Government has also reportedly arrested, convicted, and executed numerous human trafficking offenders. During the year, police reportedly arrested numerous members of prostitution rings and closed down brothels.

In April, a court in Mashhad reportedly sentenced 53 individuals to 281 years in prison and 222 lashes on charges of abduction and slavery for trafficking scores of young girls to Pakistan.

1. The United States does not have an embassy in Iran. This report draws heavily on non-U.S. Government sources.