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Human Rights Watch



## Human Rights Watch World Report 2002 - Iran - January 2002

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### Human Rights Developments

Factional conflict within Iran's clerical leadership continued to result in severe restrictions on freedom of expression, association, and political participation. Deteriorating economic conditions made worse by severe natural disasters contributed to increasing unrest and a pervasive sense of social insecurity, reflected in clashes between demonstrators and the security forces and in harsh measures against drug-traffickers and other criminals. President Mohammad Khatami won another landslide victory for those associated with the cause of political reform when he was reelected by 77 percent of voters for a second four-year term in June, but the power struggle between conservatives and reformists remained unresolved. Conservative clerics maintained a strong grip on power through the judiciary, the Council of Guardians and the office of the Leader of the Islamic Republic, Ayatollah Ali Khamenei. Promises by reformists to increase respect for basic freedoms and the rule of law remained unrealized, and severe restrictions imposed on the independent print media, the major visible gain of President Khatami's first period in office, remained in place. The judiciary, and branches of the security forces beyond the control of the elected government, resorted increasingly to intimidatory tactics, with a sharp increase in public executions and public floggings. Conservative clerics taunted critics of corporal punishment, and accused them of being opposed to Islamic rule – in some cases even calling for the shedding of the blood of such critics. Such remarks fueled an increasingly polarized political stand-off, which, coupled with governmental ineffectiveness in the face of mounting economic and social problems, contributed to a volatile situation where the threat of political violence loomed large.

The clampdown on the independent print media that had followed the sweeping reformist victory in parliamentary elections in February 2001 (see *Human Rights Watch World Report 2001*) was followed by the detention of scores of leading independent and reformist figures and activists. Many of these activists had participated in the flowering of the independent press in the late 1990s as writers, editors, and publishers. Other targeted activists included supporters of the national religious trend, a loose alliance of intellectuals and politicians advocating Islamic government with adherence to the rule of law and the constitution, who for many years had been one of the few currents of internal political opposition tolerated by the establishment.

Seventeen reformist figures, many of them prominent, were brought to trial in October 2000 in connection with their participation in an international conference on the future of Iran, held in Berlin, Germany, in April 2000. The trial before the Tehran Revolutionary Court was unfair.

Many of the defendants were held in protracted incommunicado detention after returning from Berlin, during which time they were forced to make incriminating statements that formed the evidence against them at their trial. Akbar Ganji, a well-known investigative journalist who was among the accused, protested at his hearing in November 2000 that he had been beaten by his interrogators while in detention in order to pressure him to confess to crimes. Most of the trial was conducted behind closed doors.

On January 13, the court convicted seven of the defendants on vague charges of having "conspired to overthrow the system of the Islamic Republic." The severest sentences, ten years of imprisonment, were passed on Akbar Ganji and Saeed Sadr, a translator at the German embassy in Tehran. A second translator, Khalil Rostamkhani, received a nine-year sentence, even though he had not attended the conference. His wife, Roshanak Darioush, a translator of German literature into Persian, had served as a translator at the conference but did not return to Iran to face charges. The trial and the harsh sentences imposed on local employees of the German embassy appeared designed to cause maximum embarrassment to President Khatami's government in its relations with Germany, a major trade partner which he had visited in 2000, and with other European states.

The court also sentenced student leader Ali Afshari to five years in prison, and veteran politician Ezzatollah Sahhabi to four and a half years. Both were already in prison by the time the trial began in October 2000. Women's rights activists Shahla Lahidji and Mehrangiz Kar each received four-year prison sentences, but were released pending an appeal. Ezzatollah Sahhabi was also provisionally released, but he was re-arrested following public remarks he made in March and was still detained without charge in November.

An appeal court reduced Akbar Ganji's sentence to six months of imprisonment but before he could be released, the Tehran Press Court sentenced him again to a ten-year term on the same charge of conspiring to overthrow the system. He had the right of appeal but no appeal had been heard by November. In March and April, the authorities detained more than sixty political activists associated with the national religious trend, including the leadership of the formerly tolerated Freedom Movement (*Nehzat-e Azadi*). Throughout its fifty-year history the Freedom Movement had been an advocate of constitutional Islamic rule with respect for democratic principles. On March 18, the Tehran Revolutionary Court ordered the closure of the Freedom Movement, accusing it of attempting to "overthrow the Islamic regime."

These detentions further chilled the political climate in the run-up to the June presidential election as opponents of reform showed themselves determined to intimidate, silence, or punish those known to support the reformist cause. A leading conservative cleric, Ayatollah Mesbah Yazdi, stated in April: "what is being termed as reform today is in fact corruption." And other conservatives sought to discourage President Khatami, the reform movement's figurehead, from standing for a second term. When he could not be discouraged, they signaled by their actions that regardless of the outcome of the election, there would be no concession to the reformist agenda.

Another persistent challenger to the dominant orthodoxy of the conservative clerics who held power was Ayatollah Hossain Ali Montazeri, the former designated successor to Ayatollah Khomeini as Leader of the Islamic Republic. He remained under house arrest in Qom, but his

criticism of the present system, especially of the institution of the *velayat-e faqih* (rule of the supreme jurist), continued to circulate by cassette tapes, photocopied statements, and through the Internet. In December 2000, the authorities detained the ayatollah's son for allegedly distributing illegal literature, but the real reason appeared to be related to the publication of Ayatollah Montazeri's memoirs on the Internet. These directly attacked the position of Supreme Leader, arguing that the concentration of power in the hands of one man was contrary to Islamic principles. Protests about the continuing restrictions on Ayatollah Montazeri's liberty mounted throughout the year. In June, the ayatollah's children (with the exception of his jailed son) circulated a letter calling for the lifting of these restrictions, and 126 out of 290 members of parliament signed a similar statement. President Khatami several times publicly criticized the stifling of dissent, including closures of newspapers and magazines, and the imprisonment of political dissidents, but he appeared unable or unwilling to remedy these problems. In February, in a speech marking the Islamic Revolution's twenty-second anniversary, he warned: "those who claim a monopoly on Islam and the revolution, those with narrow and dark views, are setting themselves against the people." He also complained repeatedly that he lacked the power to carry out his obligation as president to uphold the constitution. But even after his sweeping election victory in June, when he increased his share of the popular vote, he continued to shy away from open confrontation with his opponents and made no discernible progress in implementing his promised reforms. Increasingly, through his statements, he appeared to represent more of a safety valve for public frustration than an agent of tangible change.

A severe drought in the east and floods in the north-west exacerbated the country's economic malaise and contributed to public scapegoating of Afghan refugees and migrants, who were blamed for high unemployment and rising crime and were increasingly a target of violence. Afghans were viewed as particularly culpable for drug offenses, and thousands were detained and scores executed in an intensified official clampdown on alleged drug-traffickers. The government repatriated thousands of other Afghans under a process agreed with the United Nations High Commissioner for Refugees (UNHCR), despite insufficient safeguards to prevent those at risk of persecution being returned. At the same time, there were new influxes of refugees fleeing continuing unrest and violence in Afghanistan, although the border was officially closed by Iran. The repatriation process was halted with the onset of U.S. bombing raids in Afghanistan in October, when there were fears of a further massive influx to add to the one and a half to two million Afghan already displaced to Iran.

Law enforcement authorities made increased use of public executions and corporal punishment, often after only cursory trial proceedings. In February, five convicted drug-traffickers were publicly executed by being hanged from construction cranes in the Khak-i Sefid district of Tehran, part of an intensified clampdown on drug-traffickers, and the authorities carried out more than twenty public executions for drug-related offenses in July and August. Public floggings were also increasingly used for a wide range of social offenses, including breaches of the dress code, despite opposition from Ministry of Interior officials who questioned the effectiveness of such punishments. In July and August, clashes reportedly occurred at public floggings and executions in Tehran between police and demonstrators opposed to these punishments.

In August, the parliamentary commission charged with investigating human rights violations by public institutions, known as the Article 90

Commission, produced a report sharply critical of deteriorating prison conditions. The report itself was not made public, but members of the commission said it identified the sharp rise in the number of offenders being sent to prisons as a major cause of prison overcrowding and the high level of drug abuse among prisoners. More than two-thirds of all prison inmates were reportedly held for drug-related offenses, and AIDS and other diseases were reported to be spreading rapidly among the prison population.

The proliferation of unofficial, illegal detention centers, such as the so-called Prison 59 in Tehran, gave major cause for concern. Prison 59 was reportedly administered by the Ministry of Intelligence, the Islamic Revolutionary Guards Corps and clandestine paramilitary forces, and was entirely beyond official oversight. Political prisoners detained there or in similar facilities could be held for months at a time without their families or lawyers being informed or having any idea of their whereabouts, treatment or conditions, and being powerless to seek remedies.

The independent press, before it was closed down in mid-2000, had sought to expose the connections between certain state institutions and the clandestine underworld of death squads and enforcers. It was the investigative journalism of people such as Akbar Ganji that led to the prosecution of eighteen Intelligence Ministry officials for alleged involvement in the murder of a group of intellectuals and political leaders at the end of 1998. (See *Human Rights Watch World Report 2000*.) On January 27, fifteen of these defendants were convicted after a trial mostly held behind closed doors: three were sentenced to death, five received life imprisonment, and seven received prison terms of between two and a half and ten years. It remained unclear, however, who had ordered the murders: press investigators had pointed to senior figures, such as former information ministers Dori Najafabadi and Ali Fallahian, as possible suspects but they were not charged and no information against them emerged at the trial. On August 18, the Supreme Court reversed the convictions of the fifteen ministry officials, who may be re-tried. Lawyers representing the murder victims' families accused the judiciary of failing to ensure a thorough inquiry into the crimes.

In a similarly unrevealing trial in May, guilty verdicts were announced against the so-called Mahdaviyat group, a group linked to the authorities, who were convicted of inciting violence against Sunni Muslims and committing political killings. This trial, which involved links between state bodies and illegal political violence, was held behind closed doors. The sentences have not been publicly announced but it was reported in the press that at least one of the defendants was sentenced to death.

Earlier, on January 30, the Supreme Court rejected the appeals against conviction of ten members of the minority Jewish community in Shiraz who had been sentenced to prison terms in 2000 for allegedly maintaining contacts with Israel, considered a hostile foreign power. None of the group were released.

The conservative backlash set in motion by the sweeping reformist victory in parliamentary elections in February 2000 showed no signs of abating. By the end of November 2000, more than fifty daily and weekly newspapers had been issued with closure orders, and more than twenty leading independent and reform-minded journalists, editors, and publishers remained in prison. In January 2001, the authorities closed the philosophical and cultural monthly, *Kiyan*. The journal had published academic articles debating the philosophical underpinnings of the reform movement. The conservative faction also sought to prevent reformists

being elected to the parliament. Before the June parliamentary election, held concurrently with the presidential vote, the Council of Guardians vetoed 145 out of 356 candidates nominated for the seventeen seats, a far higher proportion than in February 2000. In a further display of conservative power, in August, the parliament was forced to accept two candidates nominated by the judiciary to the Council of Guardians. The parliament initially rejected the two nominated jurists, Mohssen Ismaili and Abbas Ali Khadkhodai, claiming that they lacked adequate experience, but the head of the judiciary, an appointee of the supreme leader, refused to withdraw their names. Eventually, the Council of Expediency, another body appointed by the supreme leader headed by former president Hashemi Rafsanjani, crafted a rule change whereby the appointments were ratified without obtaining majority approval from members of parliament.

### Defending Human Rights

A few members of parliament were willing to confront what they viewed as conservative attempts to circumvent and undermine their constitutional powers as the people's elected representatives, and to speak out against violations of constitutional principles. They included outspoken parliamentarian Fatima Haqiqatjou, who protested the arrest of journalists and accused the judiciary of exceeding its constitutional functions. Her criticisms made her the target of criminal prosecution, and in August she was sentenced to twenty-two months in prison for "spreading propaganda against Islam" and insulting state officials. Haqiqatjou appealed her conviction, denying the charges and also claiming parliamentary immunity for comments made in the course of parliamentary debate. She remained at liberty pending her appeal. However, seven other reformist parliamentarians were facing charges for remarks they had made under the cover of parliamentary immunity, part of a growing struggle between conservative elements of the judiciary and reformist members of parliament.

Despite the silencing of the independent press, the debate about human rights remained at the center of the political struggle in Iran, especially within the clerical leadership. Reformist clerics repeatedly argued that there was compatibility between Islam and international human rights principles; conservative clerics, just as insistently, asserted that appeals for liberty and respect for human rights were akin to apostasy.

Hassan Youssefi Eshkevari, who was detained in August 2000 for advocating liberal interpretations of Islam supportive of international human rights principles, continued to be imprisoned. He had been convicted of apostasy in a secret trial by a Special Court for the Clergy. In September, however, he was allowed to leave prison for two days and it was unclear whether or not he remained under sentence of death.

Access to the country for independent human rights investigators remained restricted, although representatives of international human rights organizations were allowed to visit Iran to attend conferences. The U.N. special representative on Iran, Maurice Copithorne of Canada, continued to be denied access to the country, but in April he was able to meet in Geneva with Abbas Ali Alizadeh, the head of the Tehran justice department, the highest level judicial official he had been able to meet with for several years.

In May, the International Center for Dialogue Among Civilizations, headed by the reformist former minister of culture and Islamic guidance, Ataollah Mohajerani, together with a clerically-supported private

university in Qom, hosted an international human rights conference in Tehran with a diverse group of participants. Iranians who attended in the conference were candid in their criticism of domestic conditions.

## **The Role of the International Community**

### **United Nations**

Iran played an active role in multilateral diplomatic efforts in the human rights field, hosting, in February, the Asian regional preparatory conference for the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) and entering into negotiations with the Office of the United Nations High Commissioner for Human Rights over a program of technical assistance in the human rights field. In April, the United Nations Commission on Human Rights renewed the mandate of the special representative on Iran.

### **European Union**

Relations with the E.U. continued to improve. British government minister Marjorie Mowlam visited Iran in February: she praised the government's efforts to combat drug-trafficking but criticized continuing human rights violations including the clampdown on journalists and the press. In September, Foreign Minister Kamal Kharazi met with E.U. commissioners for wide-ranging talks. Human rights concerns were again reported to be part of the agenda, but the major emphasis was on expanding trade ties.

British Foreign Secretary Jack Straw visited Iran twice following the September 11 attacks on the U.S. This first visit by a senior British minister for several years focused on the crisis in Afghanistan rather than domestic human rights issues in Iran.

### **United States**

Contrary to some initial expectations, oil industry interests closely associated with the new Bush administration brought no discernible shift in U.S. government relations with Iran. Restrictions on freedom of expression and persecution of minority religious communities were roundly condemned in the State Department's *Country Reports on Human Rights Practices*, and the U.S. continued to voice objections to Iran's alleged efforts to obtain weapons of mass destruction, its alleged support for international terrorism, and its opposition to peace efforts between Israel and the Palestinians.

In April, the Iranian parliament convened an international conference in support of the Palestinian uprising against Israeli occupation, which was attended by representatives of numerous groups on the U.S. government's list of terrorist organizations, including Lebanese Hizbollah, and the Palestinian groups, Hamas and Islamic Jihad. At the preparatory conference for the WCAR, Iran supported the insertion of language singling out Israel and Zionism for special criticism. These high-profile forays into the Israeli-Palestinian dispute provoked U.S. ire. In April, Attorney General John Ashcroft named the government of Iran as an unindicted co-conspirator in the attack on the Khobar Towers barracks in Saudi Arabia in 1999. In May, Iran was identified as a state sponsor of terrorism in the State Department's *Patterns of Global Terrorism Report*. The Iranian government responded sharply to this accusation: "The U.S.

government, which itself is one of the supporters of Israeli state-terrorism, is not in any position to judge us."

In this climate of increasing rhetorical antagonism against Iran it came as no surprise in June when the International Relations Committee of the House of Representatives voted to maintain sanctions against Iran for a further five-year term. The Bush administration had originally signaled a preference for a two-year renewal of the sanctions regime, but with opposition from Congress, the administration voiced its support for long-term enforcement of sanctions. The U.S. government continued to support policies seen as unfavorable toward Iran in disputes over control over exports of energy resources from the Caspian Basin region.

If the U.S. and Iran were clearly divided on their policies to the Israeli-Palestinian conflict, they had more in common with respect to their shared concern over the Taliban government in Afghanistan. In the aftermath of the September 11 attacks on New York and Washington, and the identification of the Afghanistan-based Osama Bin Laden as a prime suspect in these attacks, the possibility of closer cooperation between the U.S. and Iranian governments emerged as a prospect for the first time in more than twenty years.

#### **Relevant Human Rights Watch Reports:**

*Iran: Stifling Dissent: The Human Rights Consequences of Inter-Factional Struggle in Iran, 6/01*

