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## U.S. Department of State

### Iran Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

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#### IRAN\*

The Islamic Republic of Iran was established in 1979 after a populist revolution toppled the monarchy. The Government is dominated by Shi'a Muslim clergy. Ayatollah Ali Khamenei is the Leader of the Islamic Revolution and functions as the Chief of State. He is also the Commander-in-Chief of the armed forces. President Seyed Mohammad Khatami was inaugurated in August, following a landslide victory in elections held on May 23. The Constitution establishes a 270-seat unicameral Islamic Consultative Assembly, or Majles. The Government seeks to conform public policy to its political and socio-religious values, but serious differences exist within the leadership and within the clergy. The Government maintains power through widespread repression and intimidation. The judiciary is subject to government and religious influence.

Several agencies share responsibility for internal security, including the Ministry of Intelligence and Security, the Ministry of Interior, and the Revolutionary Guards, a military force established after the revolution. Paramilitary volunteer forces known as Basijis, and gangs of street thugs, known as the Ansar-e Hezbollah (Helpers of the Party of God), who are often aligned with specific conservative members of the clergy, act as vigilantes. Both regular and paramilitary security forces committed numerous, serious human rights abuses.

Iran has a mixed economy. The Government owns the petroleum and utilities industries and the banks. Large charitable foundations called bonyads, most with strong connections to the Government, control properties expropriated from the former Shah and figures associated with his regime. The bonyads exercise considerable influence in the economy. Oil exports are the primary source of foreign exchange.

Mismanagement and corruption have created serious economic problems. Unemployment in 1997 was estimated to be at least 25 percent, and inflation was an estimated 20 percent.

The Government's human rights record remained poor. The Government restricts the right of citizens to change their government. Systematic abuses include extrajudicial killings and summary executions; disappearances; widespread use of torture and other degrading treatment; harsh prison conditions; arbitrary arrest and detention; unfair trials; infringement on

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

citizens' privacy; and restriction of the freedoms of speech, press, assembly, association, religion, and movement. The Government manipulates the electoral system and represses political dissidents. However, during the presidential election campaign however, a lively debate on political, economic, and social issues occurred, although the Government closed several newspapers, disqualified candidates, and intimidated opposition campaigners by encouraging vigilante attacks. Supreme Leader Khamenei, in a break with precedent, backed one candidate, Majles Speaker Ali Akbar Nateq-Nuri. Nonetheless, Khatami's election victory, with nearly 70% of the vote, was not disputed and the regime apparently did not engage in election fraud. Khatami's election appeared to demonstrate a strong desire among his supporters, primarily women, youth, and the middle class, for greater social and cultural freedom and increased economic opportunity. Women face legal and social discrimination. The Government discriminates against minorities and restricts important worker rights.

## **RESPECT FOR HUMAN RIGHTS**

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

#### **a. Political and Other Extrajudicial Killing**

U.N. representatives, including the U.N. Special Representative on Human Rights in Iran, Maurice Copithorne, and independent human rights organizations continue to comment on the absence of procedural safeguards in criminal trials. Inhuman punishments are used in some cases, including stoning (see Section 1.c.). In 1992 the domestic press stopped reporting most executions; however, executions appear to continue in substantial numbers. Amnesty International (AI) reported that at least 110 persons were executed in 1996, a substantial increase over the previous year's total of 50 executions. Special Representative Copithorne reported 137 executions through November.

Iranian journalist Ebrahim Zalzadeh, editor of Mayar literary magazine, had criticized government censorship and persecution of writers, and was arrested in February. His body was found on March 29 with multiple stab wounds to the chest, according to Human Rights Watch (HRW). It is widely believed that the regime is responsible. Attorney Mohammed Assadi was executed on August 9 on charges that included taking part in a 1980 coup attempt, visiting Israel before the 1979 Iranian revolution, and being a Freemason and a member of the International Lions organization.

Exiles and human rights monitors allege that many of those executed for criminal offenses, primarily narcotics charges, are actually political dissidents. A November 1995 law criminalized dissent and applied the death penalty to offenses such as "attempts against the security of the State, outrage against high-ranking Iranian officials, and insults against the memory of Imam Khomeini and against the Leader

of the Islamic Republic."

Two Baha'i men reportedly died under circumstances that led some observers to believe that the men were killed because of their religious beliefs.

Investigations of the killing of political dissidents abroad continued in 1997. A verdict issued on January 24 by the seventh Criminal Court of Istanbul sentenced an Iranian citizen to more than 32 years in with hard labor for his role--under the supervision of the Iranian Ministry of Intelligence and Security--in the murders of two members of the People's Mojahedin Organization of Iran, according to the U.N. Special Representative.

On April 10, in its official verdict, the Berlin Superior Court stated that the Supreme Leader, President and Minister of Intelligence and Security had ordered the 1992 killings of three Kurdish Iranian dissidents and their translator at the Mykonos restaurant in Berlin. The trial revealed persuasive evidence that government agents were responsible for the killings and that senior Iranian government officials had ordered them.

In June a Swiss judge voiced suspicions that Iranian authorities ordered the 1990 murder of Kazem Rajavi, a member of the National Council of Iranian Resistance. The announcement was made after 1 1/2 years of close collaboration with German judicial authorities.

The U.N. Special Rapporteur noted that a total of 91 mostly Kurdish oppositionists based in Iraq were reported to have been killed by the Iranian regime in 1997, as a result both of targeted killings and armed clashes.

The Government took no action to repudiate the fatwa, or religious ruling, calling for the murder of British author Salman Rushdie or anyone associated with his book, "The Satanic Verses."

#### b. Disappearance

No reliable information is available on the number of disappearances. In the period immediately following arrest, many detainees are held incommunicado.

Faraj Sarkuhi, who disappeared for 2 months in 1996, was arrested in February and convicted of spreading antigovernment propaganda (see Section 2.a.).

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

Credible reports indicate that security forces continue to torture detainees and prisoners. Common methods include suspension for long periods in contorted positions, burning with cigarettes, and, most frequently, severe and repeated beatings with cables or other instruments on the back and on the soles of the feet. A July 1996 law strengthens Islamic punishments such as flogging, stoning, amputations, and public executions. Four people were reported to have been stoned in 1997. According to Amnesty International, in August a 20-year-old woman, Zoleykhah Kadkhoda, was arrested on charges of adultery and stoned on the same day, but survived.

Prison conditions are harsh. Some prisoners are held in solitary confinement or denied adequate food or medical care in order to force confessions. Female prisoners have reportedly been raped or otherwise tortured while in detention. In the past, prison guards have intimidated the family members of detainees and have sometimes tortured detainees in their presence. Special Representative Copithorne met

privately in 1996 with detainee Abbas Amir Entezam, a former deputy minister in the government of Prime Minister Mehdi Bazargan. Amir Entezam reported that the conditions in Evin prison improved after 1989, but that political prisoners still were housed with violent criminals and denied regular family visits. Amir Entezam claimed that he was beaten so severely that he lost the hearing in his left ear. There is no indication that conditions in the prisons have improved substantially since Copithorne's visit.

The Government does not permit unrestricted visits to imprisoned dissidents by human rights monitors. During the 1996 visit the U.N. Special Representative was not able to see all the dissidents he asked to see.

In September 1994, the International Committee of the Red Cross (ICRC) issued a report on "unresolved humanitarian issues" from the Iran-Iraq war. The ICRC noted that the Government failed to identify combatants killed in action and failed to exchange information on those killed or missing. The report criticized the Government for obstructing ICRC efforts to register and repatriate prisoners of war (POW's). The ICRC estimated in August that more than 13,000 Iraqi POWs had not been repatriated. Iran released 46 POW's in September in what it called a humanitarian gesture. In late November, Iran released 500 Iraqi POW's, describing it as a "philanthropic" action. The governments of Iran and Iraq made little progress during the year on resolving the issue of those missing in action.

#### d. Arbitrary Arrest, Detention, or Exile

Although the Constitution prohibits arbitrary arrest and detention, it remains a problem. There is reportedly no legal time limit on incommunicado detention, nor any judicial means to determine the legality of detention. Suspects may be held for questioning in jails or in local Revolutionary Guard offices.

The security forces often do not inform family members of a prisoner's welfare and location. Even if these circumstances are known, the prisoner still may be denied visits by family and legal counsel. In addition, families of executed prisoners do not always receive notification of the prisoner's death. Those that do receive such information may be forced to pay the Government to retrieve the body of their relative.

On December 14, Ebrahim Yazdi, Secretary-General of the Freedom Movement (IFM) since 1995, was arrested on unknown charges and detained in Evin prison in Tehran. Yazdi was Minister of Foreign Affairs for the Islamic Republic's first government after the 1979 revolution. He tried to run in recent presidential and parliamentary elections but was denied permission by the regime. Yazdi had made public statements that may have been considered insulting to the Supreme Leader and joined some 50 others in signing an open letter to President Khatami urging the regime to respect the rights of dissident clerics. He was released on December 25, but faces charges of "desecrating religious sanctities," according to press reports.

Although the Government claimed to have released Abbas Amir Entezam early in 1996, he is still detained. Initially arrested in 1979 on charges of espionage and condemned to life in prison, he is now held under house arrest.

Adherents of the Baha'i faith continue to face arbitrary arrest and detention. The Government appears to adhere to a practice of keeping a small number of Baha'is in detention at any given time. According to the Special Representative and Baha'i groups, at least 21 Baha'is are currently in Iranian prisons, including 2 men convicted of apostasy and sentenced to death. Two other Baha'i men are in prison and sentenced to death for espionage and Zionist activities. Eleven Baha'is were arrested between May and

December, two on unknown charges, one for proselytizing a Muslim, four for holding Baha'i meetings, and four for working without permits (see Section 2.c.).

Although reliable statistics are not available, observers believe that scores or hundreds of Iranians are currently imprisoned for their political beliefs.

The Government does not use forced exile, but many dissidents leave Iran because they feel threatened. Amnesty International reported in June that at least three dissident senior religious figures have been held under house arrest. The clerics include Ayatollah Hassan Tabataei-Qomi, under house arrest for more than 13 years; Ayatollah Mohammad Sadeq Rowhani, under house arrest for more than 12 years; and Ayatollah Yasub al-Din Rastgari, under house arrest since late 1996. Additionally, the ayatollahs' followers reportedly have been detained and tortured.

#### e. Denial of Fair Public Trial

The court system is not independent and is subject to government and religious influence.

Iran has two court systems: The traditional courts, which adjudicate civil and criminal offenses; and the Islamic Revolutionary Courts, established in 1979 to try political offenses, narcotics crimes, and "crimes against God."

Many aspects of the prerevolutionary judicial system survive 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. Trials are adjudicated by panels of judges. There is no jury system. If a situation is not addressed by statutes enacted after the 1979 revolution, the Government advises judges to give precedence to Islamic law rather than rely on statutes enacted during the Shah's regime. The courts are subject to political influence. The Revolutionary Courts may consider cases normally in the jurisdiction of the civil and criminal courts, and also may overturn their decisions. Criteria for assigning cases to either system of courts appear to be arbitrary and unsystematic. The Supreme Court has limited authority to review cases.

Trials in the Revolutionary Courts are not fair. A law authorizes judges to act as prosecutor and judge in the same case, and judges are appointed for their ideological beliefs. Often, pretrial detention is prolonged and defendants lack access to attorneys. When legal help is available, attorneys are rarely given time to prepare an effective defense. Indictments are often for undefined offenses such as "antirevolutionary behavior," "moral corruption," and "siding with global arrogance." Defendants do not have the right to confront their accusers or to appeal. Secret or summary trials of 5 minutes are not uncommon. Others are show trials intended to highlight a coerced public confession. A woman's testimony is worth only half that of a man making it difficult for a woman to prove a case against a male defendant. In addition, the families of female victims of violent crime reportedly must pay the assailant's court costs.

The Government often charges members of religious minorities with crimes such as drug offenses or apostasy. Ayatollah Mohammad Yazdi, the head of the judiciary, stated in 1996 that Baha'ism was an espionage organization. In January it was learned that the Supreme Court of Iran had confirmed the death sentences against Zabihullah Mahrami and Musa Talabi, two Baha'is convicted of apostasy (see Sections 2.c. and 5). In January Hedayatollah Zendehtdel, a Jewish businessman who converted to Islam, was hanged, having been charged in July 1996 with espionage and economic fraud during the 1980-88 Iran-Iraq war.

No estimates are available on the number of political prisoners. However, the Government often arrests persons on questionable criminal charges, usually drug trafficking or espionage, when their actual "offenses" are political.

#### 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, security forces enter homes and offices, monitor telephone conversations, and open mail without court authorization.

The Basijis, other security forces, and the Ansar-e Hezbollah monitor the social activities of citizens. Such organizations may harass or arrest women whose clothing does not cover the hair and all of the body except the hands and face, or those who wear makeup. Vigilante violence may include attacks on young people believed to be too foreign in their dress or activities, invading private homes, and abusing unmarried couples. Women also have been beaten if caught without proper clothing in public or in private houses when men are present. Enforcement appears to be very arbitrary, varying widely with the political climate and the individuals involved.

In the past, prison guards have intimidated family members of detainees (see Section 1.c.). Iranian opposition figures living abroad have reported harassment of their relatives in Iran.

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

#### a. Freedom of Speech and Press

The Constitution provides for the freedom of the press, except when published ideas are "contrary to Islamic principles, or are detrimental to public rights." In practice the Government restricts freedom of speech and the press. However, since his August inauguration, President Khatami has publicly stated his intention to loosen constraints on freedom of expression, and some signs of this have been observed.

The Government exerts strong control over most media, particularly publications. Some newspapers are associated with factions in the Government. They reflect different views and criticize the Government, but are prohibited from criticizing the concept of velayat-e faqih, o