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## Iran

### Country Reports on Human Rights Practices - [2005](#)

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The Islamic Republic of Iran,\* with a population of approximately 68 million, is a constitutional, theocratic republic in which Shi'a Muslim clergy dominate the key power structures. Article four of the constitution states that "All laws and regulations...shall be based on Islamic principles." Government legitimacy is based on the twin pillars of popular sovereignty (Article Six) and the rule of the Supreme Jurisconsulate (Article Five).

The supreme leader of the Islamic Revolution, Ayatollah Ali Khamenei, dominated a tricameral division of power among legislative, executive, and judicial branches. He is not directly elected but chosen by an elected body of religious leaders. Khamenei directly controlled the armed forces and exercised indirect control over the internal security forces, the judiciary, and other key institutions. Reformist President Mohammad Khatami headed the executive branch until August when conservative Mahmoud Ahmadinejad took office. Ahmadinejad won the presidency in June in an election widely viewed as neither free nor fair.

An unelected 12-member council of guardians reviewed all legislation passed by the majles for adherence to Islamic and constitutional principles and also screened presidential and majles candidates for eligibility. Prior to the June presidential elections, the guardian council excluded all but 8 candidates of the 1,014 who registered.

The government's poor human rights record worsened, and it continued to commit numerous, serious abuses. On December 16, the UN General Assembly passed a resolution expressing detailed, serious concern over the country's human rights problems.

In preparation for the June presidential elections, there was intense political struggle between a broad popular movement favoring greater liberalization of human rights and the economy, and hard-line elements within government and society that viewed such reforms as a threat to the Islamic Republic. Reformists and hard-liners within the government engaged in divisive internal debates.

The following human rights problems were reported:

- significant restriction of the right of citizens to change their government
- summary executions, including of minors
- disappearances
- torture and severe punishments such as amputations and flogging
- violence by vigilante groups with ties to the government
- poor prison conditions
- arbitrary arrest and detention, including prolonged solitary confinement
- lack of judicial independence
- lack of fair public trials, including lack of due process and access to counsel
- political prisoners and detainees
- excessive government violence in Kurdish areas
- substantial increase in violence from unknown groups in an Arab region of the country
- severe restrictions on civil liberties--speech, press, assembly, association, movement, and privacy
- severe restrictions on freedom of religion
- official corruption
- lack of government transparency
- violence and legal and societal discrimination against women, ethnic and religious minorities, and homosexuals
- trafficking in persons
- incitement to anti-Semitism
- severe restriction of workers' rights, including freedom of association and the right to organize and bargain collectively
- child labor

## 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 that lacked due process. Exiles and human rights monitors alleged that many of those supposedly executed for criminal offenses, such as narcotics trafficking, actually were political dissidents.

The law criminalized dissent and applied the death penalty to offenses such as apostasy, "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."

On April 15, there were violent protests in the ethnically Arab province of Khuzestan (see section 5). The protests followed publication of a letter (denounced as a forgery by the government) that allegedly discussed government policies to reduce the percentage of ethnic Arabs in the province. A government official said clashes with security services resulted in 3 or 4 deaths, but Human Rights Watch (HRW) reported at least 50 deaths.

On June 12, 4 bombs exploded in Khuzestan and 2 in Tehran with as many as 10 killed and approximately 100 injured.

In July and August, demonstrations and strikes in Kurdistan followed the killing of a Kurdish political activist by security forces. According to HRW, security forces killed at least 17 persons during this period.

On August 2, the deputy prosecutor of Tehran, Massoud Moghaddasi, the judge involved in the prosecution of free speech advocates and dissident Akbar Ganji (see section 1.e.), was shot and killed; the Armed Youth of Cherkha-ye Fada'i (the self-sacrificing guerillas) claimed responsibility. Police arrested a suspect, and the government claimed counterrevolutionary groups had hired him. The judiciary spokesman said the same group threatened to kill the Tehran prosecutor, Saeed Mortazavi. Later in August, unknown assailants shot and seriously wounded a prominent judge in Tehran involved in anticorruption cases.

In August 2004 Iranian media reported that 16-year-old Ateqeh Rajabi was hanged in public for "acts incompatible with chastity." Rajabi was not believed to be mentally competent and had no access to a lawyer. The supreme court upheld her sentence. An unnamed man arrested with her received 100 lashes and was released.

No action was taken in the 2004 cases in which security forces killed strikers (January) and suppressed post-election demonstrations (February).

In 2003 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 died following a stroke, the government admitted that she died as a result of a blow to the head. In July 2004 a court acquitted an intelligence ministry official accused of her death. In December 2004 the Kazemi family protested the failure of the court to convict anyone and requested a criminal investigation, which led to a May 16 appeals court hearing. After the family protested the judge's decision to close the hearing to the public, the judge ended the session. When it reopened on July 25, the judge banned foreign observers, rejected the appeal, upheld the 2004 judgment that Kazemi's death had been accidental, and ruled that the court was not in a position to reopen the case. The court did not release the hearing's dossier.

On November 23, the judiciary released its verdict on the Kazemi case, confirming that the intelligence agent originally charged was not guilty and expressing that there were "shortcomings in the investigation." The judiciary stated that the case was being transferred to another court for further investigation. The judiciary spokesman said the case was not closed and further examination was needed, including reviewing potential suspects, but indicated no timeframe for the investigation. The Kazemi lawyers charged that someone from the judiciary, not the intelligence ministry, was responsible for her death. At year's end there had been no further action.

The 1998 killings 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 over a perceived government cover-up of involvement by senior officials.

In 2001 the Special Representative for Iran of the Commission on Human Rights (UNSR) 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 the years following the revolution, allegedly by government agents or directly at the hands of authorities.

On February 12, the Islamic Revolution Guards Corps (IRGC) announced that Ayatollah Khomeini's 1989 religious decree calling for the killing of author Salman Rushdie remained in effect.

#### b. Disappearance

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

According to Internet press reports, Massoumeh Babapour, a journalist for Tabriz newspapers and activist for Azeri rights, disappeared on October 3. She was found stabbed nine times, but still alive. According to her husband, she had received death threats calling her an atheist and claiming religious authorities passed a death sentence on her. At year's end there was no information regarding the perpetrators.

According to a report during the year, over the past 15 years there have been reports of at least 8 evangelical Christians killed in Iran, and between 15 and 23 reportedly missing or "disappeared."

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

The constitution prohibits torture. In April 2004 the judiciary announced a ban on torture, and the majles passed related legislation, approved by the guardian council in May 2004. Nevertheless, there were numerous credible reports that security forces and prison personnel tortured detainees and prisoners.

On December 16, the UN General Assembly adopted a human rights resolution on Iran that expressed, among other points, serious concern at the continuing use of torture and cruel, inhuman, or degrading treatment or punishment, such as floggings and amputations, as well as public executions. It also called on the country to uphold the moratorium on executions by stoning and legally abolish the practice.

The penal code includes provisions for the stoning, or lapidation, of women and men convicted of adultery. In 2002 the head of the judiciary announced a moratorium on stoning. There were several subsequent reports of sentences of stoning imposed by judges, including two during the year, but no proof of these sentences being carried out. A woman's rights group claimed "Fateme" was sentenced to stoning in May for adultery and murder. On October 15, domestic press reported that "Soghra" was sentenced to death by stoning for adultery, as well as given a 15-year prison sentence for complicity in murdering her husband.

In June a court sentenced a man to have his eyes surgically removed for a crime he committed 12 years earlier, when he was 16. The Integrated Regional Information Networks (IRIN) of the UN Office of Coordination of Humanitarian Affairs quoted human rights specialists as saying that while such unusual sentences were occasionally passed by Islamic courts, they were rarely implemented; rather they were used as leverage to set blood money. Nonetheless, in November domestic press reported prison authorities amputated the left foot of a convicted armed robber.

Some prison facilities, including Tehran's Evin prison, were notorious for the cruel and prolonged torture of political opponents of the government. Additionally, in recent years authorities have severely abused and tortured prisoners in a series of "unofficial" secret prisons and detention centers outside the national prison system. Common methods included prolonged solitary confinement with sensory deprivation, beatings, long confinement in contorted positions, kicking detainees with military boots, hanging detainees by the arms and legs, threats of execution if individuals refused to confess, burning with cigarettes, sleep deprivation, and 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. HRW noted that student activists were physically tortured more than critics within the system. It also noted abuse sometimes occurred in the presence of high-level judges. As reported by a radio broadcast on May 5, Judiciary Head Shahrudi complained about security forces' treatment of some detainees. He said judges must conduct interrogations and confessions without a judge present were inadmissible.

In February 2004 Amnesty International (AI) reported that it had documented evidence of "white torture," a form of sensory deprivation. Amir Abbas Fakhravar (see section 1.e.), a political prisoner, was sent to the "125" detention center, controlled by the revolutionary guards. According to AI his cell had no windows, and the walls and his clothes were white. His meals consisted of white rice on white plates. To use the toilet, he had to put a white piece of paper under the door. He was forbidden to speak, and the guards reportedly wore shoes that muffled sound. The Committee against Torture has found that sensory deprivation amounts to torture.

According to domestic press, in July Abbas Ali Alizadeh, the head of the Tehran judiciary and head of the supervisory and inspection committee to safeguard civil rights, provided Judiciary Chief Shahrudi with a detailed report, as a follow-up to Shahrudi's directive on respect for citizenship rights. This unreleased report was described in detail in the media and outlined abusive human rights practices in prisons, including blindfolding and beating suspects, detainees left in a state of uncertainty, and prolonged investigations. For example, authorities jailed a 13-year-old in the worst detention center for stealing a chicken, jailed a woman in her 80s for financial difficulties, and arrested a woman for drug charges against her husband.

Separately in July according to domestic press, the deputy national police commander for criminal investigation said police would investigate any reports of torture. He said torture was against regulations, but its existence in the criminal investigation departments was undeniable, and that forensic and scientific advances have made torture unnecessary.

In an effort to combat "un-Islamic behavior" and social corruption among the young, the government relied on a "morality" force, referred to merely as "special units" (*yegan ha-ye vizhe*), to complement the existing morality police, "Enjoining the Good and Prohibiting the Forbidden" (*Amr be Ma'ruf va Nahi az Monkar*). The new force was to assist in enforcing the Islamic Republic's strict rules of moral behavior. Credible press reports indicated 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 regarded as insufficiently modest or accompanied by unrelated men (see section 1.f.).

There was no further action in the 2004 case of the person who died in February after receiving 80 lashes, the November death of a 14-year old Kurdish boy after receiving 85 lashes, or punitive amputations in September and October.

### Prison and Detention Center Conditions

Prison conditions in the country were poor. Many prisoners were held in solitary confinement or denied adequate food or medical care to force confessions. After its 2003 visit, the UN 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 UNSR reported that much of the prisoner abuse occurred in unofficial detention centers run by unofficial intelligence services and the

military. The UN Working Group on Arbitrary Detention raised this issue with the country's Article 90 parliamentary commission during its 2003 visit, generating a commission inquiry that reportedly confirmed the existence of numerous unofficial prisons. In June 2004 HRW documented a number of unofficial prisons and detention centers such as "Prison 59" and "Amaken," an interrogation center where persons are held without charge, questioned intensively for prolonged periods, physically abused, and tortured.

The Tehran province judiciary tasked its branches to address and compile complaints about civil rights violations and reportedly received 143 complaints, including a person jailed since 1989 without a conviction or indication of criminal record. In the unreleased report described in July in domestic press, the judiciary committee, called the supervising and inspection committee for preserving citizens' rights, reported visiting detention centers of the police security and intelligence, criminal and intelligence departments, and army security and intelligence departments to assess condition of detainees, sanitation, visiting procedures, and procedures used to summon and arrest suspects.

In its findings, the committee noted arrests without warrants. It said the IRGC intelligence department detention center would not allow the committee to enter its facility. The report also called for an investigation of suicides by female inmates in Rajai'i Shahr prison. The committee report stated every military camp or intelligence or security department had its own detention center, which defied the judiciary head's directive. Ministry of Intelligence and Security (MOIS) facilities operated without the required oversight of the Prisons Organization. Serious problems were found in a wide range of detention centers, jails, drug control centers, and prisons, including Section 209 at Evin prison and the Tehran revolutionary court.

The committee reported that contrary to instructions from the judiciary head on size of a detention area, the committee found that some suspects had been held for eight or nine months in much smaller spaces. The report noted torture and solitary confinement in detention centers and claimed it had taken steps to resolve the issue. The report stated that confessions obtained under duress were legally invalid. The committee also called for investigations into possible violations committed against arrested and detained girls and women.

Alizadeh claimed the problems cited in the report were resolved, at the order of the judiciary, and the culprits were presented to authorities. Government spokesman Ramezanzadeh praised the report and said the defense and information ministries were expected to turn over names of those responsible for torture to the judiciary. However, at year's end there was no indication that anyone had been held responsible for the abuses cited in the report.

In July the secretary general of the administration of justice of Tehran said in interview that, following investigation into prison conditions and corrective actions, every prison had an average of 12 square meters, and all detention centers were now under the supervision of the organization of prisons.

Separately, the judiciary spokesman called the committee's report a complete falsehood. Among his charges he said the report's claim that there were unlawful detention centers administered contrary to prison regulations and in which defendants are blindfolded and beaten was untrue.

Shahrudi asked the judiciary to investigate reports of abuse of Internet writers, arrested in a crackdown in 2004 (see section 1.e.). The judiciary's report also was not released, and although it was acknowledged that some were abused, there was no information that anyone was held accountable.

In July 2004 the UK-based International Center for Prison Studies reported that 133,658 prisoners occupied facilities constructed to hold a maximum of 65 thousand persons.

On February 9, HRW warned that the confinement of the country's political prisoners with violent criminals endangered their lives. On January 25, six prisoners in Rajai'i Shahr prison started a hunger strike to protest their confinement with dangerous criminals who assaulted and intimidated them. According to an Internet source, inmates raped and killed a 17-year-old male in a Shiraz prison on November 19. He had been convicted of a minor crime, sent to the juvenile section of the prison, but then transferred to a cell that included convicted adult murderers (see section 1.e.).

In May Judiciary Chief Shahrudi directed that convicts imprisoned for lesser offenses and gravely ill prisoners should be given leave for three months; the directive's implementation was unknown.

The government generally has granted prison access only to the International Committee of the Red Cross (ICRC); however, it permitted visits to imprisoned dissidents by UN human rights officials during 2003 (see section 4). UN 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 other prisons and police stations. The working group interviewed approximately 140 "ordinary" prisoners plus 14 out of a requested 45 inmates described as political prisoners and prisoners of conscience. It described the authorities' cooperation as "on the whole positive," although it noted problems with government response to follow-up requests generated by the visit and disappointment over arrests after the group's departure.

#### d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention; however, these practices remained common.

#### Role of the Police and Security Apparatus

Several agencies share responsibility for law enforcement and maintaining order, including the ministry of intelligence and security, the law enforcement forces under the interior ministry, and the IRGC. A paramilitary volunteer force known as the basiji and various informal groups

known as the Ansar-e Hizballah (Helpers of the Party of God) aligned with extreme conservative members of the leadership and acted as vigilantes. The size of the Basij is disputed, with officials citing anywhere from 11 to 20 million, and a recent Western study claiming there were 90 thousand active members and up to 300 thousand reservists. Civilian authorities did not maintain fully effective control of the security forces. The regular and paramilitary security forces both committed numerous, serious human rights abuses. According to HRW since 2000 the government's use of plainclothes security agents to intimidate political critics became more institutionalized. They were increasingly armed, violent, and well equipped, and they engaged in assault, theft, and illegal seizures and detentions.

#### Arrest and Detention

In practice there is no legal time limit for incommunicado detention nor any judicial means to determine the legality of detention. In the period immediately following detention or arrest, many detainees were held incommunicado and denied access to lawyers and family members.

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. Prisoners released on bail did not always know how long their property would be retained or when their trials would be held. According to the July report on prisons, approximately 1,400 persons were held in Rajai'i Shahr prison without being convicted. In addition families of executed prisoners did not always receive notification of their deaths. On occasion the government forced family members to pay to retrieve the body of their relative (see section 1.a.).

The UN General Assembly (UNGA) resolution regarding the country's human rights expressed serious concern at the use of arbitrary arrest, targeted at both individuals and their family members. Also in July 2004, police arrested Simin Mohammadi and her father Mohammad Mohammadi, sister and father respectively of jailed student activists Manuchehr and Akbar Mohammadi, reportedly for "acts against state security." Police released Simin after posting bail following two weeks' imprisonment in solitary confinement; her father also was released on bail after having a heart attack in solitary confinement.

In 2003 the government released Ayatollah Hossein Ali Montazeri, formerly the designated successor of the late supreme leader, Ayatollah Khomeini, amid reports of health problems after five years of house arrest. In recent years the government has used 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; however, there was no information on this practice during the year.

Numerous publishers, editors, and journalists (including those working on Internet sites) were detained, jailed, tortured, and fined, or they were prohibited from publishing their writings during the year (see section 1.e. and 2.a.).

Adherents of the Baha'i Faith continued to face arbitrary arrest and detention (see section 2.c.).

In September Judiciary Head Shahrudi issued new sentencing guidelines under which minor offenders would be fined and receive punishments other than imprisonment. This change was reportedly due in part to prison overcrowding. It is not known whether this change was implemented. According to HRW most prisoners were eligible for release after serving half of their sentences.

#### Amnesty

According to domestic press, in April the supreme leader granted amnesty or commuted the sentences of 3,631 prisoners; in May several prisoners sentenced by military courts; in September 7,780 prisoners; and in November 2,185 prisoners. These amnesties marked Muslim and national holidays.

#### 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. After the 1979 revolution, the judicial system was revised to conform to an Islamic canon based on the Koran, Sunna, and other Islamic sources. The constitution provides that the head of the judiciary shall be a cleric chosen by the supreme leader. The head of the supreme court and prosecutor general also must be clerics. Women are barred from serving as certain types of judges.

There are several 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. A press court hears complaints against publishers, editors, and writers in the media. The supreme court has limited review authority.

HRW noted in a 2004 report that the judiciary was at the core of suppressing political dissent and that, in practice, it violated due process rights at every level, including the right to be promptly charged; have access to legal counsel; be tried before a competent, independent, and impartial court in a public hearing; and have right of appeal. Detainees were often not clear of their legal status. Numerous observers considered Tehran Public Prosecutor Mortazavi the most notorious persecutor of political dissidents and critics.

According to the civil code, persons under 18 years of age may be prosecuted for crimes as adults, without special procedures, and may be imprisoned with adults. The age of criminal responsibility is set at 15 years for males and 9 years for females. As a party to the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, the country is obligated not to execute persons for crimes committed when they were younger than 18.

In January government officials told the UN Committee on the Rights of the Child that for many years there had been a moratorium in place on the death penalty for minors under 18. The same day, however, a man was executed for a crime committed when he was 17, and credible reports corroborated such action. AI cited a domestic press report that at least 30 minors sentenced to death were detained in juvenile detention centers in Tehran and Rajai'i Shahr. It was widely reported in the press that 2 teenage boys were hanged in public on July 19 in Mashhad, charged with raping a 13-year-old boy. Their ages differed in press reports, but apparently at least one was a minor at the time of the offense. In this case, some international observers claimed the two were executed for homosexual behavior; however, it was not possible to verify this allegation (see section 5).

In October 2004 20 local human rights groups called on the judiciary not to sentence minors to death. Nobel Peace Prize laureate Shirin Ebadi called for a demonstration, but the authorities denied the request. During the year the UNGA adopted a resolution denouncing the country's practice of executing minors, and the UN Committee on the Rights of the Child urged the country to suspend execution of juvenile offenders.

#### Trial Procedures

Many aspects of the prerevolutionary 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 postrevolutionary statutes did not address a situation, the government advised judges to give precedence to their own knowledge and interpretation of Islamic law. Trials are supposed to be open to the public; however, frequently they are held in closed sessions without access to a lawyer; the right to appeal often is not honored.

UN representatives, including the UNSR, the UN Working Group on Arbitrary Detention, and independent human rights organizations noted the absence of procedural safeguards in criminal trials. The UNGA resolution on the country's human rights expressed serious concern at "the persistent failure to comply fully with international standards in the administration of justice...."

Trials in the revolutionary courts were notorious for their disregard of international standards of fairness. Revolutionary court judges were chosen in part based on their ideological commitment to the system. Pretrial detention often was prolonged, and defendants lacked access to attorneys. Charges were often undefined 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 five minutes' duration occurred. Others were show trials intended to publicize a coerced confession.

The legitimacy of the special clerical court system continued to be subject to debate. The clerical courts, which investigate offenses and crimes committed by clerics and which are overseen directly by the supreme leader, are not provided by the constitution and operated outside the domain of the judiciary. In particular critics alleged the clerical courts were used to prosecute clerics for expressing controversial ideas and participating in activities outside the sphere of religion, such as journalism. The recommendations of the UN Working Group on Arbitrary Detention included a call to abolish both the special clerical courts and the revolutionary courts.

In its 2003 report, the UN Working Group on Arbitrary Detention noted failures of due process in the court system caused by the absence of a "culture of counsel" and the previous concentration of authority in the hands of a judge who prosecuted, investigated, and decided cases. The working group welcomed the 2002 reinstatement of prosecution services, after a 7-year suspension, but noted that this reform had been applied unevenly, with the judge still having major investigative responsibilities in many jurisdictions.

On January 27, authorities released Afsaneh Noroozi from prison after being pardoned for a murder that she and police and forensic experts claimed was in self-defense. Police arrested her in 1997 for killing a senior security and intelligence officer. She claimed she killed him in self-defense after he attempted to rape her. According to AI, police tortured and threatened Noroozi and her husband, eliciting false confessions. In a 2000 trial, she was given the death penalty. Her 2004 retrial was also held behind closed doors but supervised by the judiciary. The court did not change the ruling, but it announced on January 11 that the family had agreed to forgo the death penalty in exchange for blood money. Upon her release the judiciary repeated its rejection of Noroozi's self-defense claim.

In December 2004 a Tehran justice department official alleged that the government tried and sentenced fugitive al-Qa'ida members detained in the country. The government did not identify those convicted, the verdicts, or their sentences and provided no further information during the year.

#### Political Prisoners

Then President Khatami stated in April 2004 that, "absolutely, we do have political prisoners and people who are in prison for their beliefs." No accurate estimates were available regarding the number of citizens imprisoned for their political beliefs. In 2003 the UNSR for the Promotion and Protection of the Right to Freedom of Expression and Opinion estimated the number to be in the hundreds. Although there were few details, the government has reportedly arrested, convicted, and executed 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. Political prisoners occasionally were given suspended sentences or released for short or extended furloughs prior to completion of their sentences, but could be ordered to prison at any time. Political activists were also controlled by having a file placed in the courts that could be opened at any time.

On September 6, the spokesman for the justice ministry, Jamal Karimi-Rad, said the judiciary was ready to present parliament with a bill to define political offenses. The guardian council earlier rejected a similar bill passed by the previous parliament. At year's end there had been no action.

In a September 4 open letter, a local prisoners' rights group, the Association in Defense of Prisoner's Rights, appealed on the basis of human rights to Judiciary Chief Ayatollah Shahrudi for progress in cases of political prisoners. On September 18, *Sharq* newspaper reported that Shahrudi ordered these cases investigated.

On September 26, Shahrudi directed leaves of absence to all imprisoned students, regardless of their crimes, and asked the government to provide a list of their names. By October 25, no students had been released and the spokesman of the Student Committee for the Defense of Political Prisoners said problems faced by student and other prisoners were worsening. In November Justice Minister Karimi-Rad said that 18 names of proreform students arrested during previous years' protests had been provided, and the judiciary would ask the supreme leader to pardon them. At year's end it did not appear that any further action had been taken.

There were reports that some persons have been held in prison for years and charged with sympathizing with outlawed groups, such as the domestic terrorist organization, the MEK.

Akbar Ganji, a former IRGC leader turned political activist and journalist, has been imprisoned since 2000 in connection with his reports linking the government with the "serial murders" of 80 dissidents in the country and abroad. He was sentenced in 2001 to six years in prison on charges including acting against national security and spreading propaganda. In May he received a furlough for medical treatment but was returned to Evin prison in June. He went on a 70-day hunger strike to protest his detention, transferred to a hospital on July 17, and ended his strike in mid-August. On September 3, he was discharged from the hospital and returned to prison. At year's end he was held in a high security section of Evin prison, known as "Alef 2" controlled by the IRGC.

In July the head of the judiciary reportedly said Ganji could be pardoned if eligible; Tehran Judiciary Chief Alizadeh subsequently said he would not be released until the end of his sentence. The UN, European Union (EU), and numerous countries have called for Ganji's release. Ganji's wife said in an open letter in late October that she believed her husband was being beaten, had been moved to solitary confinement, and was not receiving medical care. In November HRW reported Ganji said judiciary officials tortured him to try to make him renounce his writings.

In 2004 the government said it detained several citizens accused of transferring nuclear secrets to Western states. The suspects were tried, but the verdict remained secret. On July 30, while acting as an attorney for the accused, Abdol Fattah Soltani also was accused of espionage. Soltani's lawyer, human rights specialist Mohammad Dadkhah, and HRW claimed the reason for his arrest was his work in the investigation into the death of Zahra Kazemi. Despite calls for his release from almost 200 members of the national bar association, he remained in jail at year's end; his bail was set at \$800 thousand (700 million toman).

Naser Zarafshan, an attorney who represented families of the victims of the 1998 extrajudicial killings of dissidents by intelligence ministry officials, was sentenced in 2002 to five years in prison for charges including disseminating state secrets. In 2003 the supreme court reportedly dismissed his appeal. According to the nongovernmental organization (NGO) PenCanada, in September 2004 a group of prisoners in collusion with prison authorities attempted to kill Zarafshan. On June 8 and 10, prodemocracy activists and Zarafshan's family demonstrated at Evin prison, calling for his release. On July 9, his attorney, Nobel Peace Prize winner Ebadi, announced he had received a furlough for medical treatment; however, at year's end he remained in Evin prison.

Police arrested journalist Siamak Pourzand in 2001 and tried him in March 2002 behind closed doors. He was denied free access to a lawyer of his choice and was sentenced to 11 years in prison for "undermining state security through his links with monarchists and counterrevolutionaries." He was kept in solitary confinement for months and physically and psychologically tortured to force him to make a televised confession. He was reportedly urged to implicate others, refused, was released but then returned a month later to Evin prison. In March 2004 Pourzand suffered a heart attack that left him in a coma. After repeated hospitalizations and reimprisonment, Pourzand was furloughed again in 2004 but kept under house arrest, not allowed to leave the country, and could be returned to prison at any time. His wife, Mehrangiz Kar, a human rights defender residing outside the country who face charges in connection with her participation in a 2000 conference in Berlin, was formerly a political prisoner.

In February the special court for the clergy sentenced Mojtaba Lotfi, a cleric who wrote social and political commentary on his Web site, to 3 years and 10 months in prison. He was released on August 28.

Afshin Zarei, an Internet writer arrested at the beginning of the year, was charged with insulting the supreme leader. According to press accounts by his lawyer in August, Zarei had been held in "temporary detention" for eight months. At year's end no further information was available.

On February 2, Internet writer and journalist Arash Sigarchi received a sentence of 14 years in prison for charges including espionage, aiding "hostile" governments, and insulting the country's leaders. On March 17, he was released pending appeal, after posting \$127 thousand (100 million tomans) bail. In August he was summoned again to court and charged with insulting religious and political leaders and having a satellite dish, but was out of prison at year's end.

On February 6, according to domestic media, Hojatoleslam Hassan Yussefi-Eshkevari was released from jail. The cleric was arrested in August 2000 and sentenced to four years for saying that dress codes for women are unnecessary in Islam, one year for participating in the 2000 conference in Berlin about reform in the country, and two years for disseminating allegedly false information.

Mojtaba Saminejad, an Internet writer, was arrested on February 13 and sentenced to more than two years in prison on charges including insulting the supreme leader. He was first detained in October 2004 after reporting the arrest of other Internet writers and, according to HRW, tortured and held for 88 days in solitary confinement. On January 27, he was released on \$62,500 (50 million toman) bail. He started another Internet site but was detained again, and his bail tripled, which he could not pay. His trial in May was held behind closed doors; he was

sentenced to two years in prison for insulting Khomeini and the supreme leader and charged with apostasy. He was later acquitted of apostasy but remained in Rajai'i Shahr prison.

In April two Kurdish journalists, Ejlal Qavami and Said Saedi, had a hearing in the revolutionary court on charges including undermining national security by calling for an election boycott, insulting the leadership, and portraying the system as ineffective. Between July 28 and August 2, authorities detained both again, along with two Kurdish human rights activists, Roya Tolui and Madeh Ahmadi. In October the public prosecutor in Sanandaj accused Qavami, Saedi, and Tolui of acting against national security and referred their cases to the revolutionary court. At year's end Ahmadi, Tolui, and Qavami were released on bail; Saedi's situation was unknown.

On July 25, police arrested journalist Massoud Bastani for covering a demonstration to support political prisoner Akbar Ganji. Bastani was held in Evin Prison, released August 6, then reimprisoned and sent to Arak prison, normally used for nonpolitical prisoners. He was released for a month but returned to prison on November 5. In December the head of the Association of Iranian Journalists called for Bastani's release and said he was in poor health.

On September 26, at the same time of Judiciary Chief Shahrudi's directive to give leave to all student prisons, the revolutionary court sentenced Ali Afshari, a student leader, to six years in prison and five years deprivation of his civil rights for acting against national security. This ruling came approximately six weeks after Afshari's public call for Akbar Ganji's release. After posting \$250 thousand (200 million tomans) bail, Afshari was allowed to travel outside the country while appealing his sentence. In November student activist Akbar Atri was sentenced in his absence to five years in prison for his activities. In December student leader Abdullah Momeni was given a five-year suspended prison sentence.

Former Deputy Prime Minister and longtime political dissident Abbas Amir-Entezam has been imprisoned for 26 years and reportedly tortured. He has been on leave from prison for more than two years for medical reasons but could be forced to return to prison at any time. He was first released in 2002 but reimprisoned in 2003 for calling for a referendum on whether the country should remain under clerical rule.

Author and journalist Taqi Rahmani has spent 17 years in prison since 1981 for his writings. In 2003 Tehran's chief prosecutor, Mortazavi ordered the arrest of Rahmani and two journalist colleagues, Hoda Saber and Reza Alijani. After a long detention without charges, all three were sentenced to lengthy prison sentences. In November 2004 Alijani, Saber, and Rahmani were released on bail of approximately \$63 thousand (50 million tomans) each. At year's end they remained furloughed.

Abbas Deldar, arrested after the July 1999 student demonstrations in Tehran, has been in prison seven years. He has been periodically furloughed, but at year's end he was in Rajai'i Shahr prison.

Mehrdad Lohrasbi was also arrested in the 1999 student demonstrations. The revolutionary court condemned him to death, but his sentence was later reduced to 15 years, 10 of which were suspended. He was released in 2004 for several months but then returned to jail. He is believed to have been tortured. As of year's end, he remained in Rajai'i Shahr prison and reportedly was in poor health.

Manuchehr and Akbar Mohammadi were also arrested during the July 1999 student demonstrations and sentenced to 15 years prison after appeal. At year's end both were on furlough. Ahmad Batebi received a death sentence for "endangering national security" by participating in the 1999 student demonstrations, later reduced to 10 years by an appeals court in 2000. Batebi was temporarily released in 2004, in advance of the fourth round of talks on human rights with the EU. Subsequently, he was returned to prison and then furloughed again early in the year.

Journalist Amir Abbas Fakhravar was sentenced to eight years in prison in 2002, reportedly because of his comments on the country's political leadership in the book, *This Place Is Not a Ditch*. In February 2003 he and Ahmad Batebi wrote an open letter criticizing the government and calling for a referendum. He was summoned to court, beaten, and transferred to Evin prison, from which he received periodic furloughs, most recently on June 10 (see section 1.c.)

In 2003 police arrested freelance journalist Ensafali Hedayat at the University of Tabriz while he was covering student demonstrations; he was accused of inciting students to revolt. In January 2004 he was arrested after attending a conference abroad organized by a group advocating a democratic, secular state. In May 2004 the Tabriz appeals court confirmed an 18-month prison sentence against him. He subsequently left the country.

Amir Saran, a member of the "National Unity Front," has been in and out of prison since 2003, after being severely beaten during Students Day 2002. He was sentenced to eight years in prison, a decision upheld by the appeals court. At year's end he was in Rajai'i Shahr prison.

In 2003 Hussein Qazian and Abbas Abdi (a revolutionary leader in 1979 who later became a reformist) were sentenced to nine years --later reduced--in the National Institute for Research Studies and Opinion Polls case. In 2002 judicial authorities closed the institute, which had found in a poll commissioned by the majles that a majority of citizens supported dialogue with the United States. Among other offenses, the defendants were charged with spying for a foreign power, although government intelligence officials and then President Khatami publicly stated they were not spies. The supreme court dismissed espionage charges against Abdi in May; at year's end Qazian was released on temporary furlough.

Arjang Davoudi, a teacher, engineer, and poet, was arrested in 2003 for assisting a Canadian reporter making a documentary about Canadian-Iranian photographer Zahra Kazemi. During the year he was condemned by a revolutionary court to either 14 or 15 years in jail (varied by source), exile to a harsh climate, 5 years' suspension of his civil rights, and 70 lashes; reportedly he was beaten and kept in solitary confinement for approximately 100 days. Davoudi wrote a book from prison about interrogations, torture, and extended solitary confinement and had his manuscript privately delivered to a publishing company. According to one report, the information ministry attacked

the publishing house, intercepted the manuscript, severely injured the employees, and arrested and imprisoned the publisher.

In April 2004 Peyman Piran, a student activist, was sentenced to 10 years in prison for acting against national security, contacting foreigners, disturbing public opinion, and behaving insultingly (see section 1.d.). In July 2004 security forces forcibly evicted his father, retired teacher Mostafa Piran, and his family. Mostafa Piran had reportedly tried to organize a teachers' strike to mark the anniversary of the July 1999 student demonstrations, in defiance of a ban. He was reportedly beaten and held in solitary confinement. Mostafa was released on March 19, but Peyman remained in Evin prison.

Behruz Javid-Tehrani, a member of the Democratic Party of Iran, was first arrested in 1999 and spent four years in prison. He was then rearrested in July 2004 and condemned to 7 years in prison and 54 lashes. In August it was reported that he was held in solitary confinement for three months and had told relatives that he was severely beaten.

Bina Darabzand, held at Rajai'i Shahr prison, was arrested June 2004 while demonstrating at the UN building in Tehran for the release of political prisoners. He was imprisoned, and at year's end he reportedly had medical problems. In December 2004 student leader Heshmatollah Tabarzadi, jailed since June 2003, was sentenced by the revolutionary court to 16 years in prison. He was temporarily furloughed August 24, but at year's end he was in Evin prison.

Mohsen Sazgara, IRGC founder, turned activist and publisher of now suspended reformist dailies *Jameh*, *Neshat*, and *Tous*, was sentenced on appeal in March 2004 to a year in prison. A week before his release, he was charged with "undermining national security," "insulting the supreme guide," and "antigovernment propaganda" but left the country for medical treatment. On October 2, the revolutionary court sentenced him in his absence to five years in prison. Currently living in a foreign country, Sazgara helped organize an Internet-based referendum for citizens to choose their political system.

In November 2004 local press reported that after an early October trial, a Tehran revolutionary court sentenced former foreign minister Ebrahim Yazdi, leader of the banned Freedom Movement opposition party, to an unspecified but long imprisonment, based on charges of actions against national security, insulting the supreme leader, and other charges. At year's end he was not in prison, but his court case remained pending. He registered as a presidential candidate in the elections this year but was rejected by the guardians council.

#### 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. There were widespread reports that the homes and offices of reformist journalists were entered, searched, or ransacked by government agents in an attempt to intimidate.

Vigilante violence included attacking young persons considered too "un-Islamic" in their dress or activities, invading private homes, abusing unmarried couples, and disrupting concerts. At year's end there was no systematic campaign, although greater enforcement was reported on university campuses.

Authorities entered homes to remove television satellite dishes, although the vast majority of satellite dishes in individual homes continued to operate. Early in 2004, Western media reported that Islamist militia confiscated approximately 40 thousand satellite dishes from 4 factories secretly manufacturing satellite equipment in eastern Tehran.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The constitution provides for freedom of expression and the press, within limits. Article 23 of the constitution states "investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief." Article 24 of the constitution states "publications and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public...." At the same time, penal code states that "anyone who undertakes any form of propaganda (undefined) against the state" can be imprisoned up to a year. The press law forbids censorship but also forbids disseminating information that may damage the Islamic Republic or offend its leaders and religious authorities. It also subjects writers to prosecution for instigating crimes against the state or insulting (not defined) Islam, which in the case of the latter, can be punished by death.

In practice the government severely restricted freedom of speech and of the press. Harassment of journalists increased after President Ahmadinejad assumed office in August. The December UNGA resolution on the human rights in the country expressed, among other abuses, serious concern at the continuing harassment, intimidation, and persecution of human rights defenders, nongovernmental organizations, clerics, journalists and Internet writers, parliamentarians, students and academics. It cited unjustified closure of newspapers and blocking of Internet sites.

The government continued to harass senior Shi'a religious and political leaders and their followers who dissented from the ruling conservative establishment. In May 2004 the special court for the clergy in Qom arrested Hojatolislam Mojtaba Lotfi, an aide to Ayatollah Montazeri, for publishing a book that detailed the ayatollah's five years under house arrest. The court confiscated all copies of the book (see section 1.e.).

Members of parliament who spoke out against arrests of journalists and students were summoned to court. These included Elaheh Kula'i, former member of the majles and deputy secretary general of the Islamic Iran Participation Front, who was summoned on July 24 and charged with engaging in propaganda against the system and acting against national security but was not sentenced.

In the spring of 2001, security forces arrested then majles deputy Fatima Haqiqatju for inciting public opinion, insulting the judiciary by criticizing the arrest of a female journalist, and claiming that the government tortured prisoners. She was the first sitting majles member to face prosecution for statements made when protected by parliamentary immunity. Haqiqatju was sentenced to 17 months in prison but released from custody. In June 2004 the public prosecutor summoned her to court and charged her with "propaganda against the system," and "insulting the council of guardians, the judiciary, and the Islamic Revolutionary Guard Corps." She was released on bail but forbidden to leave the country. In November 2004 Haqiqatju was summoned to court on a complaint by the public prosecutor about her 2003 majles resignation speech and faced similar charges. During the year there was no further juridical action, and she was allowed to travel outside the country.

There were reports of bans on election material (see section 3). Two reformist political groups, the Islamic Revolution Mojahedin Organization and the Islamic Iran Participation Front reported in June that an election-related brochure was banned on the excuse that it insulted a candidate. The interior ministry criticized state television in April for lack of impartiality in the elections and accused it of providing publicity for some of the conservative candidates (see section 3).

After the 1997 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, the press law prohibited the publishing of a broad and ill-defined category of subjects, including material "insulting Islam." Self-censorship, rather than formal governmental censorship, was practiced. Basic legal safeguards for freedom of expression did not exist, and since approximately 2000, the independent press has been subjected to arbitrary enforcement measures by elements of the government, notably the judiciary. During this period approximately 100 newspapers and magazines have been closed for varying periods.

Early in the year, judiciary officials made statements that suggested reduced repression for journalists. On February 28, Tehran Justice Department Chief Alizadeh said that new judiciary guidelines mandated that, in the first instance, a reporter should be cautioned, and if that were not sufficient, he or the managing editor should be summoned. On March 9, Judiciary Head Shahrudi stated that judiciary departments were asked not to close newspapers--as far as possible--and to pursue cases against individuals rather than publications. Reportedly, he said "the press can be a strong factor in preventing corruption among officials." No formal directive was issued; however, on the same day, a court lifted a ban on *Neshat*, a reformist daily closed six years earlier.

Nevertheless, freedom of the press continued to deteriorate during the year, and journalists were frequently threatened and sometimes killed because of their work. The government closed a number of reformist newspapers and magazines and sentenced many of their managers to jail and, sometimes, lashings. A handful of proreform newspapers continued to publish, most with heavy self-censorship, but new reformist newspapers no longer opened to replace those closed. As of July 1, Reporters Without Borders (RSF) reported that there were 12 journalists and cyberdissidents in prison in the country (see section 1.e.).

According to the Tehran-based Association for Advocating Freedom of Press, state pressure on journalists increased since Ahmadinejad became president in August. In October according to foreign press, a so-called Islamic Army in Iran circulated a list of 210 dissident journalists that it wanted to eliminate, calling them enemies of Islam. In an August statement printed in local press, Ansar-e Hizballah decried "hypocritical journalism" and stated that government hesitance in ripping out these "weeds" does not absolve Hizballah from doing their duty.

In November RSF accused ministry of intelligence officials of harassing journalists, claiming government officials recently had summoned at least 10 journalists for questioning and advised them not to criticize the new president or write articles on sensitive issues like the nuclear program. In November the culture minister was quoted as saying that newspapers that attacked the country's religious values would be under stricter surveillance but that, for the time being, members of the press would receive warnings and not be arrested.

HRW asserted, "By attacking a small percentage of those critical of the government, Iranian authorities have been able to silence a much larger body of journalists, activists, and students."

The press law established the press supervisory board, which is responsible for issuing press licenses and examining complaints filed against publications or individual journalists, editors, or publishers. In certain cases the 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. On September 20, domestic media reported that the Association of Young Journalists protested the composition of the press jury as too limited in representation.

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. Efforts to amend the press laws have not succeeded, although in 2003, parliament passed a law limiting the duration of temporary press to stop the practice of extending "temporary" bans indefinitely.

The press law allows government entities to act as complainants against newspapers, and often public officials lodged criminal complaints against reformist newspapers that led to their closures. Offending writers were subjected to lawsuits and fines.

Among those prosecuted or threatened were journalists writing about ethnic issues. On April 25, police arrested Yusuf Azizi Banitaraf, a reformist Iranian-Arab journalist, during a press conference at the Center for the Defense of Human Rights in Tehran. Formerly with the daily newspaper *Hamshari*, Banitaraf wrote extensively on ethnic minorities, defended protestors, and condemned the violence after ethnic

clashes on April 15 in Khuzestan between security forces and the Arab community. On June 28, he was released on bail of \$25 thousand (20 million toman) (see sections 1.a. and 5).

On March 8, the Islamic culture and guidance ministry closed the proreform magazine *Jameh-yi No* and closed the monthly *Karnameh* on April 7 for publishing "immoral" news and poems.

On April 18, the government closed the Tehran bureau of *Al-Jazeera* after its correspondent reported on the clashes in Khuzestan and concurrently banned journalist travel to the region.

On June 20, the Tehran prosecutor's office banned the newspapers *Eqbal*, *Aftab-e Yazd*, *Etemaad*, and *Hayat No* after they published a letter to the supreme leader from presidential candidate Mehdi Karroubi, who finished third in the first round of the presidential elections on June 17. Karroubi accused military organizations of breaking the law by supporting Ahmadinejad. All newspapers except *Eqbal* were allowed to resume publication on June 21; the editor of *Eqbal* was told the newspaper faced other complaints (see section 3).

In August authorities sentenced Mohammad Sedigh Kabovand, editor of the weekly newspaper *Payam-i Mardom-i Kurdistan*, to 18 months in prison. According to RSF, Kabovand's lawyer, Abdolfattah Soltani, was not present, as Soltani was also in prison (see section 1.e.).

On October 16, the publishers of three magazines were tried in open court, with a jury selected by the judiciary, culture ministry, and Tehran city council. One was accused of publishing photographs of attractive celebrities to attract readers, thereby undermining Islamic values. Another was charged with spreading lies about the risk of AIDS in a local prison. At year's end there was no further information.

The government increased control over the Internet as more citizens accessed it for news and political debate. HRW cited an online February 2004 "census" ranking Farsi the third-most-popular language for Internet Web sites (many of these were written from outside the country). An 2004 poll found many citizens trusted the Internet more than other news media. During the year approximately 6.2 million citizens used the Internet, and there were 683 Internet Service Providers.

In 2003 a government spokesman acknowledged state attempts to block access to "immoral" Internet sites. The judiciary also announced the creation of a special unit to handle Internet-related issues. According to press reporting, the judiciary highlighted over 20 subject areas to be blocked, including: insulting Islam; insulting the supreme leader or making false accusations about officials; undermining national unity and solidarity; and propagating prostitution and drugs.

Beginning in 2004 the government launched a major crackdown on sites based in the country, including "weblogs," reportedly blocking hundreds of Internet sites. According to HRW, since September 2004 Tehran's Chief Prosecutor, Saeed Mortazavi, reportedly ordered more than 20 Internet journalists and civil society activists arrested and held in a secret detention center in Tehran.

In December 2004 in a public letter to President Mohammed Khatami, Rajabali Mazrui, the father of one of those detained as well as president of the Association of Iranian Journalists and a former majles member, implicated the judiciary in the torture and secret detention of these individuals. His son, Hanif Mazrui, a computer technician for the banned newspaper *Vaghayeh Etefaghieh*, was arrested in September 2004. He was freed on November 11 after paying bail of approximately \$19 thousand (15 million tomans).

In December 2004 four "weblog" detainees were presented at a televised "press conference" arranged by Judge Mortazavi and denied mistreatment. However, widespread and credible reports indicated that while in secret detention, threats, torture, and physical abuse were employed to obtain false confessions and letters of repentance (see section 1.e.). After release some detainees testified to a presidential commission. Commission member and former presidential advisor Mohammad Ali Abtahi later wrote in his Internet site that they claimed they were beaten, held in solitary confinement, denied access to lawyers, and forced to make false confessions. On January 2, Abtahi reported that the government blocked access to his Internet site.

On January 11, Judiciary Head Shahrudi and other judiciary officials met with several Internet writers about their claims of mistreatment. On January 16, domestic media reported that Shahrudi instructed the public prosecutor's office to transfer the case to a special committee from the judiciary. The report on the treatment of the Internet writers was never publicly released (see section 1.c.). By year's end most were released on bail. After their release, RSF reported that authorities summoned the bloggers for questioning several times a week, and they received threats from government officials.

On October 18, RSF accused the government of increasing control, surveillance, and censorship of the Internet. A study published by HRW listed Internet sites in the country blocked in mid-October. These sites included women's rights Web sites, several foreign based Farsi-language news sites, some popular Internet writer sites, the Freedom Movement Party Web site, a Web site promoting the views of Ayatollah Montazeri, some Kurdish Web sites, Web sites dedicated to political prisoners, and a Baha'i Web site. In October government authorities blocked access to the Baztab news Web site. The Web site manager said they received a judicial order saying the temporary ban was based on a complaint related to the nuclear issue. During November and December, three other Internet sites dealing with news and political issues were blocked. On December 13, 13 majles deputies protested Internet censorship in a letter to President Ahmadinejad and urged him to end the ban on these three sites.

In October 2004 Fereshteh Ghazi, a journalist addressing women's issues for the daily newspaper *Etemad*, was arrested on a variety of charges. According to press accounts, at least part of the time she was held in an undisclosed location and beaten for refusing to confess. Upon release in December 2004, she was immediately hospitalized.

The government, in the form of the sound and vision organization, directly controlled and maintained a monopoly over all television and radio broadcasting facilities; programming reflected the government's political and socioreligious 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. The government has in the past blocked foreign satellite transmissions using powerful jamming signals. Separately the government ruled that private broadcasting was illegal, and cooperation with any private broadcasting was also illegal.

Foreign journalists also faced harassment. The government required foreign correspondents to detail their travel plans and proposed stories before receiving visas; some were denied visas.

The culture ministry must give permission to publish any book and inspects foreign printed materials prior to their domestic release. In November the minister of Islamic culture and guidance promised more stringent controls on books, cinema, and theater, although he indicated the change would not be immediate. He also warned of greater surveillance of "hundreds" of cultural associations. The new cultural ministry officials have also reportedly cancelled more than 30 concerts.

The government also 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. After President Ahmadinejad assumed office in August, the supreme cultural revolution council announced a ban of movies promoting secularism, feminism, unethical behavior, drug abuse, violence, or alcoholism. Films of some domestic directors were not permitted to be shown in the country.

The government restricted academic freedom. Government informers were common on university campuses. More generally, there were reports that the government maintained a broad network of student informants in Qom's major seminaries, who reported teachings counter to official government positions.

Admission to universities was politicized; all applicants had to pass "character tests" in which officials eliminated applicants critical of the government's ideology. To obtain tenure, professors had to refrain from criticism of the authorities. The new administration changed the heads of many universities. At Tehran University, students protested when the government overrode the normal selection process and for the first time named a cleric without an advanced degree, who was also a Tehran University professor, to run the institution.

## b. Freedom of Peaceful Assembly and Association

### Freedom of Assembly

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 antigovernment protests. Such gatherings included public entertainment and lectures, student gatherings, labor protests, funeral processions, and Friday prayer gatherings.

During a wave of student protests in 2003, government-supported vigilantes beat many protestors, and police arrested approximately four thousand persons according to government figures shortly after the protests. It was not known how many of those arrested were still in jail; approximately 130 were still detained as of December 2004. An unknown number of students arrested in the 1999 demonstrations remained in prison (see section 1.e.).

Paramilitary organizations such as the Ansar-e Hizballah, 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. They particularly targeted university students. On November 7, unknown assailants attacked a prominent political activist, Behzad Nabavi, in Khuzestan.

On June 8, human rights activists and representatives of the Union of Advocates of Democracy demonstrated at Evin prison and called for the release of Naser Zarafshan (see section 1.e.). A student committee in Tabriz held a hunger strike in support. Approximately 200 persons protesting Akbar Ganji's imprisonment clashed with police on July 12. According to the press, police beat dozens of the protestors with batons to break up the demonstration and arrested some distributing leaflets. Hashem Aghajari, a former political prisoner (see section 1.e.), and some family members of detainees participated. On August 11, a crowd of 100 to 250 persons gathered in front of the hospital where Ganji was held to protest his detention. Organized by a student organization, the office for strengthening unity, student leader Ali Afshari (see section 1.e.) called for Ganji's immediate release.

### Freedom of Association

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 2002 the government permanently dissolved the Freedom Movement, the country's oldest opposition party, jailing some members and barring others from political activity for up to 10 years (see sections 1.e. and 3).

The intelligence ministry prevented members of the Iran Writers Association from meeting on May 3 to prepare for the group's general assembly. According to one broadcast report, ministry officials told the group that their lives were in danger.

## 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, particularly Baha'is, did not enjoy freedom of religion.

The central feature of the country's Islamic republican system is ruled by a "religious jurisconsult." Its senior leadership consisted principally of Shi'a clergymen, including the supreme leader of the revolution, the president, the head of the judiciary, and the speaker of parliament.

### Societal Abuses and Discrimination

The population is approximately 99 percent Muslim, of which 89 percent were Shi'a and 10 percent Sunni. Baha'i, Christian, Zoroastrian, and Jewish communities constituted less than 1 percent of the population.

The government carefully monitored the statements and views of the country's senior Muslim religious leaders. It restricted the movement of several who have been under house arrest for years. All ranking clerics were pressured to ensure their teachings confirmed or at least did not contradict government policy and positions (see section 1.e.).

Sunni Muslims are the largest religious minority in the country. The constitution provides Sunni Muslims a large degree of religious freedom. In practice Sunni Muslims claimed that the government discriminated against Sunnis, although it was hard to distinguish whether the cause for discrimination was religious or ethnic, since most Sunnis are also ethnic minorities. As an example, Sunnis cited the lack of a Sunni mosque in the nation's capital, Tehran, despite over a million Sunni inhabitants.

Members of the country's non-Muslim religious minorities, particularly Baha'is, reported imprisonment, harassment, and intimidation based on their religious beliefs. On November 21, the domestic press quoted a leading cleric, Ayatollah Janati, as saying humans who follow anything but Islam are like animals who graze and commit corruption. The remark was widely criticized in the country, and the majles representative of the Zoroastrian community publicly condemned Janati's remarks. The representative was then summoned to court to face charges of spreading false news and showing lack of respect for authorities, but at year's end no case had been pursued against him.

All religious minorities suffered varying degrees of officially sanctioned discrimination, particularly in employment, education, and housing. With the exception of Baha'is, the government allowed recognized religious minorities to conduct religious education of their adherents, although it restricted this right considerably in some cases. Religious minorities are barred from election to a representative body, except for the five majles seats reserved for minorities, and from holding senior government or military positions, but they were allowed to vote. Although the constitution mandates an Islamic army, members of religious minorities sometimes served in the military.

The legal system previously discriminated against the recognized religious minorities in relation to "blood money"; however, in January 2004 the expediency council authorized collection of equal blood money for the death of Muslims and non-Muslim men. Women and Baha'i men remained excluded from the revised ruling.

Proselytizing of Muslims by non-Muslims is illegal. The government did not ensure the right of citizens to change or recant their religion. Apostasy, specifically conversion from Islam, is punishable by death; there were no reported instances of the death penalty being applied for apostasy during the year. However, there was an unconfirmed report on Christian Web sites that on November 22, unidentified persons killed a man who had converted to Christianity more than 10 years earlier. Reportedly, his death was followed by repression of other Christians, including arrests of 10 Christians.

Baha'is are 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 periods of political unrest and also faced discrimination prior to the revolution as well as currently.

Baha'i organizations outside the country warned that the circumstances of their coreligionists deteriorated during the year. The country's estimated 300 to 350 thousand Baha'is were not allowed to teach or practice their faith or maintain links with coreligionists abroad. The government continued to imprison and detain Baha'is based on their religious beliefs. In 1993 the UN Commission on Human Rights released a copy of a 1991 memorandum from the supreme revolutionary council to the supreme leader, which outlined processes to gradually strangle the Baha'i community, including banning Baha'is from all higher education. A 2001 justice ministry report also indicated that government policy aimed at the eventual elimination of the Baha'is as a community.

On December 19, the longest held Baha'i prisoner, Zabihullah Mahrami, died in prison of unknown causes. Mahrami was arrested in 1995 and faced a life sentence for apostasy. Two other Baha'is were in prison at year's end, including Mehran Kawsari, who wrote a letter in November 2004 to then President Khatami on the situation of Baha'is. He was sentenced to three years in prison for activities against the security of the state and spreading falsehoods. In addition the government arrested 65 other Baha'is, detained them, but later released them on bail. While imprisoned, often their families were not informed of their location, and authorities denied any record of their arrests or did not indicate charges against them. Some were not allowed to work for several months after their release. Government agents also searched numerous Baha'i homes and seized possessions.

In 2004 for the first time, Baha'i applicants were permitted to participate in the nationwide exam for entrance into state-run colleges. However, for those students who passed the exam, the word "Islam" was preprinted on their forms. This action precluded Baha'i matriculation, since Baha'is do not deny their faith; only a few students were allowed to enroll. Despite many with high scores, no Baha'i students were accepted into state universities during the year. Private universities reportedly only accepted adherents to officially recognized

religions.

The UNGA resolution on the country's human rights passed in December expressed serious concern at continuing discrimination against religious minorities, citing in particular the escalation of violations against Baha'is. It called on the government to implement the 1996 report of the UNSR of the commission on human rights on religious tolerance, particularly in regard to the Baha'i community.

In 2001 the UNSR estimated the Christian community at approximately 300 thousand. Of these the majority were ethnic Armenians and Assyro-Chaldeans. Protestant denominations and evangelical churches also were active, but they reported restrictions on their activities. The authorities became particularly vigilant in recent years in curbing proselytizing activities by evangelical Christians. Some unofficial estimates indicated there were approximately 100 thousand Muslim-born citizens who converted to Christianity. The UNSR estimated that 15 thousand to 20 thousand Christians a year emigrated; however, given the continued exodus from the country for economic and social reasons, it was difficult to establish the role religion played in the choice to emigrate.

In May and June 2004, several Christians in the northern part of the country reportedly were arrested, and in September 2004 officials raided a Protestant Assemblies of God church, imprisoning its minister and former military officer, Hamid Pourmand. He was reportedly held incommunicado for five months. In February a military court found Pourmand guilty of "deceiving the armed forces" for not declaring he was a convert to Christianity. He was sentenced to three years in prison and discharged from the military, despite presenting evidence to demonstrate that his military superiors knew he was a Christian. On May 2, the judiciary spokesman said Pourmand was convicted for involvement with a "political group" and not because of his religion. On May 28, the Bushehr revolutionary court cleared Pourmand of apostasy but sentenced him to three years in prison for espionage.

Estimates of the Jewish community varied from 15 thousand to 30 thousand. The government's anti-Israel stance, and the perception among many citizens that Jewish citizens supported Zionism and Israel, created a threatening atmosphere for the community.

In April Ayatollah Hossein Nouri-Hamedani, a leading religious authority, told a group of clerics that "one should fight the Jews and vanquish them," to hasten the return of the Hidden Imam.

In late October President Ahmadinejad told "The World without Zionism" conference that "As the Imam [revolutionary leader, Ayatollah Ruhollah Khomeini] said, Israel must be wiped off the map." While chants of "Death to Israel" were frequently heard at public gatherings, this was the first call for Israel's destruction by an government official in recent years. His remarks were internationally condemned, including by the UN Security Council. Supreme Leader Khamenei, while not repudiating Ahmadinejad's remarks, said the country would not commit aggression against any nation. Nonetheless, Ahmadinejad continued in subsequent speeches to make similar comments, labeling the Holocaust a myth and proposing the removal of the Jewish state from the Middle East.

Jewish leaders reportedly were reluctant to draw attention to official mistreatment of their community and did not openly express support for Israel for fear of reprisals. Nonetheless, according to domestic media, on April 13, the Jewish member of parliament, supported by the speaker, complained that state television broadcast anti-Semitic programs. He said repeated complaints had not changed the situation.

Islamic Republic of Iran Broadcasting (IRIB) replied in a letter read in the majles that its programming was based on "research and documentary evidence" and claimed programming gave more attention to positive Jewish characters, according to an April 21 local press report. IRIB's statement notwithstanding, anti-Semitic material on Iranian television included a serial started in December 2004, "Zahra's Blue Eyes," in which Israelis reportedly kidnap Palestinian children to harvest organs for transplant. Another program, *Al-Shatat*, originally broadcast by Hizballah's Al-Manar television channel, portrayed the Jewish people as responsible for most of the world's problems.

In recent years the government has made the education of Jewish children more difficult by strongly discouraging the distribution of Hebrew texts and requiring that several Jewish schools remain open on Saturdays, the Jewish Sabbath. Individual Jews worshiped without systematic persecution; however, a synagogue in Esfahan was vandalized in mid-November. There were limits on the level to which Jews can rise professionally, particularly in government. Jewish citizens were permitted to obtain passports and travel outside the country. They were periodically denied the multiple-exit permits issued to others, and on occasion the government did not permit all members of a Jewish family to travel outside the country at the same time.

The Mandeans, whose religion draws on Christian Gnostic beliefs, number approximately 5 thousand to 10 thousand persons, primarily in the southwest. There were reports that Mandaeans experienced discrimination, pressure to convert to Islam, and problems accessing higher education. The Zoroastrian community, whose religion was the country's official religion before Islam, numbers approximately 30 to 35 thousand. Sufi organizations outside the country have in the past expressed concern about government repression of Sufi religious practices.

For a more detailed discussion, see the [2005 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 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.), as well as some scientists in sensitive fields.

On January 25, according to domestic media, the revolutionary court announced that former deputy minister for Islamic culture and

guidance, Issa Saharkhiz, was banned from foreign travel. Saharkhiz headed a press freedom association and was accused of giving interviews to foreign media, spreading propaganda against the country, waging psychological warfare, exploiting his position, misusing government property, and earning money illegally. According to domestic media on April 6, government authorities prevented Journalists' Guild head, Rajabali Mazrui, from leaving the country for a conference in Denmark; no reason was given (see sections 1.e. and 2.a.). At year's end the president of the Association in Defense of Prisoners' Rights, Emadeddin Baqi, was prevented from going to France to accept a human rights prize.

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

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

The government did not use forced external exile, and no information was available regarding whether the law prohibits such exile; however, the government used internal exile as a punishment.

The government offered amnesty to rank-and-file members outside the country of the Iranian terrorist group, Mujaheddin-e Khalq (MEK), and the ICRC assisted voluntary repatriation from Iraq. Approximately 300 MEK members have voluntarily repatriated.

### Protection of Refugees

The law provides for granting asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 protocol. The government has established a system for providing protection to refugees. 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 office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and refugee seekers.

There was no information on the policy of the government regarding temporary protection to individuals who may not qualify as refugees under the 1951 Convention or its 1967 protocol.

According to UNHCR, the country was the leading refugee-hosting country in 2004, with 1,046,000 refugees. According to the US Committee for Refugees and Immigrants (USCRI), these included 952,800 Afghans and 93,200 Iraqis. Less than 10 percent of Iraqis and 2 percent of Afghans lived in camps, according to USCRI. The country closed most of its camps after large-scale returns of Iraqis.

In September 2004 UNHCR estimated that approximately one million refugees from Afghanistan were in the country, with up to one million having returned to Afghanistan since the fall of the Taliban in December 2001. The government accused many Afghans of involvement in drug trafficking.

According to USCRI, the country passed regulations in February that increased fines for employers of Afghans without work permits and imposed new restrictions making it difficult for Afghans to obtain mortgages, rent or own property, and open bank accounts. It did not impose the same restrictions on Iraqi refugees. These rules also included new restrictions on residence in certain cities and regions and lifted the earlier exemption from school fees for Afghan refugee children. UNHCR cut all education assistance to Afghans.

In January a government official was quoted in domestic media that Afghan refugees could no longer stay because there was no more aid from international organizations and the UNHCR had not provided funding since the summer of 2004. However, he denied the country was forcibly repatriating Afghan refugees.

In January the judiciary announced amnesty for imprisoned Afghans, including those on death row. Following their release, these Afghans would be repatriated. There were reports early in the year of Afghans being arrested and deported in the southeast of the country. Most were illegal migrants, seeking to stay in the country for economic reasons, but some had temporary residence permits. Government officials denied arresting refugees. USCRI's June survey noted that the country had deported 140 thousand Afghans, including some with refugee status. At one border crossing, the government worked with UNHCR to allow deportees to claim asylum or other reasons why they should not be deported, but it did not set up similar facilities at other border crossings.

The UNHCR estimated that in 2001 there were approximately 200 thousand Iraqi refugees in the country, the majority of whom were Iraqi Kurds, but also including Shi'a Arabs. In numerous instances both the Iraqi and Iranian governments disputed their citizenship, rendering many of them stateless.

In November 2003 the UNHCR initiated a pilot repatriation of Iraqi refugees from the country. According to UNHCR, there were 5,627 facilitated returns during the year and a total of 18,303 such returns since 2003. Additionally, an estimated 185 thousand refugees returned spontaneously to Iraq since 2003, including approximately 60 thousand during the year. The country honored UNCHR's advisory for Iraqi refugees that conditions in Iraq were not conducive to mass returns.

Although the government claimed to host more than 30 thousand refugees of other nationalities, including Tajiks, Uzbeks, Bosnians, Azeris, Eritreans, Somalis, Bangladeshis, and Pakistanis, it did not provide information about them or allow the UNHCR or other organizations access to them. On August 17, a small group of Uzbeks living in the country without refugee status protested outside of several European

embassies in Tehran, pleading for asylum in the West. They claimed that they could not return to Uzbekistan where they would be accused of membership in the Islamic Movement of Uzbekistan terrorist organization. Subsequently, UNHCR told the media that their cases were under consideration; however, there was no further information on other refugees during the year.

USCRI also reported that few international humanitarian agencies operated in the country because the government restricted their operations and did not allow UNHCR to fund them.

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

#### Elections and Political Participation

The right of citizens to change their government was 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 assembly. The assembly is restricted to clerics, who serve an eight-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. According to the constitution, a presidential candidate must be elected from among religious and political personalities ("rejal"--interpreted by the guardians council as meaning men only), of Iranian origin, and believe in the Islamic Republic's system and principles. The council of guardians, which reviews all laws for consistency with Islamic law and the constitution, has "approbatory supervision," which allows it to screen candidates for election. It accepted only candidates who supported a theocratic state. The supreme leader also approved the candidacy of presidential candidates, with the exception of an incumbent president. Prior to the 2004 parliamentary elections, the guardians council vetoed legislation that would have required it to reinstate disqualified candidates unless the council legally documented their exclusion. Regularly scheduled elections are held for the presidency, the majles, and the assembly of experts, as well as local councils.

The December 16 UNGA resolution on the country's human rights expressed serious concern at "the absence of many necessary conditions" for free and fair elections during the June presidential campaign, including arbitrary disqualification of large numbers of prospective candidates and excluding all women.

The fairness of the June presidential elections was undermined both before and during the polls. The council of guardians initially approved the candidacies of only 6 of 1,014 persons who registered and excluded all 89 female candidates, as well as anyone critical of the leadership, including former cabinet ministers. Following a request from Speaker of the Parliament Haddad-Adel, the supreme leader sent the council a letter asking that two candidates be reconsidered, and the council agreed.

Many candidates and the interior ministry complained of irregularities during the course of the polling, including interference by military and basiji, defamation of the candidates, and vandalism of campaign materials; there were no international election observers. The guardians council conducted a partial and random recount of first round ballots and said it found no evidence of fraud. In the second round, among the problems reported was that security personnel allegedly arrested an interior ministry official who was trying to inspect a polling station. After the second round, the supreme leader denied the allegations of basiji involvement, and the guardians council validated the results on June 29. In July the interior minister announced he was prepared to order a partial recount, but the guardians council made clear it considered the results final. Domestic press said 104 cases of alleged violations were under review and suspects detained in 26 cases. According to official statistics, Mahmoud Ahmadinejad won the run-off race with 61 percent of the votes.

Newspapers that published a letter from one candidate, Mehdi Karroubi, to the supreme leader complaining of wrongdoing in the first round were banned from publishing the following day (see section 2.a.).

Elections that were widely perceived as neither free nor fair were held for the 290-seat majles in February 2004. The guardians council barred over a third of the more than 8 thousand prospective candidates, mostly reformists, to include over 85 sitting majles members seeking re-election.

Elections were last held in 1998 for the 86-member assembly of experts and were scheduled to be held in 2006. In 1998 the council of guardians disqualified numerous candidates, which led to criticism from many observers that the government improperly predetermined the election results.

The constitution allows for the formation of parties. There are more than 100 registered political organizations, but these groups tended to be small entities, often focused around an individual, and do not have nation-wide membership. Following the June presidential elections, these political groupings significantly reorganized, with new groups forming and existing entities changing leadership.

In 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 fined (see section 2.b.).

Women held 12 out of 290 majles seats. There were no female cabinet ministers, although several held high-level positions, including one of the nine vice presidents and head of the environmental protection organization. Five majles seats are reserved for religious minorities. Other ethnic minorities in the majles include Arabs and Kurds. There were no non-Muslims in cabinet or on the supreme court.

#### Government Corruption and Transparency

There was widespread public perception of extensive corruption in all three branches of government, to include the judiciary, and in the

*bonyads* (foundations supposedly for charitable activity). In March Judiciary Head Shahrudi claimed the judiciary was pursuing "700 to 800" corruption files related to state officials. However, he clarified that these offenses were usually the work of "junior administrators" and high officials should not be prosecuted for the activities of their subordinates. On October 24, in responding to criticism of a government report on corruption that omitted names, Shahrudi said that those involved with financial crimes would not be publicly identified until they are found guilty or the appeals process exhausted. He also reportedly told the majles on November 2 that inefficient economic institutions were at the root of corrupt practices and the duality of the economy--both state and private ownership--contributed to the problem.

The country apparently has no laws providing for public access to government information.

#### 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."

In July 2004 the government granted permission to operate to an independent nonpolitical NGO, the Society for the Defense of the Rights of Prisoners. It worked to protect detainees and promote prison reform, established a small fund to provide free legal advice to prisoners, and supported the families of detainees. Founders included former political prisoners Emadeddin Baqi and Mohammad Hassan Alipour. On September 4, the group appealed to Judiciary Chief Ayatollah Shahrudi for progress in some of the most sensitive political prisoners' cases (see section 1.e.).

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. On February 15, the Association in Defense of Press Freedoms announced that eight persons involved in press affairs were in prison (see section 1.e.). However, the government severely curtailed these groups' ability to meet, organize, and effect change.

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 estimated a few thousand local NGOs were in operation. However, a more restrictive environment accompanied the new presidential administration.

The EU established a human rights dialogue with the country in 2002, but in a December 20 press release, it called the results disappointing and said the country had not agreed to a meeting during the year. The EU expressed deep concern that the human rights situation had not improved and in many respects worsened.

International human rights NGOs were not permitted to establish offices in or conduct regular investigative visits to the country. On an exceptional basis, in June 2004 AI officials visited the country as part of the EU's human rights dialogue, joining academics and NGOs to discuss the country's implementation of international human rights standards.

The ICRC and the UNHCR both operated in the country. The government allowed the UN Special Rapporteur on violence against women to visit from January 29 to February 6, and the UNSR on housing from July 19 to 30. The December UNGA resolution on human rights in the country encouraged the government to receive UNSRs on extrajudicial, summary, or arbitrary executions, torture, independence of judges and lawyers, freedom of religion or belief, and freedom of opinion and expression. It also encouraged the government to receive the Special Representative of the Secretary General on the situation of human rights defenders and the Working Group on Enforced or Involuntary Disappearances.

The Islamic Human Rights Commission 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 majles, the article 90 commission, which received and considered complaints regarding violations of constitutional rights; however, when the seventh majles formed its new article 90 commission, the commission dropped all cases pending from the sixth majles. During the year the commission took no effective action.

In 2003 lawyer and human rights activist Shirin Ebadi received the Nobel Peace Prize for her work in advancing human rights. Ebadi 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 the family of a student killed during the 1999 student protests, and was arrested in 2000. Ebadi is a founder of the Center for the Defense of Human Rights, which represents defendants in political cases.

In mid-January Ebadi announced that the judiciary summoned her, but she claimed the summons was not legal because it did not specify any charges. She refused to attend, and the summons was withdrawn. Subsequently, the head of the revolutionary court said there was no complaint against Ebadi and that there was no reason to summon her, but that she had misunderstood a summons from the court. On February 23, Ebadi refused to appear in court in a case relating to a recording she and another attorney, Mohsen Rahami, made in 2001 of a former Ansar-e Hizballah member describing the activities of such groups in attacking reformists.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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. The poorest areas of the country are those inhabited by ethnic minorities, such as by the Baluchis in Sistan va Baluchestan Province and by Arabs in the southwest. Much of the damage suffered by Khuzestan Province during the eight-year war with Iraq has not been repaired; consequently, the quality of life of the largely Arab local population was degraded. Kurds, Azeris, and Ahvazi Arabs were not allowed to study their languages.

## Women

The constitution says all citizens both men and women, equally enjoy protection of the law and all human, political, economic, social, and cultural rights, in conformity with Islamic rights. Article 21 states that the government must ensure the rights of the women in all respects, in conformity with Islamic criteria.

Nonetheless, 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 1967 Family Protection Law that provided women with increased rights in the home and workplace and replaced it with a legal system based largely on Shari'a practices. In 1998 the majles passed legislation that mandated segregation of the sexes in the provision of medical care. In 2003 the council of guardians rejected a bill that would require the country to adopt a UN convention ending discrimination against women.

The December UNGA resolution on country's human rights expressed serious concern at "the continuing violence and discrimination against women and girls in law and in practice, despite some minor legislative improvements...." Early in the year, a UNSR on violence against women visited the country and, at her final press conference, spoke out against legal gender bias; however, at year's end the UNSR report was not released.

During recent years women fought for and received relative liberalization of gender-based treatment in a number of areas. However, many of these changes were not legally codified. The female members of the seventh majles elected in 2004 were more conservative than their predecessors and rejected some previous efforts to achieve equal rights. After the June election of conservative President Ahmadinejad, women expected immediate repression of their societal status. While there was not immediate radical change, there were indications of increased restrictions. For example, in October the government announced that female civil servants in the culture ministry and female journalists at the state newspaper and news agency should leave the office by 6 p.m. to be with their families. However, there was no indication that violators would be punished.

Activists on women's issues expressed concern that the woman selected by President Ahmadinejad to lead the Center for Women's Participation, which is affiliated with the office of the president, does not have a background in women's issues. In addition the government changed the name of the organization to the Center for Women and Family, raising concern that the organization sought to reorient debate on women's problems to focus only on those related to the home.

Although spousal abuse and violence against women occurred, reliable statistics were not available. Abuse in the family was considered a private matter and seldom discussed publicly, although there were some efforts to change this attitude. Rape is illegal and subject to strict penalties, but it remained a widespread problem. According to the government's current report on the rights of the child, the Center for Women's Participation and the United Nations International Children's Emergency Fund (UNICEF) organized the first educational workshop on women and girls' human rights, held January 16 to 19. Freedom from violence was one of the topics. It also stated that in 2004 the Center for Women's Participation established a national committee, based in the health ministry, to combat violence against women.

According to a 2004 report on the country from the Independent Researchers on Women's Issues, there were no reliable statistics for honor killings, but there was evidence of "rampant" honor killings in the western and southwestern provinces, namely Khuzestan and Elam. The punishment for the perpetrators was often a fairly short prison sentence.

There is no evidence that female genital mutilation (FGM) was practiced in the country. However, FGM was recently documented as prevalent in some Iraqi Kurdish communities, which raised the question of whether it was also practiced in the Iranian Kurdish region.

Prostitution is illegal, but *sigheh*, or temporary marriage, is legal. Accurate information regarding the extent of prostitution was not widely available, although the issue received greater attention. Press reports described prostitution as a widespread problem, with estimates of 300 thousand women working as prostitutes. The problem appeared aggravated by difficult economic conditions and rising numbers of drug users and run-away children.

In 2004 human rights groups reported that Leyla Mafi, a mentally handicapped 18-year-old, faced imminent execution for "morality-related" offences arising from her being forced into prostitution by her parents as a child. A court in Arak issued a death sentence in April 2004 despite testing that suggested Mafi had a mental age of eight. In July a domestic Internet news site reported that higher court judges rescinded the death sentence and overturned the decisions of the lower court. Judges also overturned the five-year sentence recommended by the anticorruption and prostitution office and issued by the lower court.

The law requires court approval for the marriage of girls below the age of 13 and boys younger than 15. Although a male can marry at age 15 without parental consent, the 1991 civil law states that a virgin female, even more than 18 years of age, needs the consent of her father or grandfather to wed, or the court's permission. The country's Islamic law permits a man to have up to four wives and an unlimited number of temporary partnerships, called *sigheh*, based on a Shi'a custom in which a woman may become the wife of a Muslim male after a simple religious ceremony and a civil contract with conditions of the union. The temporary marriages may last any length of time and are used sometimes by prostitutes. Such wives are not granted rights associated with traditional marriage.

The penal code includes provisions for stoning persons convicted of adultery, although judges were instructed in 2002 to cease imposing such sentences. During the year there were two reports of women sentenced to stoning for adultery; however, there were no reports these sentences were implemented (see section 1.c.). In addition a man could escape punishment for killing a wife caught in the act of adultery, if he was certain she was a consenting partner; the same rule does not apply for women. Women may receive disproportionate punishment for crimes, including death sentences (see section 1.a.). Women have the right to divorce if their husband 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.

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. In 2002 the law was revised to make adjudication of cases in which women demand divorces less arbitrary and costly. 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 was proven unfit to care for the child. In 2003 the government amended the existing child custody law to give a mother preference in custody for children up to seven years of age (previously she only had preference for sons up to age two); thereafter, the father had custody. After the age of seven, in disputed cases, custody of the child was to be determined by the court.

The testimony of two women equates with that of one man. 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. Reportedly over 60 percent of university students were women; however, social and legal constraints limited their professional opportunities. Women were represented in many fields of the work force, including the legislature and municipal councils, police and fire fighters. However, their unemployment rate reportedly was significantly higher than for men, representing only 11 percent of the work force. Women reportedly occupied 1.2 percent of higher management positions, and 5.2 percent of managerial positions.

Women cannot serve as president or as judges (women can be consultant and research judges without the power to pass judgment). Eighty-nine women registered to run for president, but all were rejected by the guardian council. On June 2, women's groups protested the decision to reject female candidates, but it was not revised.

Women can own property and businesses in their name, and they can obtain credit at a bank. The law provides maternity, child care, and pension benefits. The number of women's NGOs has increased from approximately 130 to 450 in the past 8 years.

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.

The penal code provides that if a woman appears in public without the appropriate Islamic covering (*hejab*), she can be sentenced to lashings and/or fined. However, absent a clear legal definition of appropriate hejab or the punishment, women were at the mercy of the disciplinary forces and or the judge (see section 1.c.). Since the election of President Ahmadinejad, proposals were introduced into the majles for a uniform "national dress" for women in public. Publication of pictures of uncovered women in the print media, including pictures of foreign women, was also prohibited.

## Children

There was little current information available to assess government efforts to promote the welfare of children. Except in isolated areas of the country, children had free education through the 12th grade (compulsory to age 11) and to some form of health care. Health care generally was regarded as affordable and comprehensive with competent physicians. Courts issued death sentences for crimes committed by minors (see section 1.c.).

The government, in compliance with its obligation as party to the Convention on the Rights of the Child, delivered a presentation to the Committee on the Rights of the Child in January. The government noted overall improvement in the situation of children, particularly in education and health. The education ministry reportedly paid particular attention on elevating the educational status of girls. It also noted the government's efforts to shelter refugees, many of whom were children. According to the report, 195 thousand Afghan and Iraqi refugee children were in school, and UNHCR paid only 10 percent of the education costs.

At the same time, the report acknowledged the need for other legislative protection and better enforcement of existing rules. The UN committee noted positively the provision of free education for all citizens up to secondary school. However, it expressed concern at persisting discrimination against girls and women and recommended that the government review all legislation to ensure it was nondiscriminatory. Among its recommendations, the committee urged the government to ensure all children were registered at birth and acquired irrevocable nationality without discrimination.

In July UNICEF held a workshop in Tehran to explore alternatives to imprisoning youths, according to IRIN (see section 1.c.). Only a few cities had a youth prison, and minors were sometimes held with adult violent offenders (see section 1.c.). According to IRIN there were 300 boys and 40 girls at the Tehran youth prison, with the average age of 14, but some were as young as age 6. Children whose parents cannot afford court fees were reportedly imprisoned for petty offenses including shoplifting, wearing make-up, or mixing with the opposite sex.

There was little information available to reflect how the government dealt with child abuse (see sections 6.c. and 6.d.). It was largely regarded as a private, family matter. According to IRIN, child sexual abuse was rarely reported. Nonetheless, according to the government's January report on the rights of the child, the health ministry developed over the past few years an action plan with UNICEF to fight child abuse, including training to health ministry officials on the rights of the child. The government also set up phone lines for children in foster care to report abuse. The July UNICEF conference in Tehran also addressed problems relating to child sexual abuse, including identifying, investigating, and protecting victims.

According to some reports, it is not unusual in rural areas for parents to have their children marry before they become teenagers, often for

economic reasons. In 2002 parliament sought marriage age limits without court approval of 15 for girls and 18 for boys, but the guardian council objected, and the age was set at 13 for girls and 15 for boys. In the government's January report to the Committee on the Rights of the Child, it noted that early and forced marriages should be stopped.

There are reportedly significant numbers of children, particularly Afghan but also Iranian, working as street vendors in Tehran and other cities and not attending school. In January government representatives told the UN Committee on the Rights of the Child that there were less than 60 thousand street children in the country. Tehran has reportedly opened several shelters for street children. The government's January report on the rights of the child claimed seven thousand street children had been resettled to date.

#### Trafficking in Persons

According to foreign observers, women and girls are trafficked to Pakistan, Turkey, and Europe for sexual exploitation. Boys from Bangladesh, Pakistan, and Afghanistan were trafficked through the country to the Gulf states. Afghan women and girls were trafficked to the country for sexual exploitation and forced marriages. Internal trafficking for sexual exploitation and forced labor also occurs. It was difficult to measure the extent of the government's efforts to curb human trafficking. It appears that the government did not fully comply with the minimum standards for the elimination of trafficking, but it has made significant efforts to do so. In 2004 the government conducted a study on trafficking of women, passed a law against human trafficking, and signed separate Memoranda of Understanding (MOU) with Afghanistan, Turkey, IOM, and the International Labor Organization (ILO). According to Pakistani press reports in December, Iran, Pakistan, Greece, and Turkey formed a joint working group to fight human trafficking. On September 22, domestic media reported that the Tehran police chief stated eight human trafficking networks smuggling mostly Bangladeshis, Afghans, and Pakistanis had been broken up and members arrested. During 2004 border police arrested more than 250 Pakistanis smuggled into the country, some of whom likely were trafficking victims.

#### Persons with Disabilities

In May 2004 the majles passed a Comprehensive Law on the Rights of the Disabled; however, it was not known whether there was any implementing regulation. There was no information available regarding whether the government legislated or otherwise mandated accessibility for persons with disabilities, or whether discrimination against persons with disabilities was prohibited; nor was any information available on which government agencies were responsible for protecting the rights of persons with disabilities. The government's January report on the rights of the child outlined health and education programs for children with disabilities.

#### National/Racial/Ethnic Minorities

The constitution grants equal rights to all ethnic minorities and allows for minority languages to be used in the media and schools. Few minority groups called for separatism. Instead, they complained of political and economic discrimination. Presidential candidates talked more about problems facing minority groups in this year's presidential elections than in the past. For instance, unsuccessful reformist candidate Mustafa Moin said ethnic groups in the country were not treated properly either in the past or present. He promised, if elected, to have a Sunni affairs department and cabinet members and to help ethnic Arabs. Conservative candidate Ali Larijani said all ethnic groups were important, and Mohsen Rezaei said there should be no differences between provinces or tribes.

In August the UNSR for Adequate Housing said that ethnic and religious minorities, nomadic groups, and women faced discrimination in housing and land rights, compounded by rising cost of housing. The Ahvaz representative in the previous majles wrote a letter to then President Khatami, complaining that Arab land was being bought at very low prices or even confiscated. He also said Arab political parties were not allowed to compete in elections, and Arabic newspapers and magazines were banned.

The December UNGA resolution on the country's human rights expressed serious concern at continuing discrimination to persons belonging to ethnic and religious minorities, including the recent violent repression of Kurds. There was violence in northwest, southwest, and southeast regions of the country, populated by various ethnic groups. Interior Minister Mustafa Purmohammadi ranked ethnic divisions as one of the biggest problems his ministry had to address. The government blamed foreign entities, including a number of Western countries, for instigating some of the ethnic unrest. Other groups claimed the government staged the bombs in Khuzestan as a pretext for repression.

Twice in June, Kurds clashed with police while celebrating political successes of Iraqi Kurdish leaders. In July and August, demonstrations and strikes in Kurdistan were sparked by the July 9 killing by security forces of a young Kurdish activist, known as Seyyed Kamal Seyyed Qader or Qaderi or Shavaneh, purportedly for encouraging celebrations of Iraqi Kurdish political successes. His brother claimed he was shot, killed, and then dragged throughout the city by a military vehicle. After his death there were protests in several areas, including reported attacks on government buildings.

According to HRW and other sources, security forces killed at least 17 persons; they also wounded and arrested large numbers of other individuals (see section 1.a.). At least seven security officials were reportedly killed in the fighting. Eyewitnesses in Saqqez told HRW that revolutionary guards fired indiscriminately to disperse the crowds, but the interior ministry denied government forces fired on protestors. At the same time, security forces clashed with Pejak, a group linked to the terrorist organization, the Kurdish Workers Party or PKK. On August 11, Pejak abducted four police officers but released them four days later.

HRW also reported security forces closed two newspapers and on August 2 detained Roya Toloui, a minority and women's rights activist; Azad Zamani, a member of the Association for the Defense of Children's Rights; Mohammad Sadeq Kabudvand, journalist and cofounder of Kurdistan Human Rights Organization; Jalal Zavami, editor of *Payam-e Mardom*; and Mahmoud Salehi, the spokesman for the Organizational Committee to Establish Trade Unions (see section 1.e.).

On September 6, Kabudvand announced that Ismail Mohammadi, arrested three years ago for collaborating with the Kurdish independence organization Komala, and Mohammad Panjini, convicted of membership in a Kurdish separatist organization, were executed on September 3. According to Kurdish groups, several other Kurdish political activists have been condemned to death.

The majles' national security and foreign policy committee studied the unrest, and its rapporteur told domestic media that one factor was the comparatively high level of economic development in Iraqi and Turkish Kurdish areas. The representative from Sanandaj, Kurdistan also cited the lack of Sunni cabinet members as a grievance. However, the results of a government inquiry were not made public by year's end.

Foreign representatives of the Ahwazi Arabs of Khuzestan, whose numbers could range from two to four million or higher, claimed their community in the southwest section of the country suffered from persecution and discrimination, including the right to study and speak Arabic. Violence also broke out during the year throughout Khuzestan, a sensitive region, given that most of the country's crude oil reserves are located in local onshore fields.

On April 15, protests in Ahwaz followed the publication of a letter--termed a forgery by the government--allegedly written in 1999 by an advisor to then President Khatami, referring to government policies to reduce the percentage of ethnic Arabs in Khuzestan. According to HRW, after security forces attempted to break up the demonstrations and opened fire, the clashes turned violent and spread to other towns. The government restricted press coverage of the events (see section 2.a.).

Then defense minister, Ali Shamkhani, an ethnic Arab, visited the region and reported 310 arrests and 3 or 4 deaths. However, HRW reported claims of at least 50 deaths and reported that the government charged families large payments for release of the bodies to compensate for damage in the protests. There were also claims of up to 1,200 arrests on April 16 and 17 as well as torture and mistreatment of detainees.

On April 22, domestic press reported that "hundreds of thousands" participated in a solidarity march, to demonstrate loyalty to the nation. The western-based Ahwaz Human Rights Organization claimed that many were not Arabs and were bussed from other areas. On April 24, officials said 5 persons with primary responsibility for the unrest were arrested and had confessed, and that of the 330 persons arrested, 155 were released. By July 22, authorities said all but one arrested individual had been freed.

On April 30, an explosion along an oil pipeline from Khuzestan to Tehran reportedly did not cause damage or injuries. An Ahwaz Arab group claimed responsibility for the attack and claimed its goal was to end oppression of Ahwaz Arabs.

On June 12, four bombs exploded in Khuzestan, in addition to two in Tehran. The explosions in Khuzestan targeted government facilities or officials. As many as 10 were killed and close to 100 were injured (see section 1.a.). Three Arab groups claimed credit. Six persons were reportedly arrested the next day. In late July there were further riots in Khuzestan, and 30 persons were reportedly arrested. On August 16, government officials announced that they had arrested alleged antigovernment separatists who had confessed to links with foreign intelligence services.

On September 1, 3 bombs blocked transfers of crude oil from wells in Khuzestan, and on October 15, 2 bombs exploded in a market in Ahwaz, killing 5 and wounding 90. Again, the government blamed a western country. On October 30, authorities said 30 persons had been arrested in connecting with the June and October bombings.

The Ahwazi Human Rights Organization wrote a letter to the UN, dated November 7, claiming arbitrary arrests and executions of Ahwazi Arabs, including a lynching by security forces and extrajudicial killings in Karoon prison. The group claimed that on November 4, three thousand Ahwazis staged a peaceful demonstration; however, security forces responded with tear gas grenades, and two Arab youths drowned as a result. The group also claimed the government made mass arrests during a performance of a Ramadan play. Two persons arrested reportedly were sentenced to death.

In August the UNSR for Adequate Housing reported that 200 thousand to 250 thousand Arabs were being displaced from their villages over several years because of large development projects in Khuzestan. They received inadequate land compensation--sometimes one-fortieth of market value. Arabs also suffered from importation of labor from other regions, despite high local unemployment.

Azeris comprised approximately one-quarter of the country's population and were well integrated into the government and society, including the supreme leader and the head of the IRGC. However, Azeris 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."

The chief of the national police said security in southeastern Sistan va Baluchestan Province was more problematic than elsewhere in the country. In July an armed Sunni group claimed to have beheaded a government security agent, presumably in the province. Nine security officers and a Baluchi tribesman were reported killed on August 22 in an exchange of gunfire across the border with Pakistan.

#### Other Societal Abuses and Discrimination

In 2004 the judiciary formed the special protection division, a new unit that allowed volunteers to police moral crimes.

The law prohibits and punishes homosexuality; sodomy between consenting adults is a capital crime. The punishment of a non-Muslim

homosexual is harsher if the homosexual's partner is Muslim. In July two teenage boys, one 16 and one 18 years of age, were publicly executed; they were charged with raping a 13-year-old boy. A number of groups outside the country alleged the two were executed for homosexuality; however, because of the lack of transparency in the court system, there was no concrete information (see section 1.c.). In November domestic conservative press reported that two men in their twenties were hanged in public for *lavat* (defined as sexual acts between men). The article also said they had a criminal past, including kidnapping and rape. It was not possible to judge whether these men were executed for homosexuality or other crimes.

According to the Paris-based International Federation of Human Rights, the justice system did not actively investigate charges of homosexuality. There were known meeting places for homosexuals, and there had been no recent reports of homosexuals executed. However, the group acknowledged it was possible that a case against a homosexual could be pursued. Conversely, the London-based homosexual rights group OutRage! claimed over four thousand homosexuals had been executed in the country since the Islamic revolution in 1979. A September 29 Western newspaper gave one man's account of a systematic effort by security agents and basiji to use Internet sites to entrap homosexuals.

According to health ministry statistics, by year's end there were 12,556 registered HIV-positive persons in the country, mostly men, but unofficial estimates were much higher. Transmission was primarily through shared needles by drug users, and a recent study showed shared injection inside prison to be a particular risk factor. There was a free anonymous testing clinic in Tehran, government-sponsored low-cost or free methadone treatment, including in prisons. The government supported programs for AIDS awareness and did not interfere with private HIV-related NGOs. Contraceptives were available at health centers as well in pharmacies. Nevertheless, persons infected with HIV were discriminated against in schools and workplaces.

## Section 6 Worker Rights

### a. The Right of Association

The law provides workers the right to establish unions; however, the government did not permit independent unions. A national organization known as Workers' House was the sole authorized national labor organization. It served primarily as a conduit for government control over workers. The leadership of Workers' House coordinated activities with Islamic labor councils, which consisted of representatives of the workers and a representative of management in industrial, agricultural, and service organizations of more than 35 employees. These councils also functioned as instruments of government control and frequently blocked layoffs and dismissals.

The law 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.

Workers appointed a committee to lobby for the right to form labor associations. The committee issued a statement signed by 5 thousand workers that it did not recognize agreements signed between the government and the ILO because workers had no independent representation at discussions. Workers criticized official unions for being too close to the government.

### b. The Right to Organize and Bargain Collectively

The country's ILO membership requires respect for the right of freedom of association. However, workers did not have the right to organize independently and negotiate collective bargaining agreements. The International Confederation of Free Trade Unions (ICFTU) noted the labor code was amended in 2003 to permit workers to form and join "trade unions" without prior permission if registration regulations are observed. The labor ministry must register the organization within 30 days.

In 2003 the Supreme Council of Labor, composed of representatives of Islamic labor councils, employers, and the government, exempted workshops of 10 employees or less from labor legislation. According to the ICFTU, this decision affected over 400 thousand of the country's 450 thousand workshops.

The law prohibits public sector strikes, and the government did not tolerate any strike deemed contrary to its economic and labor policies; however, strikes occurred. There are no mechanisms to protect workers rights in the public sector, such as mediation or arbitration.

In January teachers and nurses protested outside the majles over low wages and poor work conditions. The ICFTU reported harassment and arrests of representatives from the teachers' union. In mid-January Tehran teachers and nurses demonstrated to demand better wages and working conditions. In March teachers in six Tehran districts struck and demonstrated outside the majles regarding work conditions.

In a May 10 letter, ICFTU protested a May 9 attack on a meeting at the Bakery Workers' Association related to founding a union at the Tehran Vahed Bus Company. Reportedly 300 members of Hizballah and the Islamic Labor Councils attacked the site, despite the presence of security forces, and a committee member was badly injured. The ICFTU letter also protested the detention of Paris Saharan on April 12, his interrogation, and subsequent disappearance. Saharan was a worker at the Iran Chord automobile construction company, where there were ongoing worker protests.

The ICFTU also protested the detention in August of Borhan Divargar, a member of the Saqqez Bakery Workers' Union, and claimed he had been beaten. Among the charges against him were membership in a committee for establishing labor organizations and managing a labor Internet site. On November 12, he was reportedly sentenced to two years in prison. Mahmoud Salehi, the president of the Saqqez Bakery Workers' Union, was reportedly sentenced on November 9 to five years in prison and three years of exile. Salehi was also charged with contacting an ICFTU delegation that visited the country in April 2004. The government refused requests for international observers to be present at their trial.

In a September 9 letter to President Ahmadinejad, the ICFTU protested the September 7 detention and harassment of members of the Syndicate of Workers of Tehran and Suburbs Bus Company--Vahed. According to ICFTU, the government arrested workers during a protest against unpaid wages, charged them with disturbing public order, but then released them on bail. The ICFTU also protested the dismissal of 17 leaders and members of the syndicate, fired between April and June. Tehran bus drivers went on strike on December 25 to protest wages and arrests of 14 association leaders.

It was not known whether labor legislation and practice in the export processing zones (EPZs) differed 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 Compulsory Labor

The law permits the government to require any person not working to take suitable employment; however, this did not appear to be enforced regularly. The law prohibits forced and bonded labor by children; however, this was not enforced adequately, and such labor by children was a serious problem (see section 5).

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits forced and bonded labor by children; however, there appeared to be a serious problem with child labor (see section 5). The law prohibits employment of minors less than 15 years of age and places restrictions on the employment of minors under age 18; however, the government did not adequately enforce laws pertaining to child labor. The law permits children to work in agriculture, domestic service, and some small businesses but prohibits employment of women and minors in hard labor or night work. There was no information regarding enforcement of these regulations.

#### e. Acceptable Conditions of Work

The law empowers the Supreme Labor Council to establish annual minimum wage levels for each industrial sector and region; however, the council did not adjust the minimum wage during the year despite workers' claims that it was too low, and there was no information regarding mechanisms to set wages. On July 16, as reported by media, tens of thousands of workers across the country held a two-hour stoppage to protest the Supreme Labor Council decision not to raise the minimum wage, set at \$130 (122 thousand tomans) a month. A statement by Iran-Chord workers called for a minimum wage of \$550 (450 thousand tomans) a month to keep up with inflation. It was not known if minimum wages were enforced. The law stipulates the minimum wage should meet the living expenses of a family and should take inflation into account. However, many middle-class citizens must work at two or three jobs to support their families.

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

According to the law, a safety council, chaired by the labor minister or his representative, should protect workplace safety and health. Labor organizations outside the country have alleged hazardous work environments were common in the country and resulted in thousands of worker deaths annually. The quality of safety regulation enforcement was unknown, and it was unknown whether workers could remove themselves from hazardous situations without risking the loss of employment.

There was anecdotal evidence suggesting some government employees and students voted in the presidential election to obtain the stamp proving they had voted. Without this stamp, they feared they would have employment or enrollment problems.

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

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