COUNTRY OF ORIGIN INFORMATION REPORT

IRAN

31 AUGUST 2010

UK Border Agency
COUNTRY OF ORIGIN INFORMATION SERVICE

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Preface

i This Country of Origin Information Report (COI Report) has been produced by COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 30 June 2010. The 'Latest News' section contains further brief information on events and reports accessed from 1 July 2010 to 26 August 2010. The report was issued on 31 August 2010.

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

iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

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

v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.

vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

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

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

ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.

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

Country of Origin Information Service
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United Kingdom
Email: cois@homeoffice.gsi.gov.uk
Website: http://www.homeoffice.gov.uk/rds/country_reports.html

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's country of origin information material. The IAGCI welcomes feedback on UKBA's COI Reports, COI Key Documents and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at http://www.ociukba.homeoffice.gov.uk

xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at http://www.ociukba.homeoffice.gov.uk/

xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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Latest News

The Latest News provides a non-exhaustive selection of significant events since 1 July 2010. Further information may also be available from the list of useful sources below.

EVENTS IN IRAN FROM 1 JULY 2010 TO 26 AUGUST 2010

23 August — The Ministry of Culture and Islamic Guidance issued a ruling banning Iranian newspapers and news agencies from "…publishing any news about the defeated presidential candidates in last summer's disputed election and current opposition leaders, Mir Hossein Mousavi and Mehdi Karroubi, and the former reformist president, Mohammad Khatami."
The Guardian, Iran bans mention of opposition leaders in press, 23 August 2010
http://www.guardian.co.uk/world/2010/aug/23/iran-censorship-ban-opposition-leaders
Date accessed 26 August 2010

21 August — Iran's first first nuclear power station was opened after taking 35 years to build. "Russia will operate the Bushehr plant in southern Iran, supplying its nuclear fuel and taking away the nuclear waste. Iran has been subject to four rounds of UN sanctions because of its separate uranium enrichment programme."
BBC News, Iran begins loading Bushehr nuclear reactor, 21 August 2010
http://www.bbc.co.uk/news/world-middle-east-11045537
Date accessed 26 August 2010

20 August — Reporters Without Borders reported and condemned "… the closure of three newspapers in the past few days and the imposition of a jail sentence on another journalist in the government's continuing crackdown on the media. The Commission for Press Authorisation and Surveillance, the censorship arm of the ministry of culture and Islamic orientation, has suspended the business daily Asia and withdrawn the licences of the weeklies Sepidar and Parastoo, while Badrolsadat Mofidi, the secretary-general of the Association of Iranian Journalists, has been sentenced to six years in prison."
Reporters without Borders, Regime continues to close newspapers, impose jail sentences on journalists, 20 August 2010
http://en.rsf.org/regime-continues-to-close-20-08-2010,38185.html
Date accessed 23 August 2010

12 August — Following international outcry over the case of Sakineh Mohammadi Ashtiani (see entry for 8 July below), there are signs that Iran may be changing the sentences of Iranians awaiting death by stoning to hanging. "Mariam Ghorbanzadeh, 25, who was six months' pregnant and miscarried after being beaten up in Tabriz prison this week, was initially sentenced to death by stoning for adultery but her sentence has been commuted to hanging in a rapid judicial review."
The Guardian, Ashtiani outrage spurs Iran to commute stoning sentences to hanging, 12 August 2010
http://www.guardian.co.uk/world/2010/aug/12/iran-stoning-sentences-commuted-ashtiani
Date accessed 23 August 2010

8 August

"An 18-year-old Iranian is facing imminent execution on charges of homosexuality, even though he has no legal representation. Ebrahim Hamidi, who is not gay, was sentenced to death for lavat, or sodomy, on the basis of 'judge's knowledge', a legal loophole that allows for subjective judicial rulings where there is no conclusive evidence. Hamidi had been represented by human rights lawyer Mohammad Mostafaei, who has since been forced to flee Iran after bringing to international attention the case of another of his clients, Sakineh Mohammadi Ashtiani, a 43-year-old Iranian mother of two who has been sentenced to death by stoning for adultery. Mostafaei was due to arrive in Norway yesterday to begin a life in exile while continuing his campaigns on behalf of his clients, including Hamidi."

The Guardian, Iran set to execute 18-year-old on false charge of sodomy, 8 August 2010
http://www.guardian.co.uk/world/2010/aug/08/iran-mohammad-mostafaei-rights-lawyer
Date accessed 24 August 2010

30 July

A post-election protester's death sentence was upheld at appeal in Tehran. Jafar Kazemi's lawyer said that a re-trial request had been turned down by the Supreme Court and his case referred to the Implementations Unit. All legal avenues had now been exhausted. Mr Kazemi had previously been in 1981 to 1989.

International Campaign for Human Rights in Iran, Post-Election Protester's Death Sentence Upheld; Re-Trial Denied By Supreme Court, 30 July 2010
http://www.iranhumanrights.org/2010/07/post-election-protesters-death-sentence-upheld-re-trial-denied-by-supreme-court/
Date accessed 24 August 2010

26 July

An arrest warrant was issued for Mohammad Mostafaei, the lawyer representing Sakineh Mommadi Ashtiani, who had been sentenced to death by stoning. Mohammad Mostafaei's wife and brother-in-law were arrested when the authorities were unable to locate him.

The Guardian, Iran stoning case lawyer Mohammad Mostafaei's relatives arrested, 26 July 2010
http://www.guardian.co.uk/world/2010/jul/26/iran-stoning-case-lawyers-relatives-arrested
Date accessed 24 August 2010

18 July

Iran's general prosecutor, Gholamhossein Mohseni-Ejei, called for "…stricter punishments for violations of the Islamic dress code in public, arguing that under the law 'violators of public chastity should be punished by being sentenced to up to two months in jail or 74 lashes.'" He said that the law had not been fully implemented for the past 15 years and it was up to the judge to decide on the punishment, which could also be a fine.

Radio Free Europe/Radio Liberty, Iran Aims For Stricter Dress Code, 18 July 2010
http://www.rferl.org/content/Iranian_Official_Wants_Stricter_Dress_Code/2103096.html
Date accessed 23 August 2010

15 July

Jundallah claimed responsibility for two apparent suicide blasts in the capital of Sistan-Baluchistan Province in which at least 20 people were killed and more than 100 injured.

Radio Free Europe/Radio Liberty, Rebel Sunni Group Claims Responsibility For Deadly Iran Bombings, 15 July 2010
http://www.rferl.org/content/Iran_Rebel_Sunni_Group_Claims_Responsibility_for_Deadly_Suicide_Bombings_/2101140.html

Date accessed 23 August 2010

9 July — The homes of around 50 Baha'i farming families were razed in Ivel, Mazandaran province during June. The action is part of an ongoing campaign against the minority faith Baha'is, the harassment of whom has increased since President Ahmadinejad took power. Eyewitnesses said that non-Baha'i residents supported the demolitions and that the police had refused to provide protection.
The Guardian, Attack on Iran's Baha'i is a human rights outrage, 9 July 2010
http://www.guardian.co.uk/commentisfree/2010/jul/09/bahai-attack-iran-human-rights-outrage
Date accessed 23 August 2010

8 July — Following an international campaign, the Iranian authorities announced that Sakineh Mommadi Ashtiani would not be stoned to death, although she could face execution by other means. She had already received 99 lashes for conducting an "illicit relationship outside marriage" before her case was reopened. After being acquitted of murdering her husband, the adultery charge was reviewed and the death penalty handed down on the basis of "judge's knowledge".
The Guardian, Iran halts woman's death by stoning, 8 July 2010
http://www.guardian.co.uk/world/2010/jul/08/iran-halts-woman-death-stoning
Date accessed 23 August 2010

1 July — The Armed Forces Judicial Organization (AFJO) sentenced two men to death in connection with the deaths of three election protesters at the Kahrizak detention centre. In addition, "…the military court issued rulings calling for prison terms, payment of blood money, lashes, cash fines, and temporary suspension from duty in the cases of nine other men. The court also exonerated one person of all charges."
Tehran Times, Two Kahrizak offenders receive death sentences, 1 July 2010
http://www.tehrantimes.com/index_View.asp?code=222294
Date accessed 23 August 2010

USEFUL SOURCES FOR FURTHER INFORMATION

A list of sources with weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report. The full list of sources used in this report can be found in Annex E – References to source material:

BBC News – Middle East

Guardian - Iran

Radio Free Europe/Radio Liberty – Iran

Tehran Times

International Campaign for Human Rights in Iran

REPORTS ON IRAN PUBLISHED OR ACCESSED BETWEEN 1 JULY 2010 AND 26 AUGUST 2010

Minority Rights Group International
State of the World's Minorities and Indigenous Peoples 2010 – Iran, published 1 July 2010, accessed via
http://www.unhcr.org/refworld/country,,,,IRN,,4c333115c,0.html
Date accessed 8 July 2010

Further recently published reports are also available on the UNHCR's refworld database: www.unhcr.org/refworld.

Background information

1. GEOGRAPHY

1.01 Europa Worldonline, undated, accessed 6 May 2010, noted "The Islamic Republic of Iran lies in western Asia, bordered by Azerbaijan and Turkmenistan to the north, by Turkey and Iraq to the west, by the Persian (Arabian) Gulf and the Gulf of Oman to the south, and by Pakistan and Afghanistan to the east." **[1a] (Location, Climate, Language, Religion, Flag, Capital)** It has an area of 1.6 million square km. (636,295 square miles). (US State Department (USSD) Background Note, September 2009) **[4u] (Geography)** "The climate is one of great extremes. Summer temperatures of more than 55°C (131°F) have been recorded, but in the winter the great altitude of much of the country results in temperatures of −18°C (0°F) and below." (Europa, accessed 6 May 2010) **[1a] (Location, Climate, Language, Religion, Flag, Capital)** The capital city is Tehran, with an estimated population of 12 to 15 million. (FCO Country Profile – Iran, 8 April 2010) **[26d]** Other cities are Isfahan, Tabriz, Mashhad, Shiraz, Yazd and Qom. The total population of Iran is an estimated 65.8 million (2008 estimate). (USSD Background Note: Iran, September 2009) **[4u] (People)**

1.02 Europa Worldonline, accessed 6 May 2010 observed that: "The principal language is Farsi (Persian) spoken by about 50% of the population." **[1a] (Location, Climate, Language, Religion, Flag, Capital)** Persian and Persian dialects are spoken by about fifty-eight per cent of the population. Twenty-six per cent of the population are Turkic-speaking, Kurdish nine per cent, Luri two per cent, Balochi one per cent, Arabic one per cent, Turkish one per cent and others two per cent. "Most Iranians are Muslims; 89% belong to the Shi'a branch of Islam, the official state religion, while about 9% belong to the Sunni branch. Non-Muslim minorities include Zoroastrians, Jews, Baha'is, and Christians." (USSD Background Note, September 2009) **[4u] (People)**

1.03 Europa Worldonline, accessed 6 May 2010 observed that "The national flag (proportions four by seven) comprises three unequal horizontal stripes, of green, white and red, with the emblem of the Islamic Republic of Iran (the stylised word Allah) centrally positioned in red, and the inscription 'Allaho Akbar' ('God is Great') written 11 times each in white Kufic script on the red and green stripes." **[1a] (Location, Climate, Language, Religion, Flag, Capital)**

For further details about ethnic and religious groups see Freedom of religion and Ethnic groups below

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MAPS

Iran

1.04 Maps: http://www.un.org/Depts/Cartographic/map/profile/mideastr.pdf **[10al]**
http://www.un.org/Depts/Cartographic/map/profile/iran.pdf **[10am]**

Tehran

1.05 Map:
http://mappery.com/searchmap.php?kw=&locLat=35.696216&locLong=51.422945&location=pocket+map+of+tehran **[72]**

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CALENDAR

1.06 The Iran Chamber Society, undated, accessed 6 May 2010, stated: "The Iranian calendar (also known as Persian calendar or the Jalali Calendar) is a solar calendar currently used in Iran and Afghanistan. It is observation-based, rather than rule-based, beginning each year on the vernal equinox as precisely determined by astronomical observations from Tehran." **[58a]** "The Iranian year begins on March 21st, and contains 31 days in each of the first six months, 30 days in the next five months and 29 in the 12th month (30 in every fourth year). The system relates to the Prophet Mohammed's flight from Mecca in 622 AD, but, unlike the Islamic calendar, follows solar years. The Gregorian equivalent can be found by adding 621 years to the Iranian date. The Iranian year 1388 began on March 21st 2009." (Economist Intelligence Unit Country Report, September 2009) **[24a] (p23)**

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

PUBLIC HOLIDAYS

1.07 Europa Worldonline, undated, accessed 6 May 2010, observed the following public holidays in 2009 and 2010:

"The Iranian year 1388 runs from 21 March 2009 to 20 March 2010, and the year 1389 from 21 March 2010 to 20 March 2011.

"**2009** 6 January*† (Tassoua); 7 January*† (Ashoura); 10 February (Victory of the Islamic Revolution); 16 February* (Arbain); 24 February* (Demise of Prophet Muhammad and Martyrdom of Imam Hassan); 26 February* (Martyrdom of Imam Reza); 15 March (Birth of Prophet Muhammad and Birth of Imam Jafar Sadegh); 19 March (Day of Oil Industry Nationalization); 21–24 March‡ (Norouz, Iranian New Year); 1 April (Islamic Republic Day); 2 April (Sizdah-bedar, Nature Day—13th Day of Nowrooz); 28 May (Martyrdom of Hazrat Fatemeh); 4 June (Death of Imam Khomeini); 5 June (1963 Uprising); 6 July* (Birth of Imam Ali); 20 July* (Prophet Muhammad receives his calling); 7 August* (Birth of Imam Mahdi); 11 September* (Martyrdom of Imam Ali); 20 September* (Eid-e Fitr, end of Ramadan); 14 October* (Martyrdom of Imam Jafar Sadeq); 28 November* (Qorban, Feast of the Sacrifice); 6 December* (Eid-e Ghadir Khom); 26 December*† (Tassoua); 27 December*† (Ashoura).

"**2010** 19 January*† (Tassoua); 11 February (Victory of the Islamic Revolution); 13 February* (Demise of Prophet Muhammad and Martyrdom of Imam Hassan); 15 February* (Martyrdom of Imam Reza); 4 March (Birth of Prophet Muhammad and Birth of Imam Jafar Sadegh); 10 March* (Arbain); 20 March (Day of Oil Industry Nationalization and Martyrdom of Imam Reza); 21–24 March‡ (Norouz, Iranian New Year); 1 April (Islamic Republic Day); 2 April (Sizdah-bedar, Nature Day—13th Day of Nowrooz); 18 May (Martyrdom of Hazrat Fatemeh); 3 June (Death of Imam Khomeini); 4 June (1963 Uprising); 8 July* (Prophet Muhammad receives his calling); 8 August* (Birth of Imam Ali); 9 September* (Birth of Imam Mahdi); 10 September* (Eid-e Fitr, end of Ramadan); 15 October* (Martyrdom of Imam

Ali); 16 November* (Qorban, Feast of the Sacrifice); 17 November* (Eid-e Ghadir Khom); 18 November* (Martyrdom of Imam Jafar Sadeq); 16 December* (Ashoura).

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

"† This festival occurs twice (in the Iranian years 1387 and 1388) within the same Gregorian year.

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

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2. ECONOMY

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

"Since 2000, Iran has enjoyed broad-based economic growth. However, strong economic performance has been hindered by high levels of inflation and unemployment and low levels of foreign investment. Some contend that President Ahmadinejad's expansionary monetary and fiscal policies have worsened unemployment, inflation, and poverty in Iran. With the onset of the global economic downturn, Iran's economic growth was expected to slow in 2009 and through 2010.

"Iran has long been subject to U.S. economic sanctions, and more recently, to United Nations sanctions, over its uranium enrichment program and purported support for terror activities. Such sanctions are believed by some analysts to contribute to Iran's growing international trade and financial isolation. Iran's economy is highly dependent on the production and export of crude oil to finance government spending, and consequently is vulnerable to fluctuations in international oil prices.

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

2.02 The same source noted that:

"In recent years, Iran's economic growth has been hampered by double-digit rates of inflation. Although high inflation is widespread among the oil-exporting countries in the Middle East and Central Asia, Iran has one of the highest. Iran's average Consumer Price Index (CPI) inflation level was above 25% at year-end 2008. Through 2009, the CPI inflation level dropped, but remained above 13%. For 2010, budgetary constraints are expected to reduce inflation further. By some estimates, if Iran implements the recently

passed subsidy reform bill, then inflation will rise again as the price of food, utilities, education, and other goods and services increases.

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

"The unemployment rate remains high, reaching an estimated 11.8% in 2008. Some observers contend that the unemployment rate is higher than figures reported by the Iranian government. At least one-fifth of Iranians lived below the poverty line in 2002.15 Iran has a young population and each year, about 750,000 Iranians enter the labor market for the first time, placing pressure on the government to generate new jobs. The emigration of young skilled and educated people continues to pose a problem for Iran. The IMF reported that Iran has the highest 'brain drain' rate in the world." **[78c] (p5-6)**

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

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

[78c] (p2)

2.04 The exchange rate as of 6 May 2010 was £1: 14,903 Rial (IRR). (xe.com) **[40a]**

See also Employment rights

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3. HISTORY

The following provides a brief history of Iran, with the focus on recent events since the revolution in 1979. Further information on the country's history can be found in these sources:
US Department of State, Background Note: Iran **[4u]**
http://www.state.gov/r/pa/ei/bgn/5314.htm
Iran Chamber Society website
http://www.iranchamber.com/history/historic_periods.php **[58]**

PRE 1979

3.01 The US State Department Background Note: Iran, updated September 2009 stated that "The ancient nation of Iran, historically known as Persia, has traditionally been a major power in the region. Despite invasions by Arabs, Seljuk Turks, and Mongols, Iran has always reasserted its national identity and taken pride in its unique cultural and political heritage." **[4u] (History)**

3.02 The USSD Background Note: Iran, updated September 2009, reported that:

"Many date the beginning of modern Iranian history to the nationalist uprisings against the Shah in 1905 and the establishment of a limited constitutional monarchy in 1906. The discovery of oil in 1908 would later become a key factor in Iranian history and development.

"In 1921, Reza Khan, an Iranian officer of the Persian Cossack Brigade, seized control of the government. In 1925, after finally ousting the Qajar dynasty, he declared himself Shah and established the Pahlavi dynasty.

"Reza Shah forcibly enacted policies of modernization and secularization in Iran and reasserted government authority over the country's tribes and provinces. In 1935, Reza Shah Pahlavi changed the country's name to Iran to accentuate Persia's Aryan roots. During World War Two, the Allies feared that the Shah's close relations with Nazi Germany would jeopardize Iran as a source of oil and a vital supply link to the Soviet Union. In September 1941, following the occupation of western Iran by the Soviet Union and the United Kingdom, Reza Shah was forced to abdicate. His son, Mohammad Reza Pahlavi, ascended to the throne." **[4u] (History)**

3.03 The same source observed: "In 1978, domestic turmoil turned to revolution driven by several disparate groups--nationalists, Islamists, Marxists, and students--who joined together in opposition to the Shah." **[4u] (History)** "By the end of 1978 anti-Government protests were widespread, involving both left-wing and liberal opponents of the Shah, as well as Islamist activists." (Europa, accessed 30 June 2010) **[1b] (Contemporary Political History)** "In January 1979, the Shah left Iran for Egypt and later traveled to the U.S. to seek medical treatment for cancer; he died in exile in Egypt one year later." (USSD Background Note, September 2009) **[4u] (History)**

FROM 1979 TO 1999

3.04 The Freedom House, *Freedom in the World 2010* report: Iran, covering events in 2009, released on 7 May 2010, (Freedom House Report 2010) noted:

"In 1979, a revolution ousted Iran's monarchy, which had been marked by widespread corruption and misguided modernization efforts. The revolution mobilized much of the population and brought together diverse political interests, but democratic and secular elements were largely subsumed under the leadership of the previously exiled Ayatollah Ruhollah Khomeini. Although the constitution drafted by Khomeini's disciples provided for an elected president and parliament, an unelected body, the Council of Guardians, was empowered to approve candidates and certify that the decisions of elected officials were in accord with Sharia (Islamic law). Khomeini was named supreme leader and vested with control over the security and intelligence services, the armed forces, and the judiciary. Soon after the establishment of the Islamic Republic, Iraqi leader Saddam Hussein launched an invasion to settle a long-running border dispute. The ensuing war, which lasted from 1980 to 1988, cost over a million lives.

"After Khomeini's death in 1989, the title of supreme leader passed to Ayatollah Ali Khamenei, a middle-ranking cleric who was a compromise candidate but lacked the religious credentials and popularity of his predecessor. The constitution was changed to consolidate his power and give him final authority on all matters of foreign and domestic policy." **[112h]**

3.05 The Freedom House Report 2010 continued:

"Beneath its veneer of religious probity, the Islamic Republic had given rise to a new elite that accumulated wealth through opaque and unaccountable means. Basic freedoms had been revoked, and women in particular experienced a severe regression in their status and rights.By the mid-1990s, dismal economic conditions and a demographic trend toward a younger population had contributed to significant public dissatisfaction with the regime. A coalition of reformists began to emerge within the leadership, advocating a gradual process of political change, economic liberalization, and normalization of relations with the outside world that was designed to legitimize, but not radically alter, the existing political system.

"Representing this coalition, former culture minister Mohammad Khatami was elected president in 1997 with nearly 70 percent of the vote. Under his administration, more than 200 independent newspapers and magazines with a diverse array of viewpoints were established, and the authorities relaxed the enforcement of restrictions on social interaction between the sexes. Reformists won 80 percent of the seats in the country's first nationwide municipal elections in 1999 and took the vast majority of seats in parliamentary elections the following year, with student activists playing a major role in their success." **[112h]**

3.06 Europa Worldonline, accessed 6 May 2010 noted:

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

Iranian officials denounced reports by Western commentators of tensions within the regime as Western propaganda, the cases of two leading politicians seemed to illustrate this apparent divergence between the 'moderate' and 'conservative' factions." **[1b] (Contemporary Political History)**

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FROM 2000 TO 2008

3.07 The Freedom House Report 2010 observed:

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

"The Council of Guardians similarly rejected the candidacies of popular reformists ahead of the June 2005 presidential election, though the victory of Tehran mayor Mahmoud Ahmadinejad over other approved candidates reflected popular desires for change. As Iran's first nonclerical president in more than two decades, he had campaigned on promises to fight elite corruption and redistribute Iran's oil wealth to the poor and middle class. Nevertheless, his hard-line administration oversaw a crackdown on civil liberties and human rights, and a stricter enforcement of the regime's morality laws.

"The new government also adopted a more confrontational tone on foreign policy matters, feeding suspicions that its expanding uranium-enrichment activity, ostensibly devoted to generating electricity, was in fact aimed at weapons production. In an effort to compel Iran to halt the uranium enrichment, the UN Security Council imposed sanctions on the country in December 2006, and subsequently expanded them as negotiations failed to make progress.

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

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4. RECENT DEVELOPMENTS (JUNE 2009 TO JUNE 2010)

PRESIDENTIAL ELECTION – 12 JUNE 2009

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

4.02 The Amnesty International report, *Election contested, repression compounded,* dated 10 December 2009 noted that:

"The weeks preceding the polls, despite intensified repression by state authorities, witnessed a lively election campaign, including live televised debates between the four approved candidates. Inspired by this, the Iranian public took greater interest in the campaign than had been expected. The campaign drew millions of people into the debate and many thousands onto the streets to hear candidates speak at rallies. What became known as the Green Movement – the colour of those supporting Mir Hossein Mousavi, and by extension, social and political reform – was born." **[9t] (p15)**

4.03 The same AI report also noted that: "On 8 June, just days before the election and following large pro-Mir Hossein Mousavi rallies in Tehran and elsewhere, the Head of the Revolutionary Guards Political Office accused Mir Hossein Mousavi's supporters of being part of a 'velvet revolution' in Iran, which, he warned, 'would not be successful'". **[9t] (p16)**

4.04 The CRS report of 1 April 2010 stated:

"The outcome of the election was always difficult to foresee. Polling results were inconsistent. Musavi supporters held large rallies in Tehran, but pro-Ahmadinejad rallies were large as well. During the campaign, Khamene'i met with Musavi and, in mid-May 2009, visited Musavi's father at his home, suggesting neutrality, although the two were often at odds during the Iran-Iraq war, when Khamene'i was President and Musavi was Prime Minister. Turnout was high at about 85%; 39.1 million valid (and invalid) votes were cast. The Interior Ministry announced two hours after the polls closed that Ahmadinejad had won, although in the past results have been announced the day after. The totals were announced on Saturday, June 13, 2009, as follows:

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

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

4.05 President Ahmadinejad was sworn in on 5 August 2009 for a second five year term "…but the inauguration ceremony was boycotted by a number of

senior leaders, highlighting the mounting divisions within the country's political and clerical elite…" Of the 21 people nominated, 18 of the President's cabinet nominees were approved by the "conservative-dominated" Majlis. (Keesing's News Digest for September 2009) **[12a]**

4.06 Keesing's also stated that:

"One of Ahmadi-Nejad's most controversial appointments was that of Gen. Ahmad Vahidi as minister of defence and armed forces logistics. Vahidi, a former Revolutionary Guard commander, was alleged to have planned the bombing of a Jewish centre in Buenos Aires (the capital of Argentina) in 1994 in which 85 people died…Vahidi was one of five Iranians sought by Interpol over accusations of involvement in the attack. Iran denied that it was involved in the bombing. In the Majlis vote, Vahidi won 227 out of 286 votes, more than anyother nominee…Marzieh Vahid-Dastjerdi also won approval as health minister, making her Iran's first woman minister since the Islamic Revolution of 1979… Vahid-Dastjerdi, a gynaecologist, had twice been elected as a member of the Majlis. She was regarded as a conservative and had once backed segregated healthcare facilities for men and women…The Majlis rejected the appointment of two other women – Fatemeh Ajorlu and Susan Keshavarz – as minister for welfare and minister for education, respectively - and the appointment of Mohammad Ali-Abadi as minister of energy." **[12a]**

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DEMONSTRATIONS AND AFTERMATH OF THE ELECTION

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

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

"However, his call fell on deaf ears. As soon as the results were known, thousands of supporters of the defeated reformist candidates took to the streets in protest at the official outcome of the poll and at what they considered to be vast and rampant fraud conducted by Iranian authorities determined to return Ahmadinejad to the presidency. Iran's capital, Tehran, erupted in violence and civil disobedience over the weekend following the Friday election. Protesters hurled rocks, lit fires, smashed shop windows, tore up Iranian flags and chanted anti-government slogans including 'down with dictatorship' and 'give my vote back. Rioting continued throughout the weekend and build steadily over the following days. Protesters clashed with the Basji militia and hundreds of demonstrators were arrested, beaten and fired upon by police. On 14 June alone, 170 people were arrested in a series of raids across Tehran. These were not just protesters; they included reformist politicians, including Mahammed Reza Khatami, the brother of a former president of Iran, and other people suspected of organising the demonstrations. Reformers, intellectuals, civil leaders and human rights

activists were imprisoned or went missing. Reuters reported that former Vice-President Mohammad-Ali Abtahi and former presidential adviser Saeed Hajjarian had been arrested. There were also reports that the [sic] Mousavi himself had been placed under house arrest, though the authorities denied this…On 15 June, over a million people took to the streets of Tehran, numbers which dwarfed the victory day celebrations of Ahmadinejad the day before. Between 13 June and 19 June 2009, protests build steadily as ever greater numbers of Iranians participated in public protests. These were especially large in Tehran, but spread to other cities too, including Esfahan, Tabriz, Orumieh, Rasht and Shiraz. As early as 13 June, the Middle East broadcaster Al Jazeera described the situation in Iran as the 'biggest unrest since the 1979 revolution'." **[18] (p36)**

4.08 The report of the Secretary-General entitled *The situation of human rights in the Islamic Republic of Iran* of 23 September 2009 stated that:

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

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

4.09 Post election protests had begun to dissipate by 22 June 2009 but sporadic protests continued thereafter. (House of Commons Library Report, 11 December 2009) **[18] (p38)**

4.10 The report of the Secretary-General dated 23 September 2009 observed that: "On 1 August [2009], the trial of about 100 defendants commenced on a variety of charges ranging from participation in the unrest, leading the riots, acting against national security, disturbing public order, damaging public and Government property and relations with anti-revolutionary groups." **[10g] (p8-9)**

4.11 Amnesty International reported in their report of 10 December 2009, that "At the time of writing five [people] had been sentenced to death and over 80 to terms of imprisonment after proceedings that were a travesty of justice." **[9t]**

4.12 On 29 October 2009, *The Times* reported that Hossein Rassam, a senior Iranian employee at the British Embassy, had received a four year prison sentence for "fomenting violence at the behest of the British Government." It was reported that:

"Mr Rassam was one of eight Iranian staff at the British Embassy arrested after mass street protests that erupted in cities across Iran following the disputed re-election of President Ahmadinejad on June 12…The embassy staff were among hundreds of people rounded up and detained after the disturbances. Seven others were released without charge but Mr Rassam was sent to the notorious Evin prison in Tehran and charged with being the 'kingpin' behind a British plot. " **[15b]**

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

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

4.14 Demonstrations were also reported on 7 December 2009. An article in *The Telegraph* on that day reported that:

"There were bloody clashes as young people launched a fresh wave of anti-government protests on the country's official Students Day. Police used warning shots, baton charges and gas but failed to stop rallies, sit-ins and campus marches across the capital…Iranian students were commemorating three scholars who were killed by Shah Mohamed Reza Pahlavi's security forces on Dec 7, 1953, as they protested the sacking of nationalist prime minister Mohammed Mossadegh." **[43b]**

4.15 On 5 January 2010 *The Guardian* reported that:

"Authorities in Iran intensified their campaign to blame the country's political turmoil on foreigners today by banning contact with more than 60 international organisations.

"The intelligence ministry said the blacklist included thinktanks, universities and broadcasting organisations identified as waging a 'soft war' aimed at toppling Iran's Islamic system.

"It forbade Iranians from talking to or receiving aid from the proscribed organisations, including the BBC, which last year launched a Farsi satellite television channel, as well as two US government-funded outlets, Voice of America and Radio Farda, both of which broadcast in Farsi…

"The blacklist was published after the intelligence minister, Heydar Moslehi, said on Monday that foreign and dual nationals had been among those

arrested amid violent disturbances that broke out during last month's Ashura ceremonies. No detained foreign citizens have been named, although one was said to have been carrying a British passport." **[16g]**

4.16 On 12 February 2010, *The Times* reported that:

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

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

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

See also Freedom of political affiliation and Freedom of speech and media.

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

"Iran's opposition leaders have called off plans for rallies to mark last year's disputed presidential election to avoid clashing with the regime – a decision that will be widely seen as a serious setback for the pro-democracy Green movement. Mir Hossein Mousavi, who claims he beat Mahmoud Ahmadinejad last June, and his fellow reformist candidate Mehdi Karroubi, announced that protests would not go ahead on Saturday 'in order to preserve people's lives and property'. But they said the struggle against an 'illegitimate' government would carry on.

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

See also section on Political Affiliation, Events during and after the 2009 Presidential elections

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NUCLEAR PROGRAMME AND INTERNATIONAL DIPLOMACY

4.18 The Freedom House Report 2010 noted that:

"… Iran's relations with the United States and Britain, which had seemed to improve earlier in 2009, worsened in the wake of the [June 2009] election as the regime accused those and other foreign governments of attempting to orchestrate a velvet revolution. Iranian authorities temporarily detained nine employees of the British embassy in late June, alleging that they played a 'significant role' in the postelection unrest. At the end of July, three Americans were arrested when they strayed into Iranian territory while hiking in northern Iraq; they remained in custody at year's end. Separately, it was revealed in September 2009 that Iran had been secretly building a second

uranium-enrichment plant near the city of Qom, stirring calls for additional international sanctions." **[112h]**

4.19 On 16 November 2009, the *Guardian* noted that a report published on that day by the United Nations nuclear watchdog, the International Atomic Energy Agency (IAEA), "expressed fears that Iran may have other secret nuclear sites following the discovery of the facility hidden in a mountain near the holy city of Qom." It was reported that:

"…the previously secret site at Fordo was in 'an advanced state of construction' and was scheduled to start up in 2011.

"The IAEA reprimanded Iran for failing to inform it until September about the site, even though construction had begun at least two years ago. In a more pointed criticism of Iran than usual, the IAEA says the delay 'reduces the level of confidence in the absence of other nuclear facilities under construction and gives rise to questions about whether there were any other nuclear facilities not declared to the agency'.

"The expression of concern comes at a sensitive moment, with no sign of a peace deal between Iran and the US, backed by Britain, France and Germany." **[16b]**

4.20 The Guardian reported on 5 May 2010 that President Ahmadinejad had "… brushed off the threat of a new round of UN sanctions over Iran's nuclear programme." It was also reported that the president had accused the International Atomic Energy Agency, of being "…'unsuccessful in discharging its responsibilities' because of the influence of the US over its management… He insisted there was not a 'single credible proof' Iran was developing weapons." **[16a]**

4.21 On 9 June 2010, the UN News Centre reported that:

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

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

For more recent developments see Latest News. Also see Fair Trial, Freedom of political affiliation and Freedom of speech and media for more information on the aftermath of the demonstrations.

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5. CONSTITUTION

5.01 Europa Worldonline, accessed 30 June 2010, recorded that "A draft constitution for the Islamic Republic of Iran was published on 18 June 1979. It was submitted to an Assembly of Experts, elected by popular vote on 3 August, to debate the various clauses and to propose amendments. The amended Constitution was approved by a referendum on 2-3 December 1979. A further 45 amendments to the Constitution were approved by a referendum on 28 July 1989." **[1c] (Constitution and Government)**

5.02 The Iran Chamber Society web site, accessed 30 June 2010, stated:

"According to Iran's Constitution, the Supreme Leader is responsible for the delineation and supervision of 'the general policies of the Islamic Republic of Iran,' which means that he sets the tone and direction of Iran's domestic and foreign policies…The president is the second highest ranking official in Iran. While the president has a high public profile, however, his power is in many ways trimmed back by the constitution, which subordinates the entire executive branch to the Supreme Leader. In fact, Iran is the only state in which the executive branch does not control the armed forces." **[58d]**

An English version of the Iranian Constitution is available on the Iran Chamber Society web site. **[58e]**

5.03 The report of the Secretary-General to the United Nations dated 23 September 2009 stated: "…the 1979 Constitution of the Islamic Republic of Iran guarantees a wide range of human rights and fundamental freedoms. In practice, however, there are a number of serious impediments to the full protection of human rights and the independent functioning of the different institutions of the State." **[10g] (p3)**

5.04 The 2010 Annual Report of the United States Commission on International Religious Freedom (USCIRF), released on 29 April 2010, stated that: "The Constitution of the Islamic Republic of Iran proclaims Islam, specifically the doctrine of the Twelver (Shi'a) Jaafari School, to be the official religion of the country. It stipulates that all laws and regulations, including the Constitution itself, be based on Islamic criteria." **[88a]** Zoroastrians, Jews, and Christians are recognised as religious minorities under the constitution (Freedom House 2010) **[112h]**

5.05 The Freedom House Report 2010 stated that: "The constitution and laws call for equal rights for all ethnic groups, but in practice these rights are restricted by the authorities. Ethnic Kurds, Arabs, Baluchis, and Azeris complain of political and economic discrimination." **[112h]**

See also sections on Freedom of Religion and Ethnic Groups for further information on how religious and ethnic groups are treated in practice.

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6. POLITICAL SYSTEM

6.01 The US State Department *Country Report on Human Rights Practices 2009*, Iran, released on 11 March 2010 (USSD Report 2009), stated that: "The Islamic Republic of Iran, with a population of approximately 65.8 million, is a constitutional, theocratic republic in which Shia Muslim clergy dominate the key power structures.

6.02 The Freedom House report *Freedom in the World* – Iran 2010, published on 7 May 2010, stated that:

"Iran is not an electoral democracy. The most powerful figure in the government is the supreme leader (Vali-e-Faghih), currently Ayatollah Ali Khamenei. He is chosen by the Assembly of Experts, a body of 86 clerics who are elected to eight-year terms by popular vote, from a vetted list of candidates. The supreme leader is head of the armed forces and appoints the leaders of the judiciary, the chiefs of state broadcast media, the commander of the IRGC, the Expediency Council, and half of the Council of Guardians. Although the president and the parliament, both with four-year terms, are responsible for designating cabinet ministers, the supreme leader exercises de facto control over appointments to the ministries of Defense, the Interior, and Intelligence.

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

6.03 The USSD Report 2009 noted that:

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

6.04 The USSD Background Note of September 2009 stated that suffrage is universal at 18. **[4u] (Government)**

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POLITICAL PARTIES

6.05 The Library of Congress country profile of Iran, dated May 2008, reported:

"Political parties were legalized in 1998. However, official political activity is permitted only to groups that accept the principle of political rule known as velayat-e faqih, literally, the guardianship of the faqih (religious jurist)." **[79a]**

6.06 Jane's *Sentinel Country Risk Assessment*, Iran, Internal affairs, updated 30 April 2009, stated that:

"Article 26 of the Iranian constitution permits the 'formation of parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the recognised religious minorities ... provided they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic'. A 1981 law on political parties specified what a political party is and defined the conditions under which it could operate, and it made the formation of a party dependent on getting a permit from the Ministry of the Interior." **[61f]**

6.07 Europa World Online, accessed on 30 June 2010, stated that:

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

6.08 The US State Department *Country Report on Human Rights Practices 2009*, released on 11 March 2010, (USSD Report 2009), noted:

"The constitution allows for the formation of political parties, although the Interior Ministry granted licenses only to parties with ideological and practical adherence to the system of government embodied in the constitution. There were more than 240 registered political organizations that generally operated without restriction or outside interference, but most were small entities, often focused around an individual, and did not have nationwide membership. Political parties and candidates faced harassment during the year." **[4c] (Section 3)**

6.09 The Freedom House report. *Freedom in the World 2010: Iran*, noted that: "The constitution permits the establishment of political parties, professional syndicates, and other civic organizations, provided that they do not violate the principles of 'freedom, sovereignty, and national unity' or question the Islamic basis of the republic." **[112h]**

A list of political organisations is at Annex B, see also Political affiliation for information about political rights in practice.

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Human Rights

7. INTRODUCTION

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

"After Mahmoud Ahmadinejad was elected president in 2005, the situation for everyone who can be suspected of being in opposition to the regime has deteriorated. Human rights advocates (lawyers, women's rights activists and journalists), students, Kurdish activists, intellectuals, the organised political opposition and trade union leaders have all felt the stricter limits of the authorities' tolerance, among other things in the form of harassment, arrests, political trials and harsh sentences." **[33a] (p12)**

7.02 The Human Rights Watch (HRW) *World Report 2010*, released on 20 January 2010 and covering events in 2009, stated:

"Following the disputed June 12 presidential election and the massive protests it provoked, the government unleashed the most widespread crackdown in a decade. Security forces were responsible for at least 30 deaths, according to official sources. On August 13, Judiciary spokesman Ali Reza Jamshidi said that authorities had detained 4,000 people following the election, mostly in street protests that were largely peaceful. Security forces also arrested dozens of leading government critics, including human rights lawyers, whom the government held without charge, many of them in solitary confinement. The Judiciary, the Revolutionary Guard, the Basij militia, and the Ministry of Intelligence-all of which report to Supreme Leader Ali Khamenei-were responsible for many serious human rights violations. Meanwhile, long-standing human rights issues, including restrictions on freedom of expression and association, religious and gender-based discrimination, and the frequent use of the death penalty, including on juvenile offenders, continued unabated." **[8k]**

7.03 The HRW report *The Islamic Republic at 31*, published on 11 February 2010, described the months since the June 2009 presidential election as

"…among the most tumultuous in the history of the Islamic Republic…This has been a period of repeated serious human rights abuses that include extra-judicial killings, violations of the rights to freedom of assembly and expression, and the prohibition of torture, not to mention arbitrary arrest and detention and countless due process violations.

"In the two months immediately following the June 12 election, the government carried out a major campaign of repression that included mass detentions of protestors, political reform figures, and rights activists, culminating in public trials in August. November and December saw renewed attacks on protestors as large demonstrations commemorated significant dates in the history of the Islamic revolution and the Shia Muslim religious calendar." **[8l] (Executive summary)**

7.04 The US State Department *Country Report on Human Rights Practices 2009*, Iran, released on 11 March 2010, (USSD Report 2009) stated:

"The government's poor human rights record degenerated during the year, particularly after the disputed June presidential elections. The government severely limited citizens' right to peacefully change their government through free and fair elections. The government executed numerous persons for criminal convictions as juveniles and after unfair trials. Security forces were implicated in custodial deaths and the killings of election protesters and committed other acts of politically motivated violence, including torture, beatings, and rape. The government administered severe officially sanctioned punishments, including death by stoning, amputation, and flogging. Vigilante groups with ties to the government committed acts of violence. Prison conditions remained poor. Security forces arbitrarily arrested and detained individuals, often holding them incommunicado. Authorities held political prisoners and intensified a crackdown against women's rights reformers, ethnic minority rights activists, student activists, and religious minorities. There was a lack of judicial independence and of fair public trials. The government severely restricted the right to privacy and civil liberties, including freedoms of speech and the press, assembly, association, and movement; it placed severe restrictions on freedom of religion. Official corruption and a lack of government transparency persisted. Violence and legal and societal discrimination against women, ethnic and religious minorities, and lesbian, gay, bisexual, and transgender (LGBT) persons; trafficking in persons; and incitement to anti-Semitism remained problems. The government severely restricted workers' rights, including the right to organize and bargain collectively, and arrested numerous union organizers. Child labor remained a serious problem. On November 20 [2009], for the seventh consecutive year, the UN General Assembly (UNGA) adopted a resolution on Iran expressing concern about the country's 'serious, ongoing, and recurring human rights violations.'" **[4c] (Introduction)**

7.05 The Foreign and Commonwealth Office's *Annual Report on Human Rights 2009*, released March 2010, observed that:

"It has been a particularly grim year in 2009 for human rights in Iran, largely defined by the government's brutal response to widespread protests after the disputed presidential elections in June. Freedom of assembly was curtailed, and peaceful protestors and political activists were subjected to repeated, well-documented abuses. However, human rights in Iran have been a source of shared concern and widespread criticism for many years, and the post-election crackdown only served to compound these concerns and further illustrate Iran's failure to live up to its international obligations. Iran's people are committed to fighting for the human rights and fundamental freedoms to which their government is committed under international agreements. Yet the reality is that many face harassment and imprisonment for doing so." **[26c] (p113)**

7.06 The Amnesty International *Report 2010: the state of the world's human rights: Iran* (AI Report 2010) covering events in 2009 and published on 27 May 2010, noted:

"An intensified clampdown on political protest preceded and, particularly, followed the presidential election in June [2009], whose outcome was widely disputed, deepening the long-standing patterns of repression. The security forces, notably the paramilitary Basij, used excessive force against demonstrators; dozens of people were killed or fatally injured. The

authorities suppressed freedom of expression to an unprecedented level, blocking mobile and terrestrial phone networks and internet communications. Well over 5,000 people had been detained by the end of the year. Many were tortured, including some who were alleged to have been raped in detention, or otherwise ill-treated. Some died from their injuries. Dozens were then prosecuted in grossly unfair mass 'show trials'. Most were sentenced to prison terms but at least six were sentenced to death.

"The election-related violations occurred against a background of severe repression, which persisted throughout 2009 and whose victims included members of ethnic and religious minorities, students, human rights defenders and advocates of political reform. Women continued to face severe discrimination under the law and in practice, and women's rights campaigners were harassed, arrested and imprisoned. Torture and other ill-treatment of detainees remained rife and at least 12 people died in custody. Detainees were systematically denied access to lawyers, medical care and their families, and many faced unfair trials. Iran remained one of the states with the highest rates of execution and one of very few still to execute juvenile offenders: at least 388 people were executed, including one by stoning and at least five juveniles." **[9a]**

7.07 The United Nations' (UN) list of Ratifications and Reservations, accessed 14 June 2010, recorded Iran as a signatory to:

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

7.08 The report of the Secretary-General to the United Nations, entitled *The situation of human rights in the Islamic Republic of Iran,* dated 23 September 2009 noted that the Iranian government had agreed in principle to visits by all the UN special procedures mandate holders [human rights experts]; however, "No visits by any special procedures mandate holders have taken place since 2005." **[10g] (p17)**

A list of the most recent UN Special Procedures' reports on Iran can be found on the Office of the High Commissioner for Human Rights (OHCHR) website. **[10c]**

7.09 A UN General Assembly report dated 25 November 2009 is a compilation of information contained in official United Nations documents on human rights in Iran, prepared by OHCHR. The UN report includes "…reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents." **[10e]**

7.10 HRW noted on 21 September 2009 that "No independent international human rights organization has been allowed to work inside Iran. Iranian human rights organizations have been either shut down or face constant threats and intimidation. UN human rights experts have repeatedly

requested to travel to the country, but the government has denied their requests." **[8g]** The authorities have not allowed Amnesty International to visit Iran to research human rights since just after the 1979 revolution. (Amnesty International, 26 May 2010) **[9a] (p176)**

For more recent information about human rights see Latest news. Also human rights of various groups are detailed in the sections following: Political affiliation; Freedom of speech and media (including journalists and bloggers); Freedom of religion, Human rights institutions and activists, Ethnic groups, Lesbian, Gay, Bisexual and Transgender persons; Women and Children.

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8. CRIME

DRUG SMUGGLING

8.01 A United Nations Office on Drugs and Crime (UNODC) article dated 19 November 2008 stated that: "Today, Iran's proximity to Afghanistan, which supplies more than 90 per cent of the world's opiates, means that the country is particularly vulnerable to drug abuse. Iran is also a main trafficking route for heroin destined for European markets." **[10k]**

8.02 A document on the UNODC website dated 2007 stated:

"All aspects of drug control are covered by the Anti - Narcotics Drug Law of the Islamic Republic of Iran, 1988. It covers the issues of cultivation, production, import, export, possession, consumption, distribution, sale and running premises for the use of drugs. It also creates offences for causing the escape of, or giving protection to drug offenders already subject to prosecution, and destroying or concealing evidence. In November 1997, the Expediency Council amended the 1988 legislation with a view to making the Iranian legislation more responsive to the new aspects of the internal drug problem. In this context, the de facto decriminalization of drug consumers who voluntarily enter into rehabilitation is worthy of notice. The Revolutionary Courts deals with all drug cases. The age of criminal responsibility is 16." **[10p)**

8.03 A later UNODC article dated 19 November 2008 clarified that "For the last decade, drug users who enter treatment programmes voluntarily have been exempt from prosecution." **[10k]**

8.04 The US Department of State International Narcotics Control Strategy Report (INCSR), published in March 2010, covering the period 1 January to 31 December 2009, stated that:

"UNODC says Iran spends $600 million each year on counternarcotics activities. Iran claims to have invested upwards of $1 billion in its elaborate series of earthworks, forts and deep trenches to channel potential drug smugglers to areas where they can be confronted and defeated by Iranian security forces. Nevertheless, traffickers from Afghanistan, Pakistan, and

Iran itself continue to cause major disruption along Iran's eastern border. Iranian security forces have had excellent seizure results for the last several years by concentrating their interdiction efforts in the eastern provinces.

"Iran is a party to the 1988 UN Drug Convention, but its laws do not bring it completely into compliance with the Convention. The UNODC is working with Iran to modify its laws, train the judiciary, and improve the court system." **[95a] (p351)**

8.05 The Amnesty International (AI) report, *Iran: The Last Executioner of Children*, dated 27 June 2007, reported on punishments:

"The death penalty is … provided for crimes covered in the Anti-Narcotics Law introduced in January 1989, and amended in 1997. These crimes include smuggling or distribution of more than 5kg of hashish or opium, or more than 30g of heroin, codeine, methadone or morphine. People who commit a fourth offence of cultivation of narcotic plants, recidivist (repeated) possession of opium and hashish, and the manufacture or supply of various chemicals that can be used in the manufacture of drugs can also receive the death penalty.

"Punishments for ta'zir crimes are open to pardon – for example, Article 38 of the Anti-Narcotics law allows for death sentences imposed under this law to be sent to the Amnesty Commission 'if there are reasons by which the punishment… can be mitigated.' Moreover, repeat offenders whose cumulative possession of heroin, morphine or cocaine or their derivatives exceeds the stipulated amounts are regarded as 'corrupt on earth' and punishable by death – that is, their crimes may be regarded as falling under the hodoud section of the Penal Code and, therefore, would appear not to be open to pardon. The Anti-Narcotics Law also provides for the death penalty for armed smuggling of narcotics – from media reports about the executions of alleged armed drug smugglers, it appears that in at least some cases, although it is not specifically stated, perpetrators are designated as 'being at enmity with God', a hodoud offence." **[9aac] (p8)**

8.06 AI reported on 7 August 2009 that the majority of those executed in Iran, "…are said to have been convicted of drug-smuggling or related offences." **[9j]** The International Harm Reduction Association (IHRA) report *The Death Penalty for Drug Offences: Global Overview 2010* noted that drug offenders represented a significant proportion of all annual executions in Iran. The IHRA report also noted: "Some sources estimate that Iran has executed 10,000 drug traffickers since the revolution of 1979, although a number of these are alleged to have been political dissidents who were charged with drug crimes. The country issued a judicial ban on executing minors for drug offences in late 2008." [**84a] (p22)**

8.07 On 5 August 2009, Telegraph.com reported that a mass execution of 24 convicted drug traffickers had taken place at the Karaj prison, west of Tehran on 30 July 2009. This followed the hanging of 20 other drug smugglers earlier that month. **[43a]** Reuters reported on 27 February 2010 that three men convicted of drug smuggling had been executed by hanging in Birjand, after the Supreme Court had upheld their sentences. **[5e]** A further six men convicted of drug smuggling were hanged on 8 May 2010 (*The New York Times*, 9 May 2010) **[77a]**

See also Death Penalty and Foreign Refugees (for information on Afghans convicted of drug offences).

9. SECURITY FORCES

OVERVIEW

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

"Iran maintains an extensive network of internal security and intelligence services. The main parts of the domestic security apparatus are made up of the Ministry of Intelligence and Security, the Basij Resistance Force, the intelligence unit of the [Iranian Revolutionary Guards Corps] IRGC, and the law enforcement forces within the Ministry of Interior that largely are responsible for providing police and border control. The leadership of each of these organizations appears to be fragmented and dispersed among several, often competing, political factions. Public information on all Iranian security and intelligence forces is extremely limited and subject to political manipulation.

"Key to most paramilitary and intelligence forces in Iran is the IRGC, as it holds control over several other organizations or parts thereof. All security organizations without exception report to the Supreme National Security Council (SNSC), as the highest body in the political chain of command. The phenomenon of the fragmented leadership of the security organizations is reflected in their relationship to the SNSC as different security organizations maintain special ties to certain elements of the SNSC. The Supreme Leader, Ali Khamenei, installed an advisory panel called Strategic Council on Foreign Policy in May 2006. This body is supposed to advise the Supreme Leader in a broad range of foreign policy matters. It can only be speculated what the implications of this body are, but its creation send a caveat to observers that there may be some significant tension among the security components in Iran. In addition, it has to be assumed that other state organizations, most notably the police services, exert varying control over internal security. As with virtually all other organizations, the IRGC is believed to have considerable leverage over these services.

"The effectiveness of the internal security organizations is unclear and the political will to use them is hard to predict. After local unrest in the Iranian province of Baluchistan in May 2006, police were unable to seize control of the situation against regional tribal forces." **[6a] (p7)**

9.02 Jane's *Sentinel Country Risk Assessment* for Iran, updated 23 January 2009, stated that: "The entezamat (law enforcement) and quasi- and paramilitary forces of Iran present a confused picture to the West. Although the complex, multiple institutional structure of the security and foreign policy apparatus suggests disarray and discord, it is not anarchic." **[61d] (Security and Foreign Forces)**

9.03 The US State Department *Country Report on Human Rights Practices 2009* Iran, released on 11 March 2010, (USSD Report 2009) stated:

"Several agencies share responsibility for law enforcement and maintaining order, including the MOIS [Ministry of Intelligence and Security], the Law Enforcement Forces under the Interior Ministry, and the IRGC. The Basij and informal groups known as the Ansar-e Hizballah (Helpers of the Party of God) were aligned with extreme conservative members of the leadership and acted as vigilantes… Corruption and impunity were problems. Regular and paramilitary security forces committed numerous serious human rights abuses, but there were no transparent mechanisms to investigate security force abuses and no reports of government actions to reform the abusers." **[4c] (section 1d)**

9.04 The USSD Report 2009 added: "Civilian authorities did not fully maintain effective control of security forces." **[4c] (Introduction)**

See also Human rights violations by the security forces

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LAW ENFORCEMENT FORCES (INCLUDING THE POLICE)

9.05 Jane's *Sentinel Country Risk Assessment*, updated 23 January 2009, stated that the estimated total strength of the 'Security Forces (Police)' is 400,000. **[61d]**

9.06 The same source also stated that:

"[The Law Enforcement Forces (Niruha-ye Entezami-ye Jomhuri-ye Islami or LEF)] was created in 1991 through a merger of the police, gendarmerie, and the revolutionary committees and is charged with combined duties: law enforcement, border control, and maintaining public order. Although nominally under the leadership of the Ministry of the Interior, the Supreme Leader has to approve a nominee that the president proposes as LEF chief. In November 2007 the LEF announced a programme to upgrade the equipment of the border regiments. The move would help strengthen border security and counteract the activities of terrorist groups. The LEF also has a major role in anti-smuggling operations and in countering drugs trafficking.

"Units within the LEF have overlapping responsibilities. The Social Corruption Unit of the LEF deals with social behaviour of an immoral nature. However, there is a similar unit in the LEF called the Edareyeh Amaken Omumi (Public Establishments Office), which concerns itself with the type of music people listen to, the interaction of people of the opposite sex in public places and various forms of perceived lewd behaviour. The latter group came to prominence after arresting and questioning journalists. In October 2005, the head of LEF, Brigadier General Esmail Ahmadi Moqaddam stated that 'raising the index of societal security' would be among the main aims of the organisation under his leadership. Moqaddam, a hardliner, was appointed by President Mahmoud Ahmadinejad in July 2005. In 2007 the LEF launched a highly controversial crackdown on 'improper dressing'.

"The LEF also has an intelligence and counter-intelligence unit. In 2000 a Tehran Military Court confirmed an eight-month sentence imposed on the head of the unit, Commander Mohammed Reza Naqdi, over the mistreatment and torture of a number of detainees. In September 2000 Abdolhosein Ramexani was appointed to replace him.

"Actions of Islamist pressure groups and the LEF are sometimes co-ordinated. Perhaps the most infamous example of this occurred in July 1999, when hardliners attacked protesting students at Tehran University as the authorities stood by, and then elements from the LEF and the Ansar-e Hizbullah pressure group raided the student dormitory. This led to a week of violent riots across the country. These events highlighted the fact that by July 1999, a new division of labour had emerged: the 1999 student riots strongly suggest that the LEF, with the Basij providing support, has become the regime's first line of defence against domestic unrest, a role hitherto played by the Islamic Revolutionary Guards Corps (IRGC).

"Former minister of the interior Musavi-Lari, a reformist in the Khatami administration, expressed dissatisfaction with his lack of control over the LEF. However, political disagreements over how the organisation is supervised are not likely in the foreseeable future given that the present minister of the interior, the president and the LEF chief are politically allied.

"Maintaining security along Iran's borders is an important role of the LEF. Brig Gen Moqaddam, LEF chief, said in August 2008 that after public security, control over Iran's borders was the biggest concern of the LEF. Iran has been stepping up security on its borders, with the LEF using what has been described as 'modern technologies' in order to counter drug trafficking, smuggling and the movement of individuals considered to pose a threat to state security." **[61d]**

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IRANIAN REVOLUTIONARY GUARDS CORPS ('PASDARAN')

9.07 A BBC News profile of Iran's Revolutionary Guards Corps (IRGC) dated 18 October 2009 stated that:

"Iran's Islamic Revolution Guards Corps (IRGC) was set up shortly after the 1979 Iranian revolution to defend the country's Islamic system, and to provide a counterweight to the regular armed forces. It has since become a major military, political and economic force in Iran, with close ties to the Supreme Leader, Ayatollah Ali Khamenei, and President Mahmoud Ahmadinejad, a former member.

"The force is estimated to have 125,000 active troops, boasts its own ground forces, navy and air force, and oversees Iran's strategic weapons. It also controls the paramilitary Basij Resistance Force and the powerful bonyads, or charitable foundations, which run a considerable part of the Iranian economy." **[21i]**

9.08 The APCI Report 2008 stated that "The IRGC has a large intelligence operation and unconventional warfare component. Roughly 5,000 of the men in the IRGC are assigned to the unconventional warfare mission. The

IRGC has the equivalent of one Special Forces division, plus additional smaller formations, and these forces are given special priority in terms of training and equipment." **[6a] (p7)**

9.09 Jane's *Sentinel Country Risk Assessment* updated 23 January 2009 included more detailed information on the IRGC, stating that:

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

"Because of its dual political and military role, the IRGC also has an internal security role, which includes local intelligence gathering; this role has grown in importance since the end of the war with Iraq. While co-operation between the IRGC and the national police is institutionalised, it is best to treat the IRGC predominantly as a military land force that parallels the regular army, a role institutionalised by the war-fighting demands of the Iran-Iraq war. The IRGC's paramilitary organisation, the Basij, plays an increasingly prominent role in the suppression of domestic unrest. Throughout the 1990s, the regular army and IRGC alike protested at being ordered to suppress citizens demonstrating against Iran's worsening economic conditions. For instance, in August 1994, they refused orders to open fire on protesters in Qazvin. The Basij, however, had no such qualms. They were similarly deployed by conservative clerics to quell the student riots of 1999 and 2003.

"The IRGC has its own ground, air and naval forces. Originally formed as a counterweight to the monarchist-orientated regular military forces and as the custodian of the nezam (revolutionary order), the IRGC was initially subordinate to the ruling religious leaders. By 1986, it numbered over 300,000 personnel organised into battalion-sized units, with an independent chain of command and the capability of operating independently or in conjunction with regular units. Although attaining ministerial status in 1982, post-war reforms - specifically the creation of the Ministry Of Defence and Armed Forces Logistics (MODAFL) in 1989 - effectively curtailed the institutional autonomy of the IRGC. Since the enactment of military reforms, the IRGC has been placed under an integrated command with Iran's regular armed forces at the General Staff level. It retains an independent command chain below this level, however, and generally continues to exercise as an independent force.

"New uniforms have been introduced, together with a system of military ranks divided into four categories - soldiers, fighters, officers and commandants. In all, some 21 ranks were introduced in September 1991 which, with six exceptions, parallel those of the regular forces. Military training standards have also been raised. During the Iran-Iraq war the IRGC provided the lightly armed manpower that carried out the 'human wave' attacks on Iraqi positions. The appalling casualties suffered during these attacks, however, had a severe impact on morale and, by 1988; it was becoming increasingly difficult to attract volunteers. IRGC basis units are usually of battalion-size, organised into brigades and divisions, and although

some units are in possession of specialised weapons, most are lightly armed and not capable of sustained operations…

"In August 2005, Ayatollah Khamenei, who directly oversees the Revolutionary Guards and holds regular sessions with their top commanders, asked the IRGC leadership to devise a new command structure and military strategy for the IRGC that would give the elite military force unlimited access to national resources and absolute priority over the regular army in case of a foreign military confrontation.

"In October 2007, the US government announced sanctions against the IRGC. In a statement, the US Department of the Treasury said that the IRGC 'has been outspoken about its willingness to proliferate ballistic missiles capable of carrying WMD'." **[61d] (Security and Foreign Forces)**

9.10 The same source continued: "IRGC forces often man the internal customs posts found about 10 km outside each major city or conurbation. Patrols often operate on a freelance basis with the LEF, Highway Police and other civilian organisations." **[61d] (Security and Foreign Forces)**

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

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

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

9.12 The Freedom House report *Freedom in the World 2010: Iran*, published 7 May 2010, stated that: "The IRGC's influence within Iran continues to grow, as it now wields military, political, and economic power. Former members of the IRGC, including Ahmadinejad, hold key positions within the government, and its commercial arms have been awarded the right of first refusal for government contracts, some of which have been extremely lucrative." **[112h]**

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Qods / Quds Force

9.13 The APCI Report 2008 stated that:

"Current force strength data for the Quds [part of the IRGC] are not available. The al Quds forces are under the command of Brigadier General Qassem Soleimani and have supported non-state actors in many foreign countries. These include Hezbollah in Lebanon, Hamas and the Palestinian Islamic Jihad in the Gaza Strip and the West Bank, the Shi'ite militias in Iraq, and Shi'ites in Afghanistan. Links to Sunni extremist groups like Al Qa'ida have been reported, but never convincingly confirmed. Many U.S. experts believe that the Quds forces have provided significant transfers of weapons to Shi'ite (and perhaps some Sunni) elements in Iraq. These may include the shaped charge components used in some IEDs in Iraq and the more advanced components used in explosively formed projectiles, including the weapon assembly, copper slugs, radio links used to activate such devices, and the infrared triggering mechanisms. These devices are very similar to those used in Lebanon, and some seem to operate on the same radio frequencies. Shaped charge weapons first began to appear in Iraq in August 2003, but became a serious threat in 2005.

"On January 11, 2007, the director of the Defense Intelligence Agency stated in a testimony before the U.S. Senate Select Committee on Intelligence that the Quds force of Iran's Islamic Revolutionary Guard Corps has the lead for its transnational terrorist activities, in conjunction with Lebanese Hezbollah and Iran's MOIS." **[6a] (p8)**

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

9.15 Jane's *Sentinel Country Risk Assessment,* Security and Foreign Forces, updated 23 January 2009, stated that:

"The IRGC's Qods Force allegedly controls all external terrorist activities. The Qods has offices or 'sections' in many Iranian embassies, which operate as closed sections. It is not clear whether these are integrated with Iranian intelligence operations, or that the ambassador in such embassies has control of, or detailed knowledge of, operations by the Qods staff. However, there are indications that most operations are co-ordinated between the IRGC and offices within the Iranian Ministry of Foreign Affairs and Ministry of Intelligence and Security (MOIS)." **[61d]**

Basij

9.16 The APCI Report 2008 stated that:

"The IRGC oversaw the creation of a people's militia, a volunteer group it named the Basij Resistance Force (which means Mobilization of the Oppressed), in 1980. The Basij derives its legitimization from Article 151 of the Iranian Constitution, which calls upon the government to fulfill its duty according to the Quran to provide all citizens with the means to defend themselves. Numbering over 1,000,000 members, the Basij is a paramilitary force, mostly manned by elderly men, youth, and volunteers who have completed their military service.

"This force is organized in a regional and decentralized command structure. It has up to 740 regional 'battalions,' each organized into three to four subunits. Each battalion has 300–350 men. According to one source, about 20,000 Basij forces were organized in four brigades during an exercise in November 2006.

"It maintains a relatively small active-duty staff of 90,000 and relies on mobilization in the case of any contingency. According to an IRGC general, a military exercise (Great Prophet II) conducted in the first two weeks of November 2006 employed 172 battalions of the Basij Resistance Force. According to the same source, the main mission of these troops was to guard 'public alleyways and other urban areas.'

"The Basij has a history of martyr-style suicide attacks dating back to the Iran-Iraq War, 1980–1988. Today, its main tasks are thought to assist locally against conventional military defense as well as quell civil uprisings. In addition, one of the Force's key roles has been to maintain internal security, including monitoring internal threats from Iranian citizens and acting as 'a static militia force.' The state of training and equipment readiness for the Basij is believed to be low. No major weapon systems have been reported for the inventory of the Basij. The IRGC maintains tight control over the leadership of the Basij and imposes strict Islamic rules on it embers. Recent comments by Iranian leaders indicate that the mission of the Basij is shifting away from traditional territorial defense to 'defending against Iranian security threats.' Furthermore, there are reports of an increased interest in improving the Basij under the leadership of President Mahmoud Ahmadi-Nejad." **[6a] (p10)**

9.17 Jane's *Sentinel Country Risk Assessment*, Security and Foreign Forces, updated 23 January 2009, stated that:

"Known as the 'Mobilisation of the Oppressed', the Basij Volunteer forces are a paramilitary organisation of about 90,000 men with an active and reserve strength of up to 300,000 and a mobilisation capacity of nearly one million men. It is controlled by the IRGC, and consists largely of youths, men who have completed military service and the elderly. It has up to 740 regional battalions with about 300 to 350 men each, which are composed of three companies or four platoons plus support. These include the former tribal levies, and are largely regional in character. Many have little or no real military training. However, Iran has used the voluntary Basij forces to provide local security ever since the popular riots of 1994. It called up over 100,000 men across 19 regions in September 1994, and began far more extensive training for riot control and internal security missions. It also introduced a formal rank structure and a more conventional system of command and discipline and created specialised Ashura (anti-riot) battalions and Al-Zahra (women's battalions) units for internal security missions. Some reports indicate that 36 of these battalions were established in 1994.

"The primary mission of the Basij has so far been internal security, monitoring the activities of Iranian citizens, acting as replacements for the military services and serving as a static militia force tied to local defence missions." **[61d]**

9.18 A report dated 10 February 2010 by the UN Educational, Scientific and Cultural Organisation (UNESCO) stated that the Basij had: "…recruited boys

from middle schools and high schools since 1979. In November 2009, the Revolutionary Guards announced that the Bassij militia would soon be established in elementary schools." **[10b]** The USSD Report 2009 observed that:

"On October 4 [2009], the government announced the merger of the Basij into the IRGC ground forces. While some Basij units received formal training, many units were disorganized and undisciplined. During government led crackdowns on demonstrations, the Basij were primarily responsible for the violence against the protesters. The decentralized organization of the Basij forces contributed to individual Basijis being less accountable for their actions, further contributing to their excesses." **[4c] (Section 1d)**

Ansar-e Hezbollah

9.19 The Global Security website, last updated on 26 April 2005, stated that:

"Ansar-i hizbullah, the followers of the party of God, (also known as Ansar-i Hezbollah or Ansar-e Hezbollah), is a semi-official, paramilitary organization in Iran which carries out attacks on those whom it perceives to be violating the precepts of Islam, such as women wearing makeup, reformist protestors, and unmarried couples…

"Most of the members of Ansar-i Hizbullah either belong to the Basij militia or are veterans of the Iran-Iraq War (1980-1988) who believed that they must continue fighting for the integrity of Islam…

"The Iranian government has chosen to tacitly support groups like Ansar-i Hizbullah because they both aim to maintain the conservative status quo in Iran. Senior conservative clerics use gangs like Ansar-i Hizbullah as a way to consolidate their power and harass and/or eliminate their enemies. Therefore, Ansar-i Hizbullah enjoys a semi-official status; while they are not officially a part of the government, they complement the Iranian government's existing intelligence and security apparatus. Many senior clerics have been associated with Ansar-i Hizbullah and are thought to finance it." **[70b]**

9.20 Jane's *Sentinel Country Risk Assessment*, Security and Foreign Forces, updated 23 January 2009, stated that:

"Ansar-e Hezbollah is an extremist Islamist vigilante group. The group claims to be a grassroots movement which calls for harsh policies against opponents of the Islamic theocratic system and promotes itself as fully in line with the ideals propagated by the founder of the Islamic Republic, Ayatollah Khomeini. In reality, its senior members and most of its activists are associated with and funded by state organs under hardline control. The group openly criticised the Khatami administration for 'propagating social corruption', and deemed its violent actions against reformist activists since 1999 as necessary to safeguard the revolution. The group has a significant overlap with the Basij voluntary Islamist militia. The group is connected with Ayatollah Ahmad Jannati, the hardline head of the Guardians Council, and is believed to receive most of its funding from the Oppressed and Disabled Foundation, while its membership is drawn from war veterans and the Basij.

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

"Senior figures in Ansar-e Hezbollah have pledged loyalty to Ahmadinejad and vowed to 'root out the hypocrites', a reference to those who question the legality of the ruling regime and existing political and social norms. The group, which is fiercely loyal to Supreme Leader Ayatollah Ali Khamenei, wrote in its journal in November 2005 that the 'virus of inadequate veiling among women and lack of faith' in Iran was more dangerous than the 'threat of a nuclear attack on Iran'. The group's official mouthpiece, Ya-Lesarat, is published weekly.

"Some of the group's recent campaigns have included attempts to force the judiciary to name the 'economic fat-cats' who, the group states, have been looting the national wealth and who should be held accountable. One of the group's senior figures, Hamid Ostad, declared in August 2005 that in the face of 'repeated threats by the US' it is discussing 'performing suicide operations against US forces and interests anywhere in the world' in the event of a foreign invasion. In 2007 the group vociferously backed the LEF's crackdown on 'improper dressing'." **[61d]**

9.21 The estimated total strength of Ansar e-Hezbollah is 5,000 (Jane's, 23 January 2009). **[61d] (Security and Foreign Forces)**

ARMED FORCES

9.22 Jane's Sentinel Risk Assessment of Iran, Armed Forces, updated 2 December 2008, stated that the total strength of the armed forces was 523,000 comprising of: Army 350,000, Air Force 30,000, Navy 18,000 and IRGC 125,000. **[61e]**

9.23 The CIA World Fact Book, updated 5 May 2010, stated that the military branches included:

"Islamic Republic of Iran Regular Forces (Artesh): Ground Forces, Navy, Air Force of the Military of the Islamic Republic of Iran (Niru-ye Hava'i-ye Artesh-e Jomhuri-ye Eslami-ye Iran, IRIAF; Islamic Revolutionary Guard Corps (Sepah-e Pasdaran-e Enqelab-e Eslami, IRGC): Ground Resistance Forces, Navy, Air Force, Qods Force (special operations), Basij Force (Popular Mobilization Army); Law Enforcement Forces (2010)" **[111] (Military)**

See also Iranian Revolutionary Guard Corps above.

OTHER ORGANISATIONS

Ministry of Intelligence and Security (MOIS) and Vezarat-e Ettela'at va Aminat-e Keshvar (VEVAK) aka Ettela'at

9.24 Jane's Sentinel Risk Assessment, Security and Foreign Forces, updated 23 January 2009, stated that:

"The Ministry of Intelligence and Security (MOIS) is Iran's intelligence and state security service. The agency is responsible for fighting opposition to the regime not only at home but also abroad. Some Iranian intelligence agents have operated in foreign locations under diplomatic cover, as part of a drive to collect intelligence on Iranian opposition elements operating outside Iran. The MOIS has had a particular focus on the Mujahideen e-Khalq (MEK) opposition militia group and its allied political group, the National Council of Resistance of Iran (NCRI). Monarchists, Iranian Kurdish dissidents and left-wing groups have also come under the scrutiny of the MOIS. It is believed that the MOIS has a particular focus on Iran's turbulent neighbour, Iraq, where there is a large Shia population. Prior to the 2003 US-led invasion, there were indications that the MOIS liaised with the Iraqi opposition group, the Iraqi National Congress, which was seeking the overthrow of the Saddam Hussein regime. Counter-intelligence is part of the MOIS mission, and in February 2007 the MOIS claimed to have identified 100 spies working for the US and Israel in border areas of Iran.

"The MOIS, initially better known by the acronym SAVAMA (Ministry of Intelligence and National Security; Sazman-e Ettela'at va Amniat-e Melli-e Iran), is the successor to SAVAK (National Intelligence and Security Organisation; Sazeman-e Ettela'at va Amniyat-e Keshvar), the intelligence agency that operated under the Shah and which was dissolved in 1979 at the time of the Islamic revolution. Senior officials of SAVAK were executed after the Khomeini regime took power. However, some analysts believe it is likely that former SAVAK personnel were employed in the new agency, because of their intimate knowledge of left-wing groups and Iraq's Baath Party. During the 1981-88 Iran-Iraq war, an intense rivalry developed between the agency and the Intelligence Directorate of the Islamic Revolutionary Guards Corps (IRGC). It was decided that the IRGC would continue to maintain its own intelligence directorate. While SAVAK operated largely outside government control, it was decided that the MOIS would operate as part of the mainstream civil service apparatus, as a government ministry…MOIS is currently headed by the minister of intelligence and security, a position currently held by Gholam Hossein Mohseni Ejei, a hardliner who was appointed when Mahmoud Ahmadinejad became president in 2005. Ejei, who is in effect Iran's intelligence chief, replaced Yunesi, a career intelligence officer who had served under the reform-minded Mohammed Khatami when the latter was president… A man of ultra-conservative views, he served as a public prosecutor in the special court for the clergy, and is said to have targeted reform-minded and anti-regime clerics. He is also a member of the press council, which has the role of media censorship.

"The agency is believed to have approximately 15,000 officers and support staff. MOIS differs from SAVAK in that its personnel are all civilians. The Ministry's foreign intelligence directorate is believed to have around 2,000 officers whose top priority is intelligence gathering in Iraq; Central Asia, Pakistan and the sheikhdoms and emirates on the Arabian Peninsula. It is also part of the role of the foreign intelligence directorate to liaise with 'liberation movements' (for example, Hizbullah and the Palestinian fundamentalist movement, Palestinian Islamic Jihad). The MOIS addresses ethnic and sectarian issues within the country, and it monitors the clerical

community and government officials. Although MOIS officers are vetted for ideological conformity, very few can be considered extreme ideological Islamists… The MOIS has been accused of providing support to the Hizbullah militia group in Lebanon as far back as the 1980s. In 2005, a lawsuit was filed in the US against Iran and the MOIS on behalf of 29 US servicemen who were killed or injured, and their families, as a result of the 1983 terrorist bomb attack on the US Marine Corps base in Beirut, Lebanon. The plaintiffs alleged that the MOIS and the Iranian Revolutionary Guards Corps provided the 'economic, technological and other support' to Hizbullah to carry out the attack." **[61d]**

9.25 The USSD Report 2009 stated that:

"There were reports during the year that the MOIS harassed family members of political prisoners and rights activists, banning them from speaking to foreign media or traveling abroad, blocking their telephone conversations, making false criminal charges against them, and blocking their access to higher education.

"MOIS agents reportedly threatened to arrest family members of Kurdish political prisoner Shirko Moarefi if they protested or publicized his execution, scheduled for November 14 [2009]. The execution was subsequently delayed, and at year's end Moarefi remained on death row." **[4c] (Section 1f)**

HUMAN RIGHTS VIOLATIONS BY THE SECURITY FORCES

Arbitrary arrest and detention

For details of legal rights, including official documentation, see Arrest and dentention – legal rights

9.26 The UN Human Rights Council's Report of the Working Group on Enforced or Involuntary Disappearances, released 25 February 2009, covering the period 1 December 2007 to 30 November 2008 stated that the number of enforced or involuntary disappearances in Iran totalled 515 outstanding cases, the whereabouts of whom the Iranian government failed to clarify to the Council. **[10f] (p42)**

9.27 The USSD Report 2009 stated "Although the constitution prohibits arbitrary arrest and detention, these practices significantly increased during the year." **[4c] (Section 1d)** The Freedom House report *Freedom in the World 2010: Iran*, published 7 May 2010, stated that arbitrary arrest and detention "…are increasingly routine, and family members of detainees are often not notified for days or weeks. Suspected dissidents are frequently held in unofficial, illegal detention centers, and allegations of torture are common there and in Tehran's infamous Evin prison." **[112h]**

9.28 The USSD Report 2009 noted:

"There were numerous reports of arbitrary and false arrests during the year, and the trend dramatically accelerated in the aftermath of the disputed June 12 [2009] election. On August 11 [2009], media reported the judiciary estimated that authorities detained approximately 4,000 people in the aftermath of the election; officials claimed they released 3,700 within a

week. Human rights groups believed the number of detainees was much higher." **[4c] (Section 1d)**

9.29 The Amnesty International *Report 2010: the state of the world's human rights: Iran* (AI Report 2010) covering events in 2009 and published on 27 May 2010, noted:

"Well over 5,000 people were detained after the [June] election by the end of the year, including opposition politicians, journalists, academics, students, lawyers, human rights activists and army officers. Those with dual nationality or links to the USA or UK were also targeted. Some were arrested at demonstrations; others at their home or workplace; and some, who were injured, from hospital. Most, if not all, were denied access to legal representation. Many were denied access to their families and to medical care. Hundreds of those arrested were freed within days or weeks, but scores were charged with vaguely worded offences, such as fomenting a 'velvet revolution' or committing 'acts against national security, and prosecuted in 'show trials'. **[9a] (p173)**

9.30 The UN Secretary-General's report of 23 September 2009 also commented on the situation following the June 2009 presidential elections:

"In the aftermath of the election, a number of special procedures mandate holders [human rights experts] signed numerous urgent action appeals regarding the alleged arrest and arbitrary detention of several hundred opposition activists and demonstrators. The arrests had allegedly been carried out by Iranian police, security forces, the Basij militia and plain-clothes officers of the intelligence services during demonstrations or at private residences. The vast majority of the people arrested had reportedly been deprived of any contact with members of their family and had not had access to legal council." **[10g] (p8)**

9.31 The HRW report *The Islamic Republic at 31*, published on 11 February 2010, stated that:

"The [post-election] demonstrations were overwhelmingly peaceful. However, police and security forces confronted protestors, including those who played no part in the occasional acts of vandalism that occurred, with batons, clubs, and in some cases live ammunition. State violence extended beyond demonstrations, with plainclothes and Basij paramilitary forces attacking student dormitories and staging nighttime raids in residential areas. Security forces arrested thousands of protestors in the course of these governmental crackdowns during the first week following the election.

"In addition to massive detentions of ordinary protestors and peaceful activists, as early as the day after the election, authorities rounded up scores of well-known writers and political figures affiliated with the reform movement." **[8l] (Executive summary)**

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

9.32 In a press release dated 7 December 2009:

"Amnesty International condemned the excessive use of force by Iranian security forces that saw scores of protesters beaten and detained during student-led demonstrations on Monday [7 December].

"In a number of instances, security forces - including the volunteer Basij militia - used batons and tear gas to disperse opposition supporters in the wake of threats by officials that all demonstrations would be considered illegal and met by force. By the end of the day, the number of protestors arrested was not known…

"Thousands of opposition supporters and students had gathered in Tehran and cities across the country to mark the anniversary of the killing of three students by security forces in 1953." **[9r]**

9.33 The AI report *From protest to prison: Iran one year after the election*, published on 9 June 2010, stated that:

"People in Iran continue to be arbitrarily arrested, often without warrant, by state officials who fail to identify themselves. Many are held for weeks or even months – often in solitary confinement – in detention centres outside of the control of the Judiciary in prolonged incommunicado detention without access to families or lawyers, in conditions amounting to enforced disappearances." **[9o] (p 62)**

See also Political affiliation and Freedom of speech and media

Torture

9.34 The UN Secretary-General's report dated 23 September 2009 noted:

"While article 38 of the Constitution of the Islamic Republic of Iran prohibits torture, the country's steps to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2002 were rejected by the Guardian Council, reportedly because of perceived conflicts with Islamic rules and principles.

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

9.35 The APCI Report 2008 stated that:

"The use of torture is becoming less discriminate, whether on basis of seriousness of the suspected offence or any distinction between political

and criminal offences that may have existed at the time of the relevant determinations.

"As has been documented, torture is becoming a routine investigation method that is applied regardless of the offence in question; as evidenced by the courts' corresponding willingness to accept confessions and statements procured under duress in a wide variety of prosecutions. **[6a] (p22)**

9.36 The USSD Report 2009 stated that:

"The constitution and law prohibit torture, but there were numerous credible reports that security forces and prison personnel tortured detainees and prisoners, especially those arrested after the June [2009] election. In Tehran alone, 37 detained protesters, male and female, claimed prison or security officials had raped them. Major human rights and news organizations reported 'systematic' torture of individuals after the election.

"Common methods of torture and abuse in prisons included prolonged solitary confinement with extreme sensory deprivation (sometimes called 'white torture'), beatings, rape and sexual humiliation, long confinement in contorted positions, kicking detainees with military boots, hanging detainees by the arms and legs, threats of execution, burning with cigarettes, pulling out toenails, sleep deprivation, and severe and repeated beatings with cables or other instruments on the back and on the soles of the feet. Reported practices also included wetting prisoners before beating them with electric cables, to intensify the abuse. Prisoners also reported beatings on the ears, inducing partial or complete deafness; blows in the area around the eyes, leading to partial or complete blindness; and the use of poison to induce illness.

"Some prison facilities, including Evin Prison in Tehran, were notorious for cruel and prolonged torture of political opponents of the government. Authorities also maintained 'unofficial' secret prisons and detention centers outside the national prison system where abuse reportedly occurred. The government reportedly used white torture especially on political prisoners, often in detention centers outside the control of prison authorities, including Section 209 of Evin Prison." **[4c] (Section 1c)**

9.37 The same report also observed that: "The government made only limited attempts to investigate allegations of abuses. For instance, despite numerous reports of death and torture of arrested prisoners, the government launched investigations only after the death of Mohsen Rouhalamini, the son of a conservative politician." **[4c] (Section 1a)**

9.38 The UN Secretary-General's report of 23 September 2009 noted:

"On 13 August [2009], three special procedures mandate holders [human rights experts] expressed serious concern over reports of detainees being subjected to torture and harsh interrogations in order to obtain confessions. The three experts said that the accused included lawyers, journalists and other human rights defenders, as well as members of the opposition, who had protested in the aftermath of the presidential elections." **[10g] (p9)**

9.39 The Freedom House Report *Freedom in the World: Iran 2010*, published 7 May 2010, observed that: "A 2004 law banned torture in interrogations, but reports of the practice persisted in 2009, particularly for political prisoners arrested after the June presidential election." **[112h]**

9.40 The Amnesty International *Report 2010: the state of the world's human rights: Iran* (AI Report 2010) covering events in 2009 and published on 27 May 2010, noted:

"Torture and other ill-treatment in pre-trial detention remained common, facilitated by the routine denial of access to lawyers by detainees and impunity for officials who perpetrate violations. Methods reported included severe beatings; confinement in tiny spaces; deprivation of light, food and water; and systematic denial of medical treatment. At least 12 people were believed to have died in custody in 2009 apparently as a result of ill-treatment or lack of adequate medical care. No investigations into any torture allegations were reported, except at Kahrizak." **[9a] (p175)**

See also Prison Conditions for further information on Kahrizak detention centre and Latest News for information on the trials of those accused of abuse at the centre.

Extra judicial killings

9.41 The USSD Report 2009 stated:

"There were reports that the government and its agents committed multiple acts of arbitrary or unlawful killings during the year. During the June [2009] election protests, scores of protesters and nonprotesting bystanders were killed, especially during antigovernment rallies; government sources reported the death toll at 37, opposition groups reported approximately 70 individuals died, and human rights organizations suggested as many as 200." **[4c] (Section 1a)**

9.42 The USSD Report 2009 included further details of reported cases: http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136068.htm. The report also noted that: "The government made only limited attempts to investigate allegations of abuses. For instance, despite numerous reports of death and torture of arrested prisoners, the government launched investigations only after the death of Mohsen Rouhalamini, the son of a conservative politician." **[4c] (Section 1a)**

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

"The authorities have said that 36 people, including Basij personnel, died during the postelection unrest; opposition figures put the figure at 72 as of 5 September [2009]. According to the website Norooz, officials showed the families of people who went missing after the protests albums containing photographs of hundreds of corpses in makeshift morgues. Documents of evidence collected by the opposition shown to the UK newspaper The Times indicate that at least 200 demonstrators were killed in Tehran and 173 in other cities. Over half of these were killed in the streets. Over 50 others were unaccounted for." **[9t] (p34)**

9.44 The AI report continued:

"Reports also suggested that 44 bodies were buried secretly at night in anonymous graves in Section 302 of Behesht-e Zahra cemetery in Tehran. Following the revelation of the graves, Mahmoud Rezayan, the cemetery Chief, said coroners had certified that the bodies were those of unknown people who died in car accidents or from drug overdoses. However, the documents shown to The Times newspaper contain coroners' statements refuting this.

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

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

"Nevertheless, considerable evidence of unlawful killings by the security forces, particularly the Basij, has emerged. In addition to the usual witness testimony, mobile phones were widely used by demonstrators and bystanders to film some of the incidents. Footage of the invasion of dormitory at Tehran University on 14 June shows men dressed in black and armed with sticks and other weapons chasing and attacking students, who later identified them as having been from the Basij. A video taken on 15 June [2009] shows a member of the Basij firing from a building used by the Basij towards demonstrators; at least seven people were killed that day." **[9t] (p35)**

9.45 The AI Report 2010, published on 27 May 2010, covering events in 2009, stated that:

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

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

9.47 On 27 October 2009, the Special Rapporteur on extrajudicial, summary or arbitrary executions gave a press conference: "On Iran, he said that the death sentences received by three people who had protested election results contravened the Covenant on Civil and Political Rights, to which Iran was party, and violated international law, which forbade execution for crimes that did not involve killings." **[10l]** The AI Report 2010 stated that the number of people sentenced to death for involvement in the post-election unrest had risen to six. **[9a] (p174)**

See also Death Penalty

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10. MILITARY SERVICE

10.01 The CIA World Fact Book, updated 5 May 2010, stated that Iran's military service age and obligation were: "19 years of age for compulsory military service; 16 years of age for volunteers; 17 years of age for Law Enforcement Forces; 15 years of age for Basij Forces (Popular Mobilization Army); conscript military service obligation - 18 months; women exempt from military service (2008)." **[111] (Military)**

10.02 Iranian men become eligible for military service as of 21 March of the year they reach 19, although the minimum voluntary recruitment age is 16. Most of the armed forces are reportedly made up of conscripts who received minimal training and serve for 18 months. (Coalition to Stop the Use of Child Soldiers (CSC) Global Report 2008, Iran, 20 May 2008) **[30a]** "In 2008 the period of conscription was reduced from two years to 20 months. The military service period for those serving in harsh climate areas was reduced to 18 months and to 17 months for those serving in border military operations. In 2003 the period of conscription had been reduced to a period of 17 to 20 months in certain areas of Iran." (Jane's Sentinel, 11 May 2010) **[61a]**

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

"… military service is compulsory in Iran. The Attorney at Law informed that generally the duration of military service is two years and it is only compulsory for men. However, it can be shortened to 20 months. A person who deserts from the army will have to continue the military service upon return, if he is under the age of 40. Individuals who are over the age of 40 will not be asked to do military service. If a person has deserted or evaded the military service and returns to Iran after the age of 40, he will receive a financial punishment and possibly imprisonment. This is subject to arbitrary ruling. However, if the person has been subject to a pardon he will not face punishment on return to Iran. According to the Attorney at Law, a person who evades military service may be punished. According to Military Law, if a person had to serve 20 months of military service and evades, the length of the service will increase to 24 or 26 months. The Attorney at Law added that

according to 'previous legislation' a person may also be fined a few thousand US Dollars instead of serving extended military service. However, the Attorney at Law stated that it is still to be seen how recent changes in law are used in practice, i.e. whether a person will be fined or must serve extra time." **[86b] (p47)**

10.04 The War Resisters' International report, *Refusing to bear arms: a world survey of conscription and conscientious objection to military service*, dated 1998, noted that: "The right to conscientious objection is not legally recognized and there are no provisions for substitute service." **[25a]** Iran is a co-signatory to a letter dated 24 April 2002 addressed to the UN Commission on Human Rights which states that Iran does not recognise the universal applicability of conscientious objection to military service. (UN, 24 April 2002) **[10q]**

See also Exit and Return

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11. JUDICIARY

ORGANISATION

11.01 Jane's *Sentinel Country Risk Assessment* for Iran, updated on 30 April 2009, stated that:

"The 1979 constitution established a legal system based on Islamic law (sharia) and, in November 1985, a new criminal code was introduced. Judicial authority is vested in the Supreme Court and the four-member High Council of the Judiciary, which together are responsible for supervising the enforcement of all laws and for establishing judicial and legal policies. The supreme leader appoints the public prosecutor and the president of the Supreme Court, which has 16 branches. When Mohammad Khatami purged the country's intelligence ministries during the first term of his presidency (1997-2001), the judiciary established its own intelligence service, which is only accountable to Ayatollah Sharoudi (the head of the judiciary) and the supreme leader." **[61f]**

11.02 The US State Department *Country Report on Human Rights Practices 2009*, Iran, released on 11 March 2010, (USSD Report 2009) stated that:

"The constitution provides that the judiciary be 'an independent power'; in practice the court system was corrupt and 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 (the traditions of the Prophet), and other Islamic sources. The constitution provides that the head of the judiciary is a cleric chosen by the supreme leader. The head of the Supreme Court and prosecutor general also must be clerics." **[4c] (Section 1e)**

11.03 The Advisory Panel on Country Information (APCI) review of the COI Service's Iran COI Report of August 2008, undertaken by Dr Reza Molavi

and Dr Mohammad M Hedayati-Kakhki of the Centre for Iranian Studies at Durham University, dated 23 September 2008, (APCI Report 2008) stated that:

"According to the Article 156 of Iran's Constitution, the Judiciary is supposed to be an independent power, the protector of the rights of the individual and society, responsible for the implementation of justice, and entrusted with the following duties:

- Investigating and passing judgment on grievances, violations of rights, and- complaints; the resolving of litigation; the settling of disputes; and the taking of all necessary decisions and measures in probate matters as the law may determine;
- Restoring public rights and promoting justice and legitimate freedoms;
- Supervising the proper enforcement of laws;
- Uncovering crimes; prosecuting, punishing, and chastising criminals and enacting the penalties and provisions of the Islamic penal code;
- Taking suitable measures to prevent the occurrence of crime and to reform criminals." **[6a] (p13)**

Court structure

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

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

11.05 Europa World Online, accessed 30 June 2010, reported:

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

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

11.06 Amnesty International reported in February 2006 that:

"In October 2005, Press Courts were reintroduced to try cases of breaches of the Press Code, which contains vaguely worded provisions which can be used to punish people for the peaceful expression of their opinions. They comprise a panel of three judges and a jury selected by the judiciary." **[9f] (p8)**

11.07 An undated article on the United Nations website, accessed 10 December 2008, stated that:

"Since 1978, the structure of the Iranian judicial system has gone through drastic organizational revisions. The present structure of the Iranian court system includes:

"The Supreme Court: it is the highest court in Iran with the task of supervising the correct implementation and proper application of laws by the lower courts, as well as of ensuring uniformity in Judicial procedures. (Article 161 of the Constitution). The Head of the Judiciary, in consultation with the judges of the Supreme Court, nominates the Chief of the Supreme Court who, among other qualifications, must be a specialist in Islamic Law.

"The Court of Administrative Justice: under the supervision of the Head of Judiciary this court has a mandate to investigate complaints by privates against actions by public institutions and organs (Article 173 of the Constitution).

"The Courts of Appeal: it is the second instance court competent for reviewing cases decided by public and revolutionary courts. In the year 2001-2, 216 courts of appeals settled a total of 40,013 cases out of 345,746 pending cases.

"The Public Courts: These courts have jurisdiction to deal as first instance tribunals and are divided into two categories dealing with civil cases and criminal offences respectively. In the year 2001-2002, 2,260 public courts settled a total of 4,377,160 cases.

"The Revolutionary Courts: the Revolutionary Courts have jurisdiction over various offences including: crimes against national security, narcotic drugs, terrorism, state-related embezzlement, bribery and profiteering, all acts that undermine the system of the Islamic Republic of Iran. Settled cases at the Revolutionary courts can be forwarded to the courts of Appeal. 226 Revolutionary courts were on operation in Iran in 2001-2002.

"The Military Courts: they are mandated to investigate crimes committed in connection with military or security duties by members of the Armed Forces, the Police, and the Islamic Revolution Guards Corps. The office of the military prosecutor and the military courts are also part of the judiciary and are subject to the same principles that regulate the Judiciary (Article 172 of the Constitution).

"Office of the Public Prosecutor: Based on the recent amendments to the Law on Public and Revolutionary Courts, the offices of prosecutor general have been reintroduced in the judicial system all over Iran. These offices are now responsible for all pre-trial investigations and referral of those cases were [sic] there are [sic] strong evidence of a crime to the courts.

"Dispute Resolution Councils: are new bodies established in accordance with to the latest revisions in the judicial system in Iran. These councils are responsible for settlement of minor civil and criminal cases through mediation before their referral to the courts.

"The office of the military prosecutor and the military courts are also part of the judiciary and are subject to the same principles that regulate the judiciary. (Article 172 of the Constitution)." **[10d]**

11.08 The USSD Report 2009 stated:

"Traditional courts adjudicate civil and criminal offenses, and Islamic revolutionary courts try offenses viewed as potentially threatening to the Islamic Republic, including threats to internal or external security, narcotics and economic crimes, and official corruption. A special clerical court examines alleged transgressions within the clerical establishment, and a military court investigates crimes connected with military or security forces. A media court hears complaints against publishers, editors, and writers, including Internet cases. The Supreme Court has review authority over some cases, including appeals of the death penalty." **[4c] (Section 1e)**

11.09 The 2005 Danish fact-finding mission (FFM) report *On certain crimes and punishments in Iran: Report from the fact-finding mission to Teheran and Ankara*, 22 January to 29 January 2005, provided the following information:

"The various courts:

1. Public courts: a) criminal courts b) civil courts
2. Revolutionary courts
3. Religious courts
4. Military courts
5. Administrative courts
6. Appeal courts
7. The Supreme Court

"'The source explained in relation to the distribution of case areas in the Iranian courts that the public courts deal with cases concerning adultery, homosexuality, the consumption of alcohol, religious conversion, breaches of clothing rules etc.

"The revolutionary courts deal with matters of national security, terrorism, improper pronouncements on Khomeini and the supreme leader, espionage and narcotics-dealing. According to the source, 99% of the revolutionary court's cases involve drug crime.

"The religious courts deal with cases in which Islamic priests and other religious persons have broken the law.

"The military courts deal with cases concerning military personnel, including members of the revolutionary guard, Basij and the like, who have broken the law.

"The Appeal Courts and Supreme Courts function as instances of appeal.

"All sources stressed that all sentences passed in the first instance can be appealed against to an Appeal Court. This also applies to sentences passed in absentia. All cases of a certain importance, including those in which a sentence of death or other corporal punishment has been passed, can be the subject of appeal to the Supreme Court. The Supreme Court must always be consulted in cases of the death penalty, irrespective of any appeal. In some cases, a Supreme Court decision can be overruled by the supreme head of the judicial system.

"In all larger towns there are courts that deal with cases in the first instance. In all provincial capitals there are Appeal Courts. The Supreme Court sits in Teheran.

"Courts of first instance have a single judge. Appeal Courts have a collegiate of three judges and the Supreme Court has a varying number of judges depending on the nature of the case involved." **[86a] (p6)**

See also Freedom of Political Expression, sub section on Political Prisoners for information on the establishment in March 2010 of a court for political prisoners in Evin Prison.

Mechanisms for redress outside of the judiciary

11.10 The report of the UN Secretary-General on the situation of human rights in the Islamic Republic of Iran, dated 23 September 2009, stated that:

"In addition to the judiciary…there are several other institutional mechanisms that provide opportunities for citizens to seek redress. Article 174 of the Constitution provides for a National General Inspectorate under the supervision of the head of the judiciary, which supervises the proper conduct of affairs and the correct implementation of laws by the administrative organs of the Government and reportedly handles individual complaints. Under article 90 of the Constitution, the legislature can also examine and investigate written complaints by the public against its own work and the work of the executive and the judicial branches. In addition, there are quasi-judicial institutions, including arbitration and dispute settlement councils, which settle large volumes of cases. Moreover, the Islamic Human Rights Commission, established in 1996, is a non-governmental body that monitors the human rights situation in the country. It has no representative status as a national institution nor has it been recognized by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights as complying with the Paris Principles relating to the status and functioning of national human rights institutions. Additionally, the Islamic Republic of Iran has established a human rights headquarters under the judiciary to facilitate international cooperation and coordinate among Government bodies on human rights-related matters." **[10g] (p4)**

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INDEPENDENCE

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

11.12 The USSD Report 2009 stated that:

"By law the judiciary is independent from the executive and legislative branches; in practice it remained under the influence of executive and religious government authorities. According to the constitution, the Court of Administrative Justice, under the supervision of the head of the judiciary, investigates the grievances of citizens with regard to government officials, organs, and statutes. In practice citizens had limited ability to sue the government. Citizens were not able to bring lawsuits against the government for civil or human rights violations. Dispute resolution councils are available to settle minor civil and criminal cases through mediation before referral to courts." **[4c] (Section 1e)**

11.13 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:

"While the Constitution provides for a separation of powers between the executive, legislative and judicial functions, there are a number of institutional constraints on their independent functioning and ability to protect human rights.

"Despite the separation of powers provided for in article 57 of the Constitution, the Supreme Leader, currently Ayatollah Ali Khamenei, supervises the executive, legislative and judicial branches and other key institutions (E/CN.4/2006/61/Add.3, para. 12). This is reinforced by the system of advisory councils provided for in the Constitution. The Guardian Council is composed of six theologians appointed by the Supreme Leader and six jurists nominated by the judiciary. It has the power to veto the bills passed by Parliament if it views them as being inconsistent with the Constitution and sharia law. The Expediency Council serves as an advisory body for the Supreme Leader with an ultimate adjudicating power in disputes over legislation between Parliament and the Guardian Council. The Assembly of Experts, comprising clerics elected through a general election, has the power to appoint and remove the Supreme Leader.

"The Supreme Leader appoints the head of the judiciary who in turn appoints the head of the Supreme Court and the Chief Public Prosecutor. The Iranian judicial system has three tiers: regular civil and criminal courts are overseen by courts of appeal that are in turn are supervised by the Supreme Court. There are specialized courts at different levels, such as the administrative court, family courts and juvenile courts. There are also special public and revolutionary courts that try certain categories of offences, including crimes against national security and narcotics smuggling. Decisions rendered in revolutionary courts can be appealed, except for sentences of less than three months' imprisonment and fines under 500,000

rials. Special courts handle cases involving military personnel and the clergy. The Working Group on Arbitrary Detention, during its visit in 2003, raised concerns about the impact of such courts on the principle of equality before the law. The Working Group called for their functions to be transferred to the ordinary courts.

"The Working Group also noted that the abolition of prosecutors between 1995 and 2002 was one of the main reasons for the malfunctioning of the justice system (E/CN.4/2004/3/Add.2 and Corr.1). Prosecutors were reintroduced to the system in 2002; however they remain functionally part of the judiciary under the supervision of the head of the judiciary and do not exercise a fully independent role." **[10a] (p4)**

11.14 The same report added that: "The Iranian Bar Association has expressed concern over new legislation that establishes a parallel system for the issuance of attorney licences, which could further undermine the independence of the bar." (UN, 1 October 2008) **[10a] (p17)**

11.15 The Freedom House, *Freedom in the World 2010* report on Iran, published on 7 May 2010, observed that:

"The judicial system is not independent, as the supreme leader directly appoints the head of the judiciary, who in turn appoints senior judges. General Courts ostensibly safeguard the rights of defendants, but in practice suspects are frequently tried in closed sessions without access to legal counsel. Dissident clerics are tried before the Special Court for the Clergy. Political and other sensitive cases are tried before Revolutionary Courts, where due process protections are routinely disregarded and trials are often summary. In August and September 2009, hundreds of journalists and dissidents were convicted of crimes related to national security in five mass trials, none of which met international standards. During each of these televised proceedings, the prosecutor read out a 'general indictment' against the hundreds of detainees in attendance. Select individuals then issued confessions that are generally believed to have been coerced. " **[112h]**

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FAIR TRIAL

11.16 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:

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

11.17 The same report added: "Particularly in revolutionary court hearings, an extremely restrictive interpretation of article 128 of the Code of Penal

Procedure and note 3 to the Law on the Selection of Counsel led to the exclusion of counsel at the discretion of the judges." (UN, 1 October 2008) **[10a] (p17)**

11.18 The USSD Report 2009 stated that:

"Many aspects of the prerevolutionary judicial system survive in the civil and criminal courts. According to the constitution and criminal procedure code, a defendant has the right to a public trial, presumption of innocence, a lawyer of his or her choice, and the right of appeal in most cases that involve major penalties. These rights were not respected in practice. Panels of judges adjudicate trials; there is no jury system in the civil and criminal courts. In the media court, a council of 11 persons selected by the court adjudicates cases. No defendants in any court had the right to confront their accusers, nor were they granted access to government-held evidence.

"During the year human rights groups noted the absence of procedural safeguards in criminal trials. On August 13 [2009], the UN special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, the special rapporteur on the situation of human rights defenders, and the vice chairperson of the working group on arbitrary detention expressed 'serious concern' about the situation of detainees in the country. AI, HRW, Reporters Without Borders (RSF), and several other human rights groups specifically condemned trials in the revolutionary courts for disregarding international standards of fairness.

"The government often charged individuals with vague crimes such as 'antirevolutionary behavior,' 'moral corruption,' and 'siding with global arrogance.' Prosecutors imposed strict penalties on government critics for minor violations. For example, according to local news reports, journalist Hengameh Shahidi received a six-year prison sentence for disturbing traffic during postelection riots. Another reformer, Behzad Nabavi, also received a six–year sentence for a similar infraction. When postrevolutionary statutes did not address a situation, the government advised judges to give precedence to their knowledge and interpretation of Islamic law. The head of the judiciary chose revolutionary court judges in part due to their ideological commitment to the system. Secret or summary trials of only five minutes' duration frequently occurred. Other trials were deliberately designed to publicize a coerced confession." **[4c] (Section 1e)**

11.19 On 26 October 2009, Human Rights Watch reported that "Scores of prominent reformist politicians, intellectuals, journalists, clerics, student leaders, and others have been put on trial before courts that do not meet international fair trial standards following the nationwide protests against the disputed results of Iran's elections on June 12, 2009." HRW reported that 30 verdicts had so far been issued by the Revolutionary Court, including four death sentences and other sentences of between five and 12 years "All 30 of the prisoners had been held for months without access to lawyers, much of that time in solitary confinement. The authorities assigned them lawyers at their trials, but there was no time to prepare their defense and the court-appointed lawyers have not represented them properly." **[8b]**

11.20 The USSD Report 2009 observed that:

"On August 1 [2009], the Tehran Revolutionary Court convened the first of a series of televised mass trials for more than 100 opposition politicians and activists detained after the June 12 election; the opposition referred to them as 'show trials.' Among those on trial were senior proreform politicians, lawyers, and journalists, including former vice president Muhammad Ali Abtahi; journalist and former interior ministry official Muhammad Atrianfar; intellectual and prodemocracy activist Saeed Hajjarian; filmmaker and Newsweek reporter Maziar Bahari; an Iranian-American academic; and Mohsen Mirdamadi, the leader of the largest reformist party, the Islamic Iran Participation Front. The prosecution accused the defendants of fomenting a 'velvet revolution,' acting against national security, and having ties to British spies. Authorities did not permit any of the defendants access to legal counsel prior to the trial. Some of those charged read aloud 'confessions' in which they denounced former colleagues and declared there had been no fraud in the election. There were allegations that several defendants, including Abtahi and opposition candidate Mousavi supporters Mostafa Tajzadeh, Abdollah Ramezanzadeh, and Mohsen Aminzadeh, underwent 'massive interrogation' in Evin Prison. There were also reports that authorities tortured Hajjarian in detention.

"At year's end human rights groups reported that 20 of the 'show trial' defendants had been sentenced to six months to 15 years in prison; three unnamed individuals were sentenced to death. Some human rights groups believed the decision by authorities not to release the names of those sentenced to death was an intimidation tactic to deter people from protesting. At year's end authorities had released a limited number, including Bahari, Hajarian, and Abtahi, but most of the show trial defendants remained in prison." **[4c] (Section 1e)**

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

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

See also Penal code and Political affiliation

Trial in absentia

11.22 A response by the Immigration and Refugee Board of Canada (IRBC), dated 6 May 2009, commented on *in absentia* judgments, stating that correspondence in December 2008 from a legal attorney in London advised:

"In case the accused is not present at any time during the proceedings or the trial, then the judgment will be considered to have been issued *in absentium* (Article 217). The accused is then entitled to ask for a re-trial within 10 days from being actually served with the judgment. If the judgment is served at the accused's last known address, then the accused is entitled

to ask for a re-trial within 10 days of being informed of the service. In any event, the judgment of the court will be subject to appeal to the Court of Appeal." **[2a]**

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

Bail

11.24 Regarding bail, an Immigration and Refugee Board of Canada response dated 6 May 2009 included the following information from Amnesty International's International Secretariat in London:

"The most common form of bail is known as *kefalat* in Persian, or guardianship, a non-valued form of surety in the first instance and indicates the guardian's 'word' or 'honour' that the designated person appear in court at the appointed time and corresponds to the provisions set out in article 132.1 of the Code of Criminal Procedures (1999).

"Under this arrangement the guarantor is personally liable and responsible for delivering the accused to the court whenever he or she is summoned. Kefalat constitutes a specified monetary value which will be paid post facto if the guarantor fails in their undertaking to 'deliver'. The guarantor is not required to produce the cash 'up front' and often offers a property deed or another asset, or proof of asset as guarantee that the specified sum would be paid if the occasion arises…

"While the Code of Criminal Procedure sets out those cases where bail may and may not be provided, and the manner in which it is to be set, in our experience, the bails we report on often appear excessive in terms of the 'crimes' alleged and in terms of average incomes in Iran, appearing to fly in the face of Article 134 of the 1999 Code of Criminal Procedures, which requires bail bonds or security to be commensurate with, inter alia, the severity (Persian: sheddat) of the alleged crime. Bail, in terms of the largely political cases that AI sees, is taken in the form of property deeds and can involve several properties, generally belonging to family members.

"We have no information on how bail is collected, or, confiscated, that is, how people are evicted from their places of residence and the property seized; nor in what manner bail is disposed." **[2a]**

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

Enforcement of judgments

11.25 The APCI Report 2008 stated that:

"For the purpose of enforcement of the judgments delivered by the common courts; civil and penal, there has been established an entity called Unit of Enforcement of Judgments. In accordance with law, chief of the judicial

district concerned shall also act as chief of the unit. Each unit shall have adequate number of assistants, employees and other personnel. The judgments delivered by the common courts and the Revolutionary courts shall, based upon the instruction of the issuing authority, be enforced by the Justice Agents. The issuing authority of the judgment and order may attend or supervise the proceedings of enforcement.

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

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PENAL CODE

11.26 The website of the Mission for Establishment of Human Rights in Iran (MEHR Iran), accessed on 16 March 2010, includes full details of the Iranian Penal Code. **[66a]** "The Islamic Penal Law was approved by the Islamic Consultancy Parliament on 30 July 1991 and ratified by the High Expediency Council on 28 November 1991. The Book Five of the Penal Code – Ta'azirat – has been ratified in May 22 of 1996." (MEHR Iran) **[66a]**

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

"Under the Islamic Penal Code (IPC) of 1991, punishments are divided into five types. They are: *hodood, qesas, diyeh, ta'zirat* and deterrent punishments.
• *Hodood* are punishments whose type and scope have been determined by the Islamic *shari'a* and cannot be commuted or pardoned.
• *Qesas* is a retributive 'eye-for-eye' punishment meted out for a range of offences.
• *Diyeh* (referred to as blood money) is financial compensation as determined by the Islamic *shari'a* and paid to the victim or his/her survivors.
• *Ta'zirat* are discretionary punishments that have not been determined by the Islamic *shari'a* and judges have the power to decide them. They may include imprisonment, lashing, fine etc.
• Deterrent punishments are punishments determined by the state, e.g. imprisonment, fine, closure of business, deprivation from social rights, exile and other punishments.

"The death penalty is meted out mostly under the *hodood* section, and the *qesas* section in the case of murder, as well as once under the *ta'zirat* section for 'cursing the prophet'. However, the Iranian legal system distinguishes also between punishments considered to be the sole 'right of Allah' and those considered to be the 'right of the people.' The former have a 'public aspect' and withdrawal of complaint shall not have any effect on them, e.g. punishment for fornication. An example of the 'right of people' is qesas or retributive punishment. Under the law, the Supreme Leader may grant amnesty if a crime violated the 'right of Allah' in cases that do not fall under *hodood* punishments, but he cannot grant amnesty if the 'right of people' has been violated. A large number of extremely heterogeneous crimes entail the death sentence in Iran." **[56i] (p10)**

11.28 The Foreign and Commonwealth Office advised on 28 January 2010 that:

"In the case of murder it is usual for a qysas [qesas] sentence to be handed down. A qysas sentence means either the payment of blood money to the victim's family (at which point the accused is freed) or a death sentence. The decision rest solely with the family of the victim - they cannot choose a third alternative (e.g. a lengthy gaol term)." **[26j]**

11.29 The Freedom House Report *Freedom in the World: Iran 2010*, stated that: "The country's penal code is based on Sharia and provides for flogging, amputation, and execution by stoning or hanging for a range of social and political offenses; these punishments are carried out in practice." **[112h]**

See also Death penalty

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

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

11.31 The Danish Immigration Service Report 2009 continued: "Sharia Law is pervasive in the Penal Code and will always be considered the superior law. While some judges will apply the Penal Code others may choose to apply Sharia Law and this makes the system of justice unpredictable and arbitrary." **[86b] (p10)**

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

"Nevertheless, invoking Article 85 of the Constitution, majles (parliament) empowered its Judicial and Legal Affairs Committee to pass the draft bill, with 737 articles and 204 notes, to replace the applicable IPC. The House voted on 16 December 2009 to have the new law implemented for five years on trial basis. However, the Guardian Council, having examined it for discrepancies with the Constitution and the sharia, returned it to the House for amendments to no less than 80 Articles at the end of January 2010. The Guardian Council noted in conclusion of its opinion that 'there are still numerous religious flaws and other ambiguities in the bill, which will be communicated later.' At the time of writing, it is not clear yet how long it will take for the new bill to become law and replace the applicable IPC." **[56e]**

See also Proposed law on apostasy for further details of the new bill.

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Knowledge of the judge

11.33 An article on Radio Free Europe / Radio Liberty, dated 23 April 2007, stated "Laws are often contradictory in Iran and their interpretation remains the preserve of a small number of jurists or religious authorities – in this case Supreme Court judges." **[42ah]**

11.34 The International Federation for Human Rights (FIDH) report *Iran/Death Penalty: a State Terror Policy*, dated 28 April 2009, stated that: "Judges are … empowered to rule on the basis of their own 'knowledge' in various cases. Hence, a good number of stoning as well as other sentences are issued on the basis of the 'knowledge of the judge'. This is illegal even according to the letter of the Islamic Penal Code." **[56i] (p39)**

11.35 The April 2009 FIDH report added that:

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

11.36 The Global Campaign to Stop Killing and Stoning Women website, accessed 5 June 2009, stated that: "Most stoning sentences are issued not on the basis of testimony or confession but on the judges 'knowledge' or 'intuition'. Article 105 of the Islamic Penal code of Iran allows a judge to rule according to his gut feeling instead of hard evidence. As a result, most of [sic] not all adultery cases are unfairly tried." **[115]**

11.37 An example of 'judge's knowledge' is in a case posted on the Iran Focus website, dated 8 February 2008: "The charge of 'adultery' was substantiated solely by the judge's 'knowledge', based on the video evidence and statements the sisters had made during their interrogation." **[76d]**

See also Lesbian, Gay, Bisexual and Transgender Persons, Women and Latest News

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COURT DOCUMENTATION

Summonses

11.38 The APCI Report 2008 observed:

"In order to invite an individual to a judicial body, a summons must be issued. This would be in the form of 'Ekhtariyeh' (sometimes translated as 'legal notice') and 'Ehzariyeh', Farsi terms which may both be accurately translated into the legal term 'summons'.

"These serve the same purpose and have the same nature, as both give the opportunity to the defendant to attend the court and defend themselves

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

number of the court and in the top right corner the date is written. A summons is most often written on A5 size paper.

"Summonses are always stamped, though not necessarily signed. The stamp contains the following information: city, name, court and division. Divisions all have individual numbers. All cities start with the number '1'. The name of the city will not appear but only the city's number code. The Attorney at Law added that if the letter ' ' [please see original report for the letter] followed by '/ xxxx' (numbers) appears on the summons, this means that a judgement has been made and the authorities may carry out execution of the judgement. The letter [' ' please see original report for the letter] will be written in the top right corner of the summons by the Execution Court.

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

11.44 A response by the Immigration and Refugee Board of Canada (IRBC) dated 6 May 2009 quoted information provided by Amnesty International's International Secretariat in London, which stated that:

"Courts summons may be issued by prosecutors' offices or judges from a variety of courts including those in the Revolutionary and General Criminal Courts (*Dadgah-ha-ye Enghlab va 'Omomi dar Omour-e Keyfari*); Civil (*Dadgah-ha-ye 'Omomi*); specialised courts, including those for government employees, family courts; military tribunals and so forth and special courts, notably the Special Court for the Clergy.

"Prosecutors and judges may, in Amnesty International's experience, issue court summons for a variety of reasons, including questioning, to take part in an investigation (whether as suspect or witness); to take part in a trial (whether as suspect or witness), to deal with bail or for attendance in court for the delivery or enforcement of a verdict.

"Judges responsible for implementing a verdict (*Qazi-ye Ejra*) may issue summons in order that those convicted report for the allocated punishment, notably to start prison terms.

"A summons may be sent by post, but it is more usually delivered by court bailiffs, sometimes also called 'sheriffs' in Persian *zabeteyn*. Individuals may also be brought to court in the absence of a summons, under duress, including by plain-clothed officials (called in Persian *lebas shakhsi*), though Amnesty International is not aware of the agency affiliation of such officials, nor whether they have any such formal affiliation. It is impossible to judge the frequency of the latter.

"If summons here is also meant to mean a 'notice of conviction,' this could be in reference to a summons from the implementation, or Ejra section of the Prosecutors Office." **[2a]**

11.45 The same IRBC response also noted that:

"Amnesty International points out that despite the existence of laws requiring that court or other judicial officials write up and issue judicial documents to those affected by such documents (those putting up forms of bail; witnesses, suspects, lawyers, other judicial officials), such documentation may not, be produced and those affected may ultimately be ignorant of decisions taken, by virtue of not having been informed." **[2a]**

Arrest warrants

11.46 The Danish FFM report of September 2000 also observed that Public Courts have the power to issue arrest warrants in all types of cases unless the case in question falls under the jurisdiction of the Revolutionary Court. The report noted that the process was as follows: arrest warrant is sent by the Public Court to the relevant police station, which is responsible for arresting the person concerned. The arrest warrant is shown to the person under arrest but not served. It is subsequently returned to the issuing court. Forms used for issuing arrest warrants are printed at a special government printing house. The form is completed by hand and contains the following information about the person under arrest:

- First name and surname
- Address
- Occupation
- Father's name
- ID-card number **[86c] (p23)** (however the APCI Report 2008 observed that arrest warrants do not contain details of an ID card) **[6a] (p19-20)**

11.47 Once it has been completed, the form is stamped and signed by the court. Only one arrestee can be covered by the form. The reason for the issuing of the arrest warrant is not normally stated. (Danish Fact-Finding Mission, September 2000) **[86c] (p23)**

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

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

11.49 A report from the CIRB, dated 20 June 2006, stated that:

"Correspondence with Sabi and Associates, a law firm specializing in Iranian law, located in London, England, yielded the following information:

"In most circumstances the office of the court issues court documents, such as summons [es] and other relevant notices. Arrest warrants have to be signed by the judge. Also, any judgment of the court resulting in the conviction of the accused should also be signed by the judge himself. Otherwise (unless there is a specific provision), the court officer (normally an unqualified clerk) will sign the notices. The notices are served through the service department of the Ministry of Justice and through a bailiff. The bailiff is employed by the government and there are no private process servers, whether in commercial or criminal proceedings. Even in commercial cases, all the documentation and notices have to be served through the service department of the Ministry of Justice.

"A warrant for arrest should be served on the accused at his last known address. If the address is unknown or the accused cannot be found at his last known address, then the proper service would take place through publication of the warrant in a widely circulated newspaper or a local newspaper where the accused resides. The members of the family cannot be served instead of the accused unless they acknowledge that they are aware of the whereabouts of the accused and they will undertake to deliver the notice/summons to the accused. In principal, [sic] in criminal cases, the substituted service through members of the family is not acceptable. If the accused cannot be found, the arrest warrant would be passed on to law enforcement officers to arrest the accused whenever and wherever he is found." **[2ad] (p1)**

11.50 A response by the Immigration and Refugee Board of Canada dated 6 May 2009 quoted information provided in correspondence dated December 2008 from a lawyer with a legal firm in London who left Iran in 1979 but has kept in touch with events in Iran "through contacts with colleagues and associates." The lawyer stated that:

"In accordance with Article 34 of the Criminal Procedure Code (CPC), the examining magistrate (acting effectively as prosecutor or district attorney) when handling a criminal case, may at any time during the investigation issue a warrant of arrest of the accused. The warrant of arrest shall be submitted to a judge within 24 hours and subject to the approval of the judge, a temporary order for arrest of the accused will be issued. (ibid.)

"The order of temporary arrest is subject to approval of the head of the judicial division of the relevant district (Article 33) and is appealable to the Court of Appeal within 10 days from its issuance. The Court of Appeal is required to immediately consider the objections of the accused and shall rule thereon within one month from the date of arrest of the accused. (ibid.)

"Further, the law enforcement officers (includes the police, Government militia, the army and gendarmerie) are entitled to arrest anyone [who commits] a crime (Article 21). (ibid.)

"... it is well known that the agents of the Ministry of Information (the secret service) have detained many individuals without going through the process that is set out in the CPC. In a particular case that [the attorney] was personally involved, [he] noticed that many months after their arrest, a number of the accused were forced to sign statements that they [had] received temporary arrest warrants on a monthly basis and acknowledged

receipt thereof. Some of the detainees ... [were] released without being charged and without any record of their arrest. (ibid.)" **[2a]**

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

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Reporting

11.51 The Danish Immigration Service Report 2009 stated that:

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

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

AMPUTATION

11.52 The April 2009 FIDH report stated that: "Under the law, the punishment for [theft for] the first time is amputation of four fingers of the right hand and for the second time amputation of the left foot." **[56i] (p12)** The same report added that "first amputation of the right hand and then of the left foot" is a possible punishment for anybody convicted of being *mohareb* or *mofsed-e fel-arz* [anybody who takes up arms to create fear and to divest people of their freedom and security, Iranian Penal Code Article 183]. **[56i] (p12)**

11.53 A report from Radio Free Europe/Radio Liberty (RFE/RL), dated 7 January 2008, stated that:

"Five convicted criminals in southeastern Iran have received the seldom-used form of punishment of amputation. The amputation sentences were carried out in Zahedan, the capital of Iran's southeastern Sistan-Baluchistan Province. The five men were found guilty of armed robbery, hostage taking, and firing at police, though officially they were convicted of 'acting against God' and 'corruption upon this Earth.' Amputation as a punishment is legal in Iran, but there have been no reports of it being used for several years." **[42aa]**

11.54 The Amnesty International *Report 2010: the state of the world's human rights: Iran* (AI Report 2010) covering events in 2009 and published on 27 May 2010, noted that "Sentences of flogging and judicial amputation were imposed and carried out." **[9a] (p175)**

11.55 On 12 November 2009, Amnesty International expressed concern:

"…at a call reportedly made by Asghar Jafari, head of Iran's Police Criminal Investigation department, for a greater reliance on Islamic punishments, especially the amputation of the hands of thieves.

"According to the report carried by the Iranian Labour News Agency on 8 November, Asghar Jafari claimed that if such punishments were implemented, crime could be reduced by 90%, though he produced no evidence to support this assertion…The last amputation recorded by the organization in Iran took place in Kermanshah, western Iran in December 2008." **[9q]**

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12. ARREST AND DETENTION – LEGAL RIGHTS

12.01 The US State Department *Country Report on Human Rights Practices 2009*, Iran, released on 11 March 2010, (USSD Report 2009) stated that:

"The constitution and penal code require a warrant or subpoena for an arrest and state that an arrested person must be informed of charges within 24 hours. Authorities rarely followed these procedures in practice. Authorities held detainees, at times incommunicado, often for weeks or months without charge or trial, frequently denying them prompt contact with family or timely access to legal representation. In practice there was neither a time limit for detention nor judicial means to determine the legality of the detention. According to the law, the state is obligated to provide indigent defendants with attorneys only for certain types of crimes. The courts set prohibitively high bail, even for lesser crimes, and in many cases courts did not set bail. Authorities often compelled detainees and their families to submit property deeds to post bail. Prisoners released on bail did not always know how long their property would be retained or when their trials would be held.

"The intelligence arm of the IRGC reportedly conducted arrests during the year. Additionally, security forces executed general warrants to arrest protesters or those perceived as opponents of the government. The use of these general warrants precluded the need for individual warrants." **[4c] (Section 1d)**

12.02 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated:

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

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

"Arrests are often carried out by plain-clothed individuals with no identification and sometimes no formal training. Iran's Code of Criminal Procedures empowers the police and the non-uniformed Basij and Revolutionary Guards to make arrests. Iran's Supreme National Security Council may also empower other bodies or agencies to do so as well, although the basis and mechanism is not clear in the law and there appears to be no requirement for the authorities to inform the public as to what bodies have been granted arresting and detaining powers. For example, Ministry of Intelligence personnel do not appear in law to have the power of arrest but under these provisions they may well have been given it.

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

See Security forces and Arbitrary arrest and detention for abuses of the legal process. See also Judiciary subsections on Fair trial and Court documentation (for information about bail, summonses and arrest warrants) and Prison conditions

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13. PRISON CONDITIONS

13.01 The International Centre for Prison Studies', *Prison Brief for Iran,* updated on 17 June 2010, reported that the prison population, including pre-trial detainees and remand prisoners, was "166,979 at 1.1.2010 (national prison administration)." **[87a]**

13.02 The US State Department *Country Report on Human Rights Practices 2009*, Iran, released on 11 March 2010, (USSD Report 2009) stated:

"Prison conditions were poor. Many prisoners were held in solitary confinement or were denied adequate food or medical care as a way to force confessions. Overcrowding was a significant problem. Numerous

prisoners complained that authorities intentionally exposed them to extreme cold for prolonged periods and said they lacked access to medical care in prison.

"On February 6 [2009], Amir Hossein Heshmat Saran, a political prisoner in Karaj, died under suspicious circumstances. In an interview with the media, his lawyer claimed his death was the result of poor prison conditions, specifically insufficient medical care. The medical specialist who treated Saran told Saran's wife her husband had a brain hemorrhage and a lung infection that had spread throughout his body. Saran was serving an eight-year sentence imposed in 2004 for establishing the United National Front political party.

"On March 18, blogger Omid Reza Mirsayafi died in Evin Prison, reportedly due to an overdose of sedatives; the ICHRI alleged neglect.

"On November 8, a domestic human rights Web site reported that political prisoner Mansour Radpour was suffering from severe gastric and kidney ailments and had been denied medical treatment in Ward 4 of Gohardasht Prison near Karaj. In 2007 Radpour was convicted of supporting terrorist organization Mujahadeen-e-Khalq (MEK) and sentenced to three years' imprisonment.

"At the end of July [2009], Supreme Leader Khamenei ordered Kahrizak Prison closed after detainees alleged abuse and inhumane conditions. The prisoners were transferred to Evin Prison.

"In September 2008 the UK-based International Center for Prison Studies reported that more than 150,000 prisoners in the country occupied facilities constructed to hold no more than 65,000 persons. Human rights activists and international media reported cases of political prisoners confined with violent felons. There were also reports of juvenile offenders detained with adult offenders. Pretrial detainees occasionally were held with convicted prisoners.

"The government did not permit independent monitoring of prison conditions by any outside groups, including UN groups or special rapporteurs. On July 28 [2009], a parliamentary committee visited Evin Prison to investigate conditions. At year's end its report had not been published." **[4c] (Section 1c)**

13.03 The USSD Report 2009 added:

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

"The government imprisoned minority activists… Kurdish human rights organizations reported that 16 Kurdish political prisoners faced execution at year's end. The government also reportedly held some persons in prison for years under charges of sympathizing with outlawed groups such as the MEK. " **[4c] (Section 1e)**

13.04 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:

"The Working Group on Arbitrary Detention, during its visit from 15 to 27 February 2003, noted the widespread use of solitary confinement and 'incommunicado' imprisonment for its own sake, not for traditional disciplinary purposes (E/CN.4/2004/3/Add.2 and Corr.1, para. 54). However, the Iranian authorities informed OHCHR that such imprisonment was allowed only in exceptional cases and was limited to very serious crimes, such as murder and espionage, in accordance with the Code of Penal Procedures. The duration of solitary confinement has been reduced from one month to 20 days." **[10a] (p8-9)**

13.05 The Freedom House report, *Freedom in the World 2010: Iran*, released on 7 May 2010, stated:

"Suspected dissidents are frequently held in unofficial, illegal detention centers, and allegations of torture are common there and in Tehran's infamous Evin prison. A 2004 law banned torture in interrogations, but reports of the practice persisted in 2009, particularly for political prisoners arrested after the June presidential election. Prison conditions in general are notoriously poor, and there are regular allegations of abuse and death in custody. Male and female detainees alleged rape by security forces in the second half of 2009; after reformist presidential candidate Mehdi Karroubi released a detainee's first-hand account of rape on his website, prosecutors initiated a case against him. The rape claims were reinforced when a former member of the Basij confessed that security personnel were permitted to rape detainees as a 'reward' for their work." **[112h]**

13.06 The International Federation for Human Rights (FIDH) report *Iran/Death Penalty: a State Terror Policy*, dated 28 April 2009, stated that death in custody remains a very serious cause for concern in Iran. **[56i] (p5)**

13.07 Amnesty International reported on 7 August 2009 that "Typically, people accused of drugs offences or other serious crimes are held for long periods in pre-trial detention, routinely ill-treated, and allowed access to a lawyer only at the point where they go on trial, if at all." **[9j]**

13.08 A Reuters' news report of 10 September 2009 stated that many of the people arrested during the opposition protests following the June presidential election were held in Kahrizak prison. "At least three people died in custody there and widespread anger erupted as reports of abuse in the jail spread." **[5a]**

13.09 The Amnesty International *Report 2010: the state of the world's human rights: Iran* (AI Report 2010) covering events in 2009 and published on 27 May 2010 also noted that, following the crackdown by the authorities after the presidential election in June 2009:

"Some detainees were taken to the Kahrizak detention centre, south of Tehran, where they were tortured and otherwise ill-treated. Kahrizak quickly became so notorious for abuse that the Supreme Leader ordered its closure in July [2009]. By the end of the year, 12 officials were facing trial before a military court for abuses, including three for murder.

"Compelling evidence emerged that a number of detainees, both women and men, had been raped and otherwise tortured in detention, but instead o investigating allegations thoroughly, the authorities were quick to deny them and then harassed the victims and closed the offices of a committee collecting victims' testimonies." **[9a] (p173-174)**

See Latest News for further information on the officials facing trial in connection with the abuses at Kahrizak detention centre.

13.10 On 21 September 2009 Human Rights Watch reported that:

"The International Campaign for Human Rights in Iran and Human Rights Watch said the government is covering up deaths in detention by forcing families to claim their loved ones died of natural causes. Both organizations have collected accounts from victims' families that government agents have exerted tremendous pressure on them not to publicize the deaths of their children." **[8g]**

13.11 The same HRW report also noted that on September 8 2009, "…authorities shut the office of the Association to Defend Prisoners Rights, a nongovernmental organization founded by leading human rights defender Emad Baghi." **[8g]**

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

13.13 On 6 November 2009, Human Rights Watch called for Iran's judiciary to

"…immediately investigate cases of sexual assaults in prison and prosecute those responsible, instead of covering up these crimes. Human Rights Watch has documented three cases of sexual assault in Iranian prisons on persons arrested since the disputed June 12, 2009 presidential election. In the most recent case, the medical examiner's office confirmed that multiple injuries suffered in prison by Ebrahim Mehtari, a young activist, resulted from torture and mistreatment consistent with his allegations of sexual abuse. But Judiciary authorities refused to conduct further investigations and instead told Mehtari and his family that there would be severe consequences if they talked about the abuse he suffered." **[8m]**

The International Campaign for Human Rights in Iran (ICHRI) website includes detailed information on individuals imprisoned in Iran and the conditions under which they are detained.

See also Latest news, Political affiliation and Security forces, subsections on Arbitrary arrest and detention and Torture

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14. DEATH PENALTY

For information on the penal code and interpretation and impletation of the law, see Judiciary, subsection Penal code above.

14.01 The Foreign Policy Centre report, *From Cradle to Coffin: A Report on Child Executions in Iran*, published on 30 June 2009 stated that "The Islamic Republic of Iran executes more persons, per capita, than any other nation in the world, placing second only to China in the total number of executions." **[49a]** The Freedom House Report *Freedom in the World: Iran 2010*, published on 7 May 2010 noted that: "Iran's overall execution rate has increased by nearly 300 percent under [President] Ahmadinejad." **[112h]**

14.02 A report from the Canadian Immigration and Refugee Board (CIRB), dated 20 June 2006, stated that:

"Correspondence with Sabi and Associates, a law firm specializing in Iranian law, located in London, England, yielded the following information:

"The competent authority to issue a death sentence is the public court (which now includes revolutionary courts) within whose jurisdiction the offence has occurred. Generally, the decisions of the public courts are final, except in cases where, among others, [the] decisions or convictions [are for] crimes which carry capital punishment." **[2ad] (p1)**

14.03 On 27 January 2010, the Foreign and Commonwealth Office advised that:

"Nobody can officially and/or precisely say how long it takes for a murder case to be closed by the judicial system, due to the complexity and uniqueness of each individual case. In general, for murder cases, there are many aspects to be considered by various relevant institutions i.e. the police's specialized units, Forensic Medicine Organization, and Penal Courts (including First Instant and Appeal and Supreme Court).

"After exhaustion of the entire routine judicial process for penal cases, regarding murder cases with qesas (execution) punishment, the Judgement Enforcement Department needs to ask for the authorization of the Head of the Judiciary (Estizaan) to proceed with the execution/qesaas. This final filter at the Head of Judiciary's level may

a) send the case back to the first stage i.e. first instant court to review the case from the beginning; or
b) send the case to Dispute Settlement Councils at provincial level to try and settle the case before carrying out the execution.

"An exception in this regard is the cases of juveniles in conflict with the law who have been accused of committing an act against national security. In that case, applying special mechanisms, a case may start and be finalized in a month." **[26b]**

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

"A wide range of offences are punishable by death in Iran, ranging from a number of sexual offences (e.g. fornication, adultery, sodomy, lesbianism, incest, rape) to drinking, theft, drug trafficking, murder, and certain other offences (e.g. apostasy and cursing the prophet), 'waging war' on people/God and 'corruption on earth' - offences that may extend from armed robbery to political opposition or espionage. A number of economic offences are also punishable by death." **[56i]**

14.05 The Human Rights Watch report *Ending the Juvenile Death Penalty in Iran, Saudi Arabia, Sudan, Pakistan, and Yemen*, dated 10 September 2008, stated:

"Iran retains the death penalty for a large number of offenses, among them cursing the Prophet, certain drug offenses, murder, and certain hadd crimes, including adultery, incest, rape, fornication, drinking alcohol, 'sodomy', same-sex sexual conduct between men without penetration, lesbianism, 'being at enmity with God' (*mohareb*), and 'corruption on earth' (*mofsed fil arz*)." **[8c] (p8)**

14.06 A footnote in the above report added:

"The vaguely defined crimes of 'enmity with God' and 'corruption on earth' include but are not limited to 'resorting to arms to cause terror, fear or to breach public security and freedom', armed robbery, highway robbery, membership of or support for an organization, that seeks to overthrow the Islamic Republic; and plotting to overthrow the Islamic Republic by procuring arms for this purpose. Islamic Penal Code, arts. 81, 126 133, 183." **[8c] (p8 fn)**

14.07 The UN Secretary-General's report of 23 September 2009 elaborated on the crimes for which the death penalty may be imposed:

"In the Islamic Republic of Iran, the death penalty is imposed for certain hudud [hodood] crimes, including adultery, incest, rape, fornication for the fourth time by an unmarried person, drinking alcohol for the third time, sodomy, sexual conduct between men without penetration for the fourth time, lesbianism for the fourth time, fornication by a non-Muslim man with a Muslim woman and false accusation of adultery or sodomy for a fourth time. Furthermore, the death penalty can be applied for the crimes of enmity with God (mohareb) and corruption on earth (mofsed filarz) as one of four possible punishments. Under the category of ta'zir crimes, the death penalty can be imposed for 'cursing the Prophet' (article 513 of the Penal Code). The death penalty can also be applied to such crimes as the smuggling or trafficking of drugs, murder, espionage and crimes against national security." **[10g] (p10)**

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

stoning was used in at least two cases in 2008 and one in 2009, while shooting was used in at least one case. There was also a case in which the condemned were sentenced to be thrown off a cliff in a sack." **[119a]**

14.09 Amnesty International's *Annual Report 2009*, covering events in 2008, released in May 2009, observed that:

"Executions were carried out for a wide range of offences, including murder, rape, drug smuggling and corruption… The authorities sought to justify executions for murder on the grounds that they were qesas (retribution), rather than 'edam (execution), a distinction not recognized by international human rights law. In January, new legislation prescribed the death penalty or flogging for producing pornographic videos...

"In December, Iran voted against a UN General Assembly resolution calling for a moratorium on executions." **[9h]**

14.10 The Foreign and Commonwealth Office's *Annual Report on Human Rights 2009,* released 26 March 2010, stated:

"Executions in Iran have increased year on year since 2004. Iran executes more people per capita than any other country. An estimated 318 people were put to death in 2009, over 100 of whom were executed in the weeks immediately following the elections. Many basic minimum standards surrounding the application of capital punishment are absent, with prisoners often executed in groups, in public or by inhumane methods, such as stoning. We were deeply shocked to learn of the stoning to death of Vali Azad in March [2009], sentenced to death on charges of adultery. The UK is concerned that many death sentences are imposed as a result of trials which do not ensure the rights of the accused. Three men, reportedly members of the People's Resistance Movement of Iran (PRMI) were hanged in public in Zahedan on May 30, less than 48 hours after an explosion in a mosque, which the UK condemned. The men were in detention at the time of the bombing; however, officials said they had 'confessed' to bringing explosives into the country. Thirteen other reported PRMI members were hanged on 14 July." **[26c] (p115-116)**

See also section on People's Resistance Movement of Iran (PRMI)

14.11 The USSD Report 2009 stated that: "According to international press reports, authorities executed approximately 250 individuals [up from approximately 240 in 2008 **[4a] (Section 1a)**] during the year [2009] after trials that were conducted in secret or that did not adhere to basic principles of due process." **[4c] (Section 1a)** The Amnesty International report *Death sentences and executions in 2009*, published on 30 March 2010, however, reported a higher number of executions, stating that: "Amnesty International recorded 388 executions in Iran [up from an estimated 346 in 2008 **[9h]**]. Only China executes more people. Iran does not release official statistics on executions, and the true figure is likely to be higher." **[9u] (p18)**

14.12 The same AI report continued:

"At least 14 executions took place in public. In one eight-week period between the presidential election on 12 June [2009] and the inauguration of Mahmoud Ahmadinejad for a second term as President on 5 August,

Amnesty International recorded 112 executions; by contrast, in the five and a half months between 1 January and 12 June [2009], at least 196 executions had taken place.

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

"Those executed included five juvenile offenders – people under the age of 18 at the time of their alleged offence. Such executions are a violation of international law and, globally, have become increasingly rare in recent years as states reject the judicial killing of juvenile offenders – banned under the UN Convention of the Rights of the Child (to which Iran is a party). One of those executed was Delara Darabi, a 22-year-old woman convicted of a crime she allegedly committed when aged 17. She was hanged on 1 May despite having been given a two-month stay of execution by the Head of the Judiciary on 19 April.

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

14.13 The USSD 2009 Report noted that:

"Exiles and human rights monitors alleged that many persons supposedly executed for criminal offenses such as narcotics trafficking were actually political dissidents. The law criminalizes dissent and applies the death penalty to offenses such as apostasy (conversion from Islam), 'attempts against the security of the state, 'outrage against high-ranking officials,' 'enemy of god,' and 'insults against the memory of Imam Khomeini and against the supreme leader of the Islamic Republic.' Public executions continued throughout the year; AI reported that the government executed at least 14 persons in public during the year." **[4c] (Section 1a)**

14.14 The Hands Off Cain 2009 World Report, published on 5 July 2009, stated: "There are many drug-related executions in Iran, but in the opinion of human rights observers, many of those executed for common crimes, especially drug-related crimes, are actually political executions. In the name of the war on drugs, there were at least 87 executions in 2008. On July 4, 2009, Iran hanged 20 drug traffickers in a prison in the city of Karaj west of Tehran." **[119a]**

14.15 On 7 August 2009, Amnesty International reported that, during the eight week period from the date of the Presidential election, 12 June 2009 to the date of President Ahmadinajad's inauguration on 5 August, they had recorded an "alarming spike" in the number of executions being carried out by the Iranian authorities, with 115 executions being recorded. **[9j]**

14.16 The International Federation for Human Rights (FIDH) report *Iran/death penalty, A state terror policy*, published on 16 March 2010, reported that following the disputed June 2009 elections: "For the first time, some people were charged with *moharebeh* [fighting God] for having taken part in protests against fraud in elections." **[56e]**

14.17 The FIDH report of 16 March 2010 continued:

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

"The Iranian judiciary and the legislators of the applicable IPC [Islamic Penal Code] have narrowly interpreted the Shiite *sharia* to apply the concepts of *moharebeh* and *mofsed fel-arz* to certain opponents of the government. *Moharebeh* is an Arabic term that literally means 'fighting'; hence a *mohareb* is a fighter or warrior. Under the conventional sharia provisions as well as the IPC, strictly speaking, a *mohareb* is somebody who uses arms to terrorise the people. The IPC even stipulates that a person who fails to create fear by using arms is **not** a *mohareb* (Article 183). The *sharia* provisions have thus been overstretched to apply those concepts to members and supporters of political groups that have waged armed uprising against the Islamic government, even though they personally may not have used arms." **[56e]**

14.18 On 27 October 2009, the UN Special Rapporteur on summary or arbitrary executions gave a press conference: "On Iran, he said that the death sentences received by three people who had protested election results contravened the Covenant on Civil and Political Rights, to which Iran was party, and violated international law, which forbade execution for crimes that did not involve killings." **[10l]**

14.19 The FIDH reported on 20 May 2010 that the Tehran prosecutor had announced that the death sentences received by three post-election protesters charged with "moharebeh" (fighting God) had been upheld by the appeal courts. "In all, he said, 217 sentences against post-election protesters have been confirmed by the appeal courts." **[56b]**

14.20 On 10 May 2010 Agence France Presse reported that the hanging of "five militants" in Tehran's Evin prison the previous day raised the number of people executed in Iran during 2010 to "at least 61". **[14a]**

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

See also Penal Code and Death penalty for children

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STONING

14.21 The practice of stoning involves throwing stones at the convicted individual, who is buried up to the waist (if he is a man) or up to the chest (if she is a woman), until the individual dies from impact of the blows. (HRW, 6 February 2008) **[8ah]**

14.22 The FIDH report *Iran/Death Penalty: a State Terror Policy*, dated 28 April 2009, (FIDH Report 2009) added:

"In practice, the conditions set out for stoning are very detailed. Article 102 provides that 'men shall be buried in a pit up to vicinity of the waist and women up to the chest in order to be stoned.' Both hands of the condemned are also placed under the earth. And Article 104 determines the size of the stones: 'The stones used for stoning shall not be too large to kill the condemned by one or two throws and not too small to be called a stone'." **[56i]**

14.23 A FIDH Briefing Note dated 18 March 2009, noted: "In the draft Penal Code presented by the government to the Majlis, stoning and other corporal punishments are maintained." **[56h]**

14.24 The AI report *Death sentences and executions in 2009*, published 30 March 2010, noted that:

"Despite a 2002 judicial directive imposing a moratorium on executions by stoning, and an announcement in August 2008 by a spokesperson for the judiciary that this form of execution had been suspended, at least five men and one woman have been stoned to death since 2002. In January 2009 a spokesperson for the judiciary confirmed that executions by stoning had taken place in December 2008 and said that the directive on the moratorium had no legal weight and that judges could ignore it

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

14.25 On 13 November 2009, Amnesty International reported that a man and a woman who had been sentenced to death by stoning in 2005/6 were released from Esfahan Central prison in Esfahan on 4 October, after their convictions for "adultery while being married" were quashed by the Head of the Judiciary. **[9k]**

14.26 The AI report dated 30 March 2010, however, reported on another man and woman convicted of "adultery while being married":

"Rahim Mohammadi was hanged on 5 October after being convicted of 'sodomy'. The Iranian authorities did not inform his lawyer that he was about to be executed, and it appeared that his wife, Kobra Babaei, was at risk of being executed by stoning to death. However, the sentence had not been carried out by the end of 2009. They were both convicted of 'adultery while being married', which carries a mandatory sentence of execution by stoning but Rahim Mohammadi was also convicted of 'sodomy', for which the penalty is also execution, with the method used being determined by the trial judge. The couple's lawyer publicly expressed his view that Rahim Mohammadi had been charged and convicted of 'sodomy' solely so that he could be hanged rather than stoned to death." **[9u] (p20)**

14.27 The same AI report also noted that: "At least seven other women and three men are also threatened with execution by stoning after being convicted of 'adultery while being married'." **[9u] (p20)**

14.28 On 30 June 2010, Hands off Cain reported that Sakineh Mohamamadi Ashtiani, a 43-year-old mother of two, had been sentenced to death by stoning in the northwestern Iranian city of Tabriz. She "… was sent to jail

after being sentenced to 99 lashes for having 'illicit relationships'. 'She was then tried for murder and found guilty, and the sentence of death by stoning imposed,' the Jerusalem Post reported." **[119b]**

See also Latest News for further information on this case; also, Women: Adultery, Judicary, Penal code and Law on apostasy

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15. POLITICAL AFFILIATION

The section should be read in conjunction with Latest news, Recent developments, Freedom of speech and media and Human Rights Institutions, organisations and activists. Information about human rights violations committed generally by government agencies can be found in the section on Security forces.

FREEDOM OF POLITICAL EXPRESSION

15.01 Jane's *Sentinel Country Risk Assessment*, Iran, Internal affairs, updated 30 April 2009, stated that:

"Article 26 of the Iranian constitution permits the 'formation of parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the recognised religious minorities ... provided they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic'. A 1981 law on political parties specified what a political party is and defined the conditions under which it could operate, and it made the formation of a party dependent on getting a permit from the Ministry of the Interior." **[61f]**

15.02 The Freedom House report. *Freedom in the World 2010: Iran* (FH Report 2010) noted that: "The constitution permits the establishment of political parties, professional syndicates, and other civic organizations, provided that they do not violate the principles of 'freedom, sovereignty, and national unity' or question the Islamic basis of the republic." **[112h]**

15.03 The USSD Background Note of September 2009 stated that suffrage is universal at 18. **[4u] (Government)**

15.04 The US State Department *Country Report on Human Rights Practices 2009*, released on 11 March 2010, (USSD Report 2009), noted:

"The constitution provides citizens the right to change peacefully the president and the parliament through free and fair elections, but the authority of unelected representatives over the election process severely abridged this right in practice. The Assembly of Experts elects the supreme leader, the recognized head of state, who may be removed only by a vote of the assembly. The supreme leader exercises influence over the government appointments of the 12 clerics and religious jurists who make up the Guardian Council. The Guardian Council then approves the list of candidates for the Assembly of Experts, whose 86 members must also be clerics, who serve eight-year terms and are chosen by popular vote. There was no separation of state and religion, and clerical influence pervaded the

government. The supreme leader also approved the candidacy of presidential candidates." **[4c] (Section 3)**

Events during and after the 2009 Presidential elections

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

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

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

15.06 The FH Report 2010, published on 7 May 2010, stated that:

"Despite crackdowns on human and women's rights activists and restrictions on internet freedom in the months prior to the June 2009 presidential election, supporters of all candidates seemed to enjoy a relatively relaxed and politically vibrant atmosphere… Despite polls that indicated a close race, Ahmadinejad was declared the winner soon after the election, credited with over 63 percent of the vote. Mousavi officially received only 33.75 percent, while Rezai and Karroubi reportedly garnered 1.73 percent and 0.85 percent, respectively. All three challengers lodged claims of fraud, and subsequent findings by independent analysts reinforced suspicions that irregularities had occurred. According to official data, the conservative vote increased by 113 percent compared with the 2005 election, and several provinces registered more votes than the number of eligible voters. In 10 provinces won by Ahmadinejad, his victory was only possible if he had secured the votes of all former nonvoters and all those who had voted for his main conservative opponent in 2005, as well as up to 44 percent of those who had previously voted for reformist candidates.

"Protests broke out on a massive scale as voters rejected the official results. In a rare show of defiance, high-profile political figures publicly broke with Khamenei's validation of the election, with Khatami going so far as to publicly call for a referendum on the government's legitimacy. The security forces violently cracked down on all public expressions of dissent and tightened government control of both online and traditional media, but protesters continued to mount periodic demonstrations for the rest of the year, using mobile-telephone cameras and the internet to document abuses and communicate with the outside world." **[112h]**

15.07 The AI Report 2010, commenting on the post-election unrest, stated that:

"Security forces, notably the paramilitary Basij, were deployed to suppress the protests by force, particularly after the Supreme Leader ordered an end

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

15.08 AI reported in an article titled *Student activist detained without charge* dated 15 March 2010 that:

"Since the disputed presidential election in June 2009, over 5,000 people have been arrested, including over 1,000 during and following the mass demonstrations on Ashoura on 27 December [2009]. Those detained include political figures and political activists, students, human rights defenders and journalists. Many have been tried in grossly unfair trials, resulting in long prison term sentences and some sentences of flogging. At least 13 individuals have been sentenced to death, of whom two have been executed and three have had their sentences commuted to prison terms." **[9g]**

15.09 The AI Report 2010, published on 27 May 2010, noted that at the time their report was written more than 80 of those arrested had been convicted and sentenced to prison terms of up to 15 years. **[9a]**

15.10 The Human Rights Watch report *The Islamic Republic at 31*, published on 11 February 2010 concluded that:

"Nearly 9 months after the disputed election, the government has not acted to investigate and hold accountable those responsible for ordering or carrying out these serious human rights abuses. Instead, authorities continue their campaigns of intimidating, arresting, and convicting individuals for peacefully exercising their opposition to the government and protesting its policies." **[8l] (p18)**

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

"The vast majority of the well-over 5,000 arrested since June 2009 have been ordinary citizens – women and men, workers and the unemployed, students and professionals – who went out into the streets to protest against the announced election result, or against human rights violations that occurred. Most were released after days or weeks, but some were held for months. Some still languish in the harsh conditions prevalent in most of Iran's prisons, particularly in the provinces. These are the 'nameless' prisoners (*gomnam*) – the lesserknown people whose cases have not garnered much media attention…

"Those targeted for arrest have included political and human rights activists, journalists, women's rights defenders and students. As time has progressed, new groups have been brought into the fold of suspicion, including clerics, academics, former political prisoners and their relatives, people with family

links to banned groups, members of Iran's ethnic and religious minorities − particularly the Baha'is, but also other minorities such as Christians, Dervishes, Azerbaijanis, Sunni Muslims (who are mostly Baluch and Kurds), and lawyers who have defended political detainees." **[9o] (p9)**

This AI report includes detailed examples of individuals targetted by the Iranian authorities and may be consulted directly for further information.

See also Latest news, Recent developments, Freedom of association and assembly, Arbitrary arrest and detention, Human rights institutions, organisations and activists, and Freedom of speech and media.

Political dissidents outside Iran

15.12 Demonstrations against the June 2009 presidential election results also occurred beyond Iran. A *Times* article dated 11 July 2009 reported that there had been protests outside the Iranian Embassy in London. The article observed:

"From the rooftop of the Iranian Embassy in London an unmanned video camera records the faces of the angry crowd gathered in Knightsbridge, emboldened by their fury over what they believe was a rigged election. A Metropolitan police officer who has been patrolling the demonstrations since they began three days after the close of polls in mid June, told The Times: 'They're filming quite a lot. Any intelligent person would assume they're sending the footage back to Iran.'" **[15d]**

15.13 The *Times* article also reported that many of the demonstrators in London had covered or disguised their faces with sunglasses, hats, wigs and paint to avoid being recognised in Iran. In addition "Local activists are developing fresh ways of dodging the regime's dissent radar by developing secret communication methods with their counterparts back home. Their greatest weapon has been cyberspace, despite the Iranian Government's attempt to monitor websites and personal e-mails." **[15d]**

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

"In recent months, Iran has been conducting a campaign of harassing and intimidating members of its diaspora world-wide - not just prominent dissidents - who criticize the regime, according to former Iranian lawmakers and former members of Iran's elite security force, the Revolutionary Guard, with knowledge of the program. Part of the effort involves tracking the Facebook, Twitter and YouTube activity of Iranians around the world, and identifying them at opposition protests abroad, these people say.

" Interviews with roughly 90 ordinary Iranians abroad -- college students, housewives, doctors, lawyers, businesspeople -- in New York, London, Dubai, Sweden, Los Angeles and other places indicate that people who criticize Iran's regime online or in public demonstrations are facing threats intended to silence them. Although it wasn't possible to independently verify their claims, interviewees provided consistently similar descriptions of harassment techniques world-wide…

"Dozens of individuals in the U.S. and Europe who criticized Iran on Facebook or Twitter said their relatives back in Iran were questioned or temporarily detained because of their postings. About three dozen individuals interviewed said that, when traveling this summer back to Iran, they were questioned about whether they hold a foreign passport, whether they possess Facebook accounts and why they were visiting Iran. The questioning, they said, took place at passport control upon their arrival at Tehran's Imam Khomeini International Airport.

"Five interviewees who traveled to Iran in recent months said they were forced by police at Tehran's airport to log in to their Facebook accounts. Several reported having their passports confiscated because of harsh criticism they had posted online about the way the Iranian government had handled its controversial elections earlier this year [June 2009]." **[91]**

15.15 On 4 January 2010, Christian Science Monitor (CSM) reported that, following the Ashura demonstrations on 27 December 2009, the Iranian law enforcement authorities had published photographs of around 165 anti-regime protesters on the pro-Ahmadinejad Raja News web site, asking readers to assist them in identifying the individuals. The CSM report further stated:

"While Britain and the US possess advanced facial recognition-enabled CCTV networks that allow for the automatic identification and tracking of suspects, Iran is not known to have acquired such an ability.

"Shoddy file-keeping and other security practices at the intelligence ministry were corroborated by a Dubai-based activist who was detained during the summer in one of the post-election demonstrations. His worries that a previous detention would lead to harsher punishment dissipated after he realized that, even assuming his prior stint had been registered, poor information-sharing between different intelligence branches still shielded him from discovery. Last month, he successfully tested this theory when he returned to Iran to participate in demonstrations timed for Ashura and entered and exited the country unhindered." **[68b]**

15.16 The author of the above CSM article reported that when he had been held in Tehran's Evin prison for three weeks in the summer of 2009, "…he was pressured to name antiregime demonstrators and witnessed intelligence officials using marker pens to circle recurring faces in freshly-printed images shot by intelligence ministry-subsidized photographers at demonstrations." **[68b]**

15.17 On 7 February 2010, the International Campaign for Human Rights in Iran (ICHRI) reported that "Authorities at Imam Khomeini International Airport in Tehran have been collecting photographs of Iranians in protest gatherings outside the country." The ICHRI stated that they had been informed by several people returning from Imam Khomeini Airport in Tehran, that before departure, their faces had been checked against photographs of people participating in rallies in the countries to which they were going. "According to an eye witness, Islamic Republic authorities send individuals into different gatherings outside Iran to take photographs of participants and to turn them into the Iranian authorities."

See also Recent developments, Arbitrary arrest and detention and Freedom of speech and media.

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Political prisoners

15.18 The USSD Report 2009 observed:

"Statistics regarding the number of citizens imprisoned for their political beliefs were not available, but human rights activists estimated the number in the hundreds, not including the approximately 4,000 to 5,000 persons detained in the aftermath of the June [2009] election protests and the approximately 1,000 persons detained during and after the Ashura protests. Human rights groups believed that approximately 200 persons remained in detention at year's end [December 2009]. According to opposition press reports, the government arrested, convicted, and executed persons on questionable criminal charges, including drug trafficking, when their actual 'offenses' were reportedly political. The government charged members of religious minorities and others with crimes such as "confronting the regime" and apostasy and followed the same trial procedures as in cases of threats to national security. During the year the government rounded up students and political activists prior to demonstrations to prevent them from organizing or participating in the events.

"Authorities occasionally gave political prisoners suspended sentences or released them for short or extended furloughs prior to completion of their sentences, but they could order them to return to prison at any time. Suspended sentences often were used to silence and intimidate individuals. The government also controlled political activists by temporarily suspending baseless court proceedings against them, allowing authorities to rearrest them at any time, and it attempted to intimidate activists by calling them in repeatedly for questioning. Numerous observers considered Tehran public prosecutor, Saeed Mortazavi, the most notorious persecutor of political dissidents and critics. According to international press reports, Mortazavi was put in charge of interrogations at Evin prison where most of the postelection protesters were detained.

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

15.19 The Human Rights Watch 2010 report on Iran, covering events in 2009, stated that:

"Following the disputed election, both ordinary protestors and prominent opposition figures faced detention without trial, harsh treatment including sexual violence and denial of due process including lack of access to lawyers of their choosing. Human Rights Watch documented at least 26 cases in which detainees were subjected to torture and/or coerced to make false confessions, though local activists believe that there were many more

such cases. Some released detainees told Human Rights Watch that they were held in solitary confinement, and deprived of food and proper healthcare. Security forces used beatings, threats against family members, sleep deprivation, and fake executions to intimidate detainees and to force them to confess that they instigated post-election riots and were plotting a 'velvet coup.' The government held a series of show trials in which prominent political figures such as former Vice President Mohammad Ali Abtahi, Mohamed Atrian Far, Saeed Hajarian, Saeed Shariati, Abdullah Momeni, Hedayat Aghaie, and journalists and analysts such as Maziar Bahari, Amir Hussein Mahdavi, and Hussein Rassam publicly 'confessed' to these charges." **[8k]**

15.20 On 14 April 2010, the International Campaign for Human Rights in Iran (ICHRI) reported that:

"On 7 March 2010, Abbas Jafari Dolatabadi, Tehran's General Prosecutor, reported the formation of a special court inside Evin prison. Dolatabadi said the court's formation is 'based on needs,' and 'a way to solve problems, expedite investigations, and reduce costs.' This court houses the case files of many political activists and unknown prisoners whose cases are in an indeterminate state." **[52f]**

15.21 The ICHRI, however, called for the court to be closed, stating that it "confines judges and magistrates to the prison complex and denies lawyers and families any access to judicial proceedings…" **[52f]** The ICHRI report continued: "'The newly-formed Evin Court has increased the influence of Iran's Ministry of Intelligence over judicial matters by blocking lawyers' access to clients and case files,' said Hadi Ghaemi, a *Campaign* spokesperson.'This allows the interrogators and Intelligence Ministry to manipulate this institution which is itself in violation of the law,' he added." **[52f]**

15.22 Mr Dolatabadi reportedly rejected the criticism of the court and it being referred to as a "special court". The ICHRI report of 14 April 2010 stated that, according to Mr Dolatabadi: "…this assertion is 'wrong', that those who raise it either have 'ill intentions' or are 'ignorant.' He asserted that the Evin court is fully legal, and formed to swiftly deal with anti-revolutionary crimes. 'This court will gradually reach order following the trends of current affairs,' said Dolatabadi. He also emphasized that nowhere in the law is it stipulated where courts should be located." **[52f]**

15.23 The same ICHRI report, however, stated that:

"The formation of a court for political prisoners within the confines of Evin prison, where the suspect is held, informed of his charges, tried, and sentenced, is reminiscent of 1980s courts where thousands of political prisoners were tried without fair investigation, and families and lawyers of prisoners were not allowed to influence the cases in any way. Hundreds of people were executed on the basis of sentences issued by such courts." **[52f]**

See preceding subsection, plus Security forces for information about arbitrary arrest and detention, Recent developments and Freedom of speech and media.

FREEDOM OF ASSOCIATION AND ASSEMBLY

15.24 Freedom House's report *Freedom of Association Under Threat – Iran*, dated 21 November 2008, stated that:

"Article 27 of the constitution grants the right to peaceful assembly but limits this right to 'public gatherings and marches ... that are not detrimental to the fundamental principles of Islam.' Permits for holding demonstrations are routinely denied to activists, and women's rights advocates claim particular discrimination, reporting an especially cumbersome and erratically enforced process. Open discussions at universities as well as gatherings at concerts and other cultural events are frequently attacked by the Basij or Ansar-i Hezbollah. Protesters, especially students and ethnic minorities demanding human rights, risk public beatings and humiliation as well as routine surveillance, intimidation, prolonged interrogation sessions, torture, and imprisonment, including solitary confinement in cramped, unsafe conditions. Activists accused of organizing protests are often forced to give televised confessions about supposed collusion with foreign enemies." **[112e]**

15.25 The USSD Report 2009 stated that:

"The constitution permits assemblies and marches 'provided they do not violate the principles of Islam'; in practice the government restricted freedom of assembly and closely monitored gatherings to prevent antigovernment protests. Such gatherings included public entertainment and lectures, student meetings and protests, labor protests, women's gatherings and protests, funeral processions, and Friday prayer gatherings. According to activists, the government arbitrarily applied rules governing permits to assemble, with conservative groups rarely experiencing difficulty and groups viewed as critical of the government experiencing harassment regardless of whether a permit was issued.

"The government continued to prohibit and forcibly disperse peaceful demonstrations during the year. Paramilitary organizations such as Ansar-e Hizballah also harassed, beat, and intimidated those who demonstrated publicly for reform. They particularly targeted university students." **[4c] (Section 2b)**

15.26 The Freedom House Report *Freedom in the World: Iran 2010*, published 7 May 2010 noted that the "vague provision" in the constitution prohibiting public demonstrations that "violate the principals of Islam" was invoked on a regular basis during 2009 to refuse requests for demonstration permits. "Vigilante and paramilitary organizations that are officially or tacitly sanctioned by the government—most notably the Basij militia and Ansar-i Hezbollah—regularly play a major role in breaking up demonstrations. They were instrumental in the violent dispersal of protesters in the second half of 2009." **[112h]**

15.27 The AI report, *From protest to prison: Iran one year after the election*, published on 9 June 2010, noted that:

"In relation to freedom of assembly, the Penal Code states that two or more people who 'gather and collude' to commit or facilitate an act against the internal or external security of the nation will be imprisoned for between two and five years, unless their 'offence' is so serious that it amounts to

moharebeh [enmity against God]. The Code also provides for between three and six months' imprisonment and up to 74 lashes for 'causing disorder and disturbing the peace' – a charge often brought against those who participate in demonstrations not authorized by the authorities. They are sometimes charged with 'resisting government officials', which carries the penalty of imprisonment for three months to three years, depending on whether or not weapons are used to resist." **[9o] (p47)**

15.28 A report by the International Campaign for Human Rights in Iran (ICHRI) dated 21 September 2009 stated that violations of the right to freedom of association and assembly had occurred since June 2009:

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

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

15.29 The ICHRI report also observed that:

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

15.30 A female student, Neda Soltan, "…became a symbol of the opposition after she was shot dead during an anti-goverment demonstration on June 20." Footage of her murder spread around the world on the internet. (*The Times*, 16 November 2009) **[15a]** The *Times* article also reported that, according to

Neda Soltan's fiancé, Caspian Makan, the Iranian regime "… tried to force him and Ms Soltan's parents to say that she was killed by the opposition, not by a government militiaman [Basij] on a motorbike as eyewitnesses have claimed." Caspan Makan "… fled from Iran after being released on bail following 65 days in prison." It was also reported that "On November 4 Ms Soltan's parents were attacked and detained when they joined a protest in Iran." **[15a]**

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

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

See previous subsections, also Recent developments, Employment rights and Student activists

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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

15.32 The USSD Background Note of September 2009 noted:

"The Islamic Republican Party (IRP) was Iran's sole political party until its dissolution in 1987. Iran now has a variety of groups engaged in political activity; some are oriented along ideological or ethnic lines, while others are more akin to professional political parties seeking members and recommending candidates for office. Conservatives consistently thwarted the efforts of reformists during the Khatami era and have consolidated their control on power since the 2004 Seventh Majles elections and President Ahmadi-Nejad's 2005 victory.

"The Islamic Republic of Iran has faced armed opposition from a number of groups, including the Mujahideen-e Khalq (added to the U.S. Government's Foreign Terrorist Organizations list in 1999), the People's Fedayeen, the Kurdish Democratic Party of Iran, the Party for a Free Life in Kurdistan (added the to the U.S. Government's Foreign Terrorist Organizations list in 2009), and the Baluchi group Jundallah." **[4u] (Political conditions)**

Student activists

15.33 The Human Rights Watch Report, *Like the Dead in Their Coffins,* published on 6 June 2004, observed that:

"The current pressure for democratic reform in Iran changed dramatically after the student protests at Tehran University in [July] 1999, protests that marked the beginning of the contemporary student movement. The protests began over the closure of the well known newspaper Salam. Black-clad thugs attacked the students, beating many and killing at least one student.

President Khatami called for an investigation and trial of those responsible, but no convictions were ever returned." **[8j] (p32)**

15.34 The same HRW Report also noted that: "The largest known student group, Daftar-e Tahkim-e Vahdat (the Office for the Consolidation of Unity), is the central office of various university-based anjoman-e islami [Islamic Societies]. Other groups of students affiliate themselves with particular intellectual leaders." **[8j] (p32)**

15.35 A report by the UN Educational, Scientific and Cultural Organisation (UNESCO) dated 10 February 2010, noted that:

"In 2007, the Iranian government reportedly attempted to curtail the independent activities of civil society, including dissident expression among students, trade unionists, university teachers and intellectuals – with recurring waves of arrest and arbitrary sentencing. Previously, in 2006, just one prominent scholar had been arrested and was held for four months. But following student protests against President Ahmadinejad in December 2007, four students were reported to have fled into hiding after vigilantes came looking for them in their dormitories. Under a new star-rating system, politically active students were allegedly rated according to the threat they posed, which resulted in some being banned from studying. Since then, a succession of academics, teachers and students have been arrested during the 2007-2009 period on charges of conspiring with 'enemy governments', endangering national security, insulting Islam and its clerics, 'intent to commit propaganda' or participating in demonstrations." **[10b]**

15.36 On 5 December 2008, the International Campaign for Human Rights in Iran (ICHRI) reported that student groups promoting academic freedom and a right to education had been subject to "three years of persecution and prosecution and increasing threats from official organs". Since mid-2007, at least 200 students had been detained and at least 160 expelled from universities or suspended from continuing their education. **[52c]** The Amnesty International 2009 Report on Iran stated that, in 2008: "Scores of students were suspended or expelled from university for supporting pro-reform groups and the rights of suspended students. Others were arrested and detained, possibly as prisoners of conscience, for participating in demonstrations." **[9h]** Amnesty International's 2010 Report on Iran, covering events in 2009, stated that, following the June 2009 presidential elections, human rights violations by the authorities occurred against certain groups including students. **[9a] (p172)** Furthermore, "Hundreds of students faced education bans for campus activism." **[9a] (p174)**

15.37 The Freedom House, *Freedom in the World 2010* Report, covering events in 2009, released in May 2010, stated that:

"Academic freedom is limited. Scholars are frequently detained, threatened, and forced to retire for expressing political views, and students involved in organizing protests face suspension or expulsion. Shortly after the 2009 presidential election, security forces broke into universities around the country. At least six students at Tehran University were killed, and the chancellor of Shiraz University reportedly resigned in protest over the violence, which reportedly left two of his students dead. At least five members of the Office for Strengthening Unity, a national student and alumni organization, were also killed in the attacks. Several other members

were indicted in show trials in August, accused of fomenting a velvet revolution; four remained behind bars at year's end." **[112h]**

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

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

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

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

15.40 On 24 November 2009, the ICHRI reported that:

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

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

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

15.41 The same ICHRI report also noted that: "According to *Amirkabir News*, in the past month, over 60 students were arrested, some of whom remain in jail." **[52d]**

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

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

15.43 On 15 January 2010, the ICHRI reported that 18 Dezful Azad University students had been deprived of education for six months or one year, or exiled to another university outside the region, as punishments for participating in recent student protests. "Several student activists told the International Campaign for Human Rights in Iran that over the past few weeks summons of student activists to disciplinary committees have increased dramatically." **[52k]**

15.44 On 15 March 2010, Amnesty International reported that:

"Student leader Milad Asadi has been detained without charge in Evin Prison, Tehran, since 1 December 2009… 23-year-old Milad Asadi is a student of electrical engineering at Khajeh Nasir University and is also a leading member of the Office for the Consolidation of Unity (OCU), a national student body which has been prominent in demanding political reform and an end to human rights violations in recent years… At least three other prominent members of the OCU – Mehdi Arabshahi, Behareh Hedayat and Amin Nazari are also detained. Another – Morteza Samyari - has been released on bail after being sentenced to six years in prison." **[9g]**

15.45 On 20 May 2010, the ICHRI provided an update on the detained OCU members, reporting that:

"Bahareh Hedayat and Milad Asadi, both distinguished student activists, were sentenced to prison terms of nine-and-a-half and seven years, respectively, by Judge Moghisseh… Milad Asadi's seven-year in prison sentence is for 'actions against national security', and 'propaganda against the regime,' (five years) and 'insulting the Supreme Leader,' (two years). Bahareh Hedayat was sentenced to two years in prison for 'insulting the Supreme Leader,' six months for 'insulting the President,' and five years for 'actions against national security, propagation of falsehoods, and mutiny for congregation.' An earlier suspended sentence of two years in prison for participating in a women's rights protest against anti-women laws was added to make Hedayat's total sentence 9.5 years in prison." **[52j]**

15.46 The same ICHRI update also reported that: "Last week a lower court's death sentence for Mohammad Amin Valian, 20, who was charged with moharebeh (enmity against God), was reduced to three years in prison." **[52j]**

See also Academic Freedom, Freedom of expression and Freedom of association and assembly

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Mojahedin-e Khalq Organisation (MEK/MKO) (aka People's Mojahedin Organisation of Iran (PMOI) or Holy Warriors of the People)

15.47 The Danish Immigration Service's report *Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc*. (Danish Immigration Service Report 2009), released April 2009, stated that: "The MKO also known as Mojahedin-E Khalq (Mek) and People's Mojahedin Organisation of Iran (PMOI) is an Islamist socialist organisation formed in 1965. It is led by husband and wife Masud and Maryam Rajavi." **[86b] (p16)** The organisation is also known as the Muslim Iranian Students' Society; National Council of Resistance (NCR); Organization of the People's Holy Warriors of Iran; National Liberation Army of Iran (NLA); People's Mujahadin Organization of Iran (PMOI); the National Council of Resistance of Iran (NCRI) and Sazeman-e Mujahadin-e Khalq-e Iran. (USSD Country Report on Terrorism 2008, 30 April 2009) **[4d] (Chapter 6)**

15.48 The US State Department list of foreign terrorist organisations dated 19 January 2010 includes the MEK as a terrorist organisation. **[4f]** On 26 January 2009, Reuters reported that the EU had agreed to remove the PMOI from their list of banned terrorist organisations. **[5d]**

15.49 GlobalSecurity.org on 28 January 2009, noted: "The British government insists that the deproscription of the MKO was 'a judicial and not a political decision' both in the European Union as it was earlier in the UK and that it opposed its removal." **[80h]**

15.50 Jane's Sentinel, dated 23 January 2009, stated that "The group's armed wing is the National Liberation Army (NLA). The MEK is the main body in the political coalition of Iranian opposition groups known as the National Council of Resistance of Iran (NCRI). This organisation claims to be the transitional parliament-in-exile, with 570 members and a head office in Paris, France." **[61b] (Non-state Armed Groups)**

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

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

"The MKO has its head quarters in Ashraf Camp in Iraq. Ashraf Camp is a military base situated some 100 kilometres west of the Iranian border and 60

km north of Baghdad. Saddam Hussein gave the camp to the MKO in the 1980s. Following the invasion of Iraq in 2003, the Coalition Forces disarmed the MKO. According to the Iranian organisation for former MKO members, the Nejat Society, approximately 3,400 MKO members still live in Ashraf Camp." **[86b] (p16)**

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

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

"After they disarmed, the PMOI announced that they had renounced violence. There is no evidence that the PMOI has continued to engage in armed opposition to the Iranian government, though people associated with the PMOI still face human rights violations in Iran." **[9w]**

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

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

15.54 The report continued:

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

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

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

15.56 The same report continued:

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

15.57 The USSD Report 2009, published on 11 March 2010, stated that: "The government …reportedly held some persons in prison for years under charges of sympathizing with outlawed groups such as the MEK." **[4c] (Section 1e)** The same report also noted that:

"On November 8 [2009], a domestic human rights Web site reported that political prisoner Mansour Radpour was suffering from severe gastric and kidney ailments and had been denied medical treatment in Ward 4 of Gohardasht Prison near Karaj. In 2007 Radpour was convicted of supporting terrorist organization Mujahadeen-e-Khalq (MEK) and sentenced to three years' imprisonment." **[4c] (Section 1c)**

15.58 A Radio Free Europe/Radio Liberty news article dated 24 February 2010 reported that:

"Jailed student activist Seyed Zia Nabavi has written to Iranian judiciary chief Sadeq Larijani demanding he be given a fair retrial, RFE/RL's Radio Farda reports.

"Nabavi was arrested on June 15 [2009] and later sentenced to 15 years in prison and 74 lashes. The charges against him included 'assembly with intent to conspire against national security' and 'cooperation with the People's Mujahedin Organization of Iran (MKO).'

"Hadi Ghaemi of the International Campaign for Human Rights in Iran told Radio Farda that Nabavi's letter 'shows how unfair [and] baseless are the sentences being handed down to young Iranians.'

"Ghaemi said the letter shows there is no evidence Nabavi cooperated with the MKO. The cooperation charge against him, the letter suggests, was based on the fact that one of Nabavi's relatives is a member of the MKO." **[42i]**

15.59 On 16 May 2010, the International Campaign for Human Rights in Iran reported that Tehran's Prosecutor General, Abbas Jaafari Dowlatabadi, in an interview published by Fars News Agency, had provided the following information regarding the position of six post-election protesters currently on death row in Iran after being prosecuted on charges of Moharebeh [enmity towards God]:

"The appeals court has confirmed the death sentences of Mohamamd Ali Saremi, Jafar Kazemi, and Mohammad Ali Haj Aghaei, implying that their execution could be carried out at anytime. He [Dowlatabadi] accused the three as 'sympathizers' of the Mojahedin Khalq Organization (MKO), without clarifying what violent acts committed by them resulted in their execution sentences.

"The death sentences of Ahmad Daneshpour Moghadam, Mohsen Daneshpour Moghadam, and Alireza Ghanbari's have been confirmed by the appeals court, but they have requested a 'pardon.' He accused them as 'sympathizers' of MKO. He did not indicate if a 'pardon' has been granted." **[52h]**

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Rastakhiz Party and Monarchists

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

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

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

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

15.61 The Danish Immigration Service Report 2009 stated that:

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

15.62 Following the presidential election on 12 June 2009, it was reported that a death sentence had been imposed on an individual accused of having links with a monarchist group. On 9 October 2009, Amnesty International reported that Mohammad-Reza Ali-Zamani had been sentenced to death in connection with the protests that followed the election. A Tehran Revolutionary Court had passed the sentence after Zamani was

"…convicted of 'emnity against God for membership of and activities to further the aims of the terrorist grouplet Anjoman-e Padeshahi-e Iran (API)'. The API is an exiled opposition group which advocates the ending of the Islamic Republic and the establishment of an Iranian monarchy. He was also convicted of 'propaganda against the system', 'insulting the holy sanctities', 'gathering and colluding with intent to harm national internal security' as well as of leaving the country illegally to visit Iraq where he was alleged to have met US military officials." **[9l]**

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

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

"…after being convicted of 'moharebeh,' or waging war against God… Ruhinejad has been charged with being member of a little-known monarchist group, the 'The Assembly of Kingdom.' Three members of the

group were executed several months ago after being convicted over a 2008 bombing in Shiraz. In a letter posted by Iranian news websites, Ruhinejad has said he has no connection with The Assembly of Kingdom, or any other group, and didn't have anything to do with the June vote and the unrest that followed." **[42g]**

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

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Kurdish Democratic Party of Iran (KDPI, also DPIK)

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

"Left-leaning Kurdish activists formed the Komala Party in Mahabad in the 1940s. In July 1945, Komala changed its name to the Kurdistan Democratic Party of Iran (KDPI). Since 1984 the party has been based in Iraq. In 1991, the KDPI called off its armed activities in Iran, although its 'self-defense units' have clashed with Iranian troops during Iranian military incursions into Iraqi Kurdistan. According to KDPI leaders, the party does not carry out armed operations inside Iran, a position that Mostafa Hejri, secretary-general of the KDPI reaffirmed as recently as July 2008." **[8h]**

See following sub-section for information on the group now currently know as Komala

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

15.68 The Danish Immigration Service Report 2009 stated that:

"An international organisation in Turkey explained that politically active groups and individuals are considered a threat to national security by the Iranian government. If the Iranian authorities consider a person to be working against national security, (the person may for example be accused of being a spy or of cooperating with an oppositional religious, ethnic or political group), they may face severe punishment ranging from ten years imprisonment to execution. For instance, being in possession of a CD, a pamphlet or something similar made by the Kurdish Democratic Party of Iran (KDPI), Komala or other Kurdish organisations, may be considered as an act against national security. This form of persecution for political activities is a problem all over Iran. However, the authorities are watching Kurdish areas and Tehran more carefully than other areas." **[86b] (p9)**

15.69 Freedom House in its *Freedom in the World 2010* report, published 7 May 2010, noted that: "Kurdish opposition groups suspected of separatist aspirations, such as the Democratic Party of Iranian Kurdistan (KDPI), are brutally suppressed." **[112h]**

15.70 The Chatham House Middle East Programme Briefing Paper, *The Kurdish Policy Imperative*, dated December 2007, stated that:

"Iranian Kurdish parties have also consistently fractured and there have been major splits in both the KDPI and Komala since early 2007. In December 2006 a significant number of members in the KDPI broke away, renaming themselves KDP (removing 'Iran' from the name of the Party and returning to the original name as established in1945). The change of name not only distinguishes the new party from the old but also relates to its more broadly nationalist approach." **[73a] (p7)**

The Chatham House Briefing Paper gives further historical information on Kurdish political parties in Iran and may be accessed directly: http://www.chathamhouse.org.uk/files/10685_bp1207kurds.pdf

See Ethnic groups, Kurds

Komala

15.71 The Human Rights Watch (HRW) report dated 9 January 2009 noted that "Left-leaning Kurdish activists formed the Komala Party in Mahabad in the 1940s. In July 1945, Komala changed its name to the Kurdistan Democratic Party of Iran (KDPI)." **[8h]** The same HRW report also referred to a second organisation named Komala being formed after the first changed its name to the KDPI:

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

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

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

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

15.74 Jane's also noted that:

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

15.75 The Chatham House Middle East Programme Briefing Paper, *The Kurdish Policy Imperative*, dated December 2007, stated that "Iranian Kurdish parties have also consistently fractured and there have been major splits in both the KDPI and Komala since early 2007…In October 2007 a number of Komala's leading figures broke away to form 'Komala – the faction of reform and development'. In both cases there were physical clashes among the followers of the various factions." **[73a] (p7)**

The Chatham House Briefing Paper gives further historical information on Kurdish political parties in Iran and may be accessed directly: http://www.chathamhouse.org.uk/files/10685_bp1207kurds.pdf

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

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

Partiya Jiyana Azada Kurdistan (PJAK) - Kurdistan Free Life Party

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

"Currently PJAK, the Iranian branch of the Turkey-based Kurdistan Workers Party (PKK), an opposition movement fighting for the independence of Kurds in Turkey, is the only group engaged in armed struggle against the

Iranian government. Based mostly in Iraqi Kurdistan, PJAK has claimed responsibility for a number of armed operations against Iranian security forces. In response, Iran launched armed incursions into northern Iraq, most recently in August 2007 and June 2008. The KDPI and other Kurdish parties claim that they have no relationship with PJAK." **[8h]**

15.78 Jane's Sentinel, dated 23 January 2009, stated that:

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

15.79 Jane's added that PJAK was founded in 2004 and its leader was Abdul Rahman Hajji Ahmadi. **[61b]** Freedom House (FH) stated in its 2010 report, covering events in 2009, that:

"The Free Life Party of Kurdistan (PJAK), a separatist militant group linked to the Kurdistan Workers' Party (PKK) of Turkey, has conducted a number of guerrilla attacks in recent years and was declared a terrorist organization by the United States in 2009. In May [2009], after alleged PJAK attacks on police stations in border cities left multiple officers and rebels dead, Iranian aircraft attacked PJAK outposts in Iraq." **[112h]**

15.80 On 10 May 2010, Agence France Presse reported that five people had been executed in Tehran's Evin prison. Four of them, including one Kurdish woman, were reported to be members of the PJAK. They were convicted of being 'mohareb' or 'enemies of God' and of "'…carrying out terrorist acts, including bombings of government centers and public properties in several Iranian cities,' the prosecutor's office said, according to IRNA." **[14a]**

15.81 The International Campaign for Human Rights in Iran (ICHRI) condemned the executions in an article dated 9 May 2010. The ICHRI stated that one of those executed, teacher and social worker Farzad Kamangar, was "… convicted and sentenced to death in February 2008, after a seven-minute long trial in which 'zero evidence' was presented." The ICHRI also reported that the executed Kurdish woman had denied the charges: "In several letters recently written from Evin prison she denied charges of terrorism against her and said she had been tortured to make false confessions in front of television cameras, which she had refused." **[52g]**

See also Ethnic groups, Kurds

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

15.82 The Iranian Minorities Human Rights Organisation (IMHRO) on 11 March 2008 stated that:

"Blighted by poverty, Iran's sparsely populated and undeveloped southeastern province of Sistan and Baluchestan has seen an upsurge in violence led by Jundullah, an armed insurgent group that has claimed

responsibility for armed attacks on Iranian security forces in the last couple of years.

"Iranian officials say the group has links abroad, but there is little doubt the insurgency is also fuelled by a sense of frustration among the Baluch minority, who feel economically deprived and excluded from the institutions of power…

"The group, led by Abdolmalek Rigi [but see paragraph 15.88 below], combines Sunni extremism, al-Qaeda tactics, ethnic prejudices and ambitious political slogans. It recently renamed itself the Peoples Resistance Movement of Iran, perhaps to avoid being identified too closely with the Pakistan-based Jundollah, an Islamist group with which it is reportedly linked…

"Rigi says Jundullah is a 'defensive organisation' that seeks only to 'protect the national and religious rights of Baluchis and Sunnis'. Yet he has proudly claimed responsibility for attacks such as a string of violent acts in the town of Tasuki which left 23 people dead in March 2006. More recently, his group said it carried out a bombing which killed 11 Revolutionary Guards on a bus in the provincial capital Zahedan in February 2007." **[109d]**

15.83 The AI Report 2009, covering events in 2008, noted that: "The authorities took harsh measures against suspected PRMI members and supporters." **[9h]**

15.84 The Iranian Minorities' Human Rights Organisation (IMHRO) reported on 27 August 2009 that 13 Baluchi men had been executed after being charged with terrorism and accused of being members of Jundallah (Jondollah). IMHRO researcher Reza Washahi was quoted as saying:

"Like always we do not know the details of the cases, Baluchi sources are saying these men were ordinary people or that some of them were political and cultural activists. As usual, the Iranian government did not allow any international observers to attend the hearings. The men did not have a lawyer present and they did not have right to appeal against the court decision. The Iranian government has executed many people in relation to terrorist activities in the past, and then too late, it has been discovered that the suspects were innocent." **[109b]**

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

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

15.86 The AI Report 2010 stated that:

"In Sistan- Baluchistan province, home to the mostly Sunni

Muslim Baluch minority, violence intensified amid increasing clashes between the security forces and members of the People's Resistance Movement of Iran (PRMI), an armed political group also known as Jondallah. On 18 October [2009], at least 42 people, including senior Revolutionary Guards officers and civilians, were killed in an attack claimed by the PRMI." **[9a] (p175)**

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

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

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

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

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

See also Ethnic groups, Baluchis , Death Penalty and Latest News

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16. FREEDOM OF SPEECH AND MEDIA

Section should be read in conjunction with Political affiliation and Human rights institutions, organisations and activists

16.01 The Freedom House (FH) report, *Freedom of the Press 2009* - Iran, covering events in 2008, released 1 May 2009; (FH Press Report 2009) stated that:

"Constitutional provisions for freedom of expression and the press, which include broad exceptions regarding infringements on the tenets of Islam or 'public rights,' are not upheld in practice. In addition, numerous laws restrict press freedom, including the 2000 Press Law, which specifically forbids the publication of ideas that are contrary to Islamic principles or detrimental to public rights. The government regularly invokes vaguely worded legislation to criminalize critical opinions. Article 500 of the penal code states that 'anyone who undertakes any form of propaganda against the state…will be

sentenced to between three months and one year in prison'; the code leaves 'propaganda' undefined. Under Article 513, offenses deemed to be an 'insult to religion' can be punished by death, or prison terms of one to five years for lesser offenses, with 'insult' similarly undefined. Other articles provide sentences of up to two years in prison, up to 74 lashes, or a fine for those convicted of intentionally creating 'anxiety and unease in the public's mind,' spreading 'false rumors,' writing about 'acts that are not true,' and criticizing state officials." **[112d]**

16.02 Reporters Without Borders' (RSF) World Report 2009 - Iran, released 1 May 2009, stated that:

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

16.03 The US State Department *Report on Human Rights Practices 2009*, released on 11 March 2010, (USSD Report 2009) stated that:

"The constitution provides for freedom of expression and of the press, except when the words are deemed 'detrimental to the fundamental principles of Islam or the rights of the public.' In practice the government severely restricted freedom of speech and of the press. There were no basic legal safeguards for freedom of expression, and the government--notably the judiciary--arbitrarily enforced censorship measures against the independent press. Government censorship and self-censorship limited dissemination of information during the year. The government frequently threatened and jailed journalists as a consequence of their work, and it closed the offices of the journalists' union in August.

"Individuals could not criticize the government publicly or privately without reprisal, and the government actively sought to impede criticism. On June 9 [2009], a court reportedly sentenced singer and composer Mohsen Namjoo in absentia to five years' imprisonment for 'disrespecting religious sanctities' based on the way he used Koranic verses in a private 2005 recording purportedly leaked on the Internet earlier in the year without his approval. Namjoo continued to live outside the country at year's end." **[4c] (Section 2a)**

16.04 Amnesty International reported on 26 June 2009 that:

"Since the announcement on 13 June [2009] that President Ahmadinejad had won the election, the Iranian authorities have imposed severe restrictions on freedom of expression. Access to the internet has been blocked or significantly interrupted. Iranian publications have been banned from publishing information about the unrest. Foreign news journalists have been banned from the streets, and some foreign reporters have been expelled from the country." **[9j]**

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

"Already the Middle East's biggest prison for the media, the Islamic Republic of Iran has been one of the five biggest in the world since President Mahmoud Ahmadinejad's disputed reelection on 12 June 2009. Ahmadinejad and his government embarked on a heavy-handed crackdown on journalists and netizens in which more than 100 journalists were arrested and nearly 50 were forced to flee abroad. Fourteen newspapers were closed and thousands of web pages were blocked. As president, Ahmadinejad was responsible for this crackdown, which he orchestrated with the Revolutionary Guards…

"The government still refuses to put an end to the state monopoly on broadcast media and still prohibits private ownership of satellite dishes. Foreign media are closely watched and their local correspondents can have their accreditation withdrawn at any time. International organisations very rarely manage to obtain permission to visit Iran." **[38f]**

16.06 The RSF 2009 Press Freedom Index, published on 20 October 2009, noted that press freedom in Iran had deteriorated, placing the country in 172nd place out of the 175 countries rated." **[38c]**

16.07 The Foreign and Commonwealth Office's (FCO) *Annual Report on Human Rights - Iran*, published 26 March 2010, stated that:

"According to Article 19 [Global Campaign for Freedom of Expression], Iran is believed to have more journalists and bloggers in prison than any other country. It is clear that the Iranian government has failed to fulfill its international obligations to protect the right to freedom of expression. Restrictions on print media, broadcasting and reporting, and arbitrary arrests and harassment of journalists and bloggers continued apace in 2009, worsening significantly after the June elections. Legislation was proposed that would make the creation of blogs promoting 'corruption, prostitution and apostasy' punishable by death. The Penal Code already contains a number of vaguely worded articles relating to 'national security' which prohibit a range of activities, many connected with journalism or public discourse." **[26c] (p117-118)**

16.08 The Freedom House report *Freedom in the World 2010: Iran* (FH Report 2010) published on 7 May 2010, stated that:

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

"The authorities frequently issue ad hoc orders banning media coverage of specific topics and events. Although some foreign media outlets had been specifically invited to cover the 2009 presidential election, the government officially banned the foreign media from reporting on the postelection demonstrations. Most foreign journalists were confined to their hotels and

ultimately forced to leave as their visas expired. Reporters from a number of countries were arrested and temporarily detained during the year." **[112h]**

16.09 The Committee to Protect Journalists (CPJ) report *Attacks on the Press 2009: Iran* (CPJ Report 2009), published 16 February 2010, stated that in the weeks following the post election protests, more than 90 journalists and media workers were detained by the Iranian security apparatus:

"Those detained included bloggers, photographers, newspaper editors, reporters, filmmakers, media activists, cartoonists, producers, and editorialists who had been critical toward the regime or supportive of reformist candidates. Many were seized by intelligence agents who raided and searched their houses. Kamaeh Sabz, a reformist newspaper owned by Mousavi, saw much of its staff rounded up by authorities during the crackdown." **[29a]**

PRINT MEDIA

16.10 The FH Press Report 2009 noted that: "There are some 20 major print dailies, but following the closure of many reformist publications, those with the widest circulation and influence espouse conservative viewpoints or are directly run by the government, such as the dailies *Jaam-e Jam* and *Kayhan*." **[112d]**

16.11 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:

"The censorship of books has reportedly been tightened, affecting negatively the environment for the publishing industry and writers. The Iranian Government appears to encourage self censorship openly, as the Islamic Culture and Guidance Minister was quoted in the media as saying that if book publishers were to do some self-censorship, they wouldn't have to complain so much." **[10a] (p17)**

16.12 The RSF World Report 2009 stated that:

"Thirty newspapers were banned in 2008, 22 of them on the orders of the Press Authorisation and Surveillance Commission, under the authority of the Ministry of Culture and Islamic Orientation. This Commission is the main tool operated by the government of Mahmoud Ahmadinejad in his crusade against the media. It regularly makes use of Article 33 of the press law that allows an 'immediate ban on publication of a newspaper that replaces a banned newspaper with a similar name, logo and format'." **[38b]**

16.13 The CPJ Report 2009 stated that, five days after the June 2009 elections, the Ministry of Culture and Guidance barred two Tehran-based newspapers from publishing. The report noted:

"The daily *Hayat e No* had planned to run a front-page article about the protests, and the daily Aftab e Yazd would have had a front-page picture of defeated reformist candidate Mousavi. At least three other local newspapers didn't appear on newsstands; newspaper staff cited technical problems, but it was unclear whether self-censorship played a role. The following week, the Association of Iranian Journalists reported that security agents were

visiting printing houses to censor newspapers. (The association itself was later shut down.) According to the BBC Persian Service, 180 Iranian journalists signed a petition calling censorship 'unprecedented' and stating that 'even during wartime there was not this much pressure on publications.' Sporadic newspaper censorship continued through year's end. In October, authorities revoked the licenses of three reformist papers: Tehran-based dailies *Farhang-e Aashti* and *Arman*, and the Shiraz-based daily *Tahleel-e Rooz.*" **[29a]**

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

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

See Journalists below

TV/RADIO

16.15 The FH Press Report 2009 stated that:

"Owing to limited distribution of print media outside larger cities, radio and television serve as the principal sources of news for many citizens, with more than 80 percent of residents receiving their news from television. The government maintains a direct monopoly on all domestic broadcast media and presents only official political and religious viewpoints on channels run by the Islamic Republic of Iran Broadcasting network. A government-run, English-language satellite station, Press TV, was launched in July 2007. President Mahmoud Ahmadinejad said its mission would be 'to stand by the oppressed of the world,'… Although it is forbidden, an increasing number of people own satellite dishes and access international news sources. Satellite radio stations such as Radio Farda and the Dutch-funded Radio Zamaneh also provide international broadcasts to a large part of the population." **[112d]**

16.16 The RSF World Report 2009 stated that:

"The government still refuses to put an end to its broadcast monopoly and it is still against the law to own a satellite dish. The government not only prevents Iranian journalists from freely covering national news but it also tries to gag foreign media. Culture and Islamic orientation minister, Mohammad Hossein Safar-Harandi, in December 2008 banned the new BBC Persian-language channel, along with all cooperation by Iranian journalists with foreign media." **[38b]**

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

"…the European Union expresses its grave concern over measures taken by the Iranian authorities to prevent its citizens from freely communicating

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

INTERNET

16.18 The Government "… systematically controls the internet and other digital technologies." (FH Press Report 2009) **[112d]** Despite restrictions internet usage has increased rapidly since 2000 with an estimated 48.5 per cent population having access (Internet World Stats, September 2009) **[81a]**

16.19 The FH report *Freedom on the Net 2009 – Iran*, dated 1 April 2009, stated that:

"Iranian internet users suffer from routine surveillance, harassment, and the threat of imprisonment for their online activities, particularly those who are more critical of the authorities. The constitution provides for limited freedom of opinion and expression, but numerous, haphazardly enforced laws restrict these rights in practice. The 2000 Press Law, for example, forbids the publication of ideas that are contrary to Islamic principles or detrimental to public rights. The government and judiciary regularly invoke this and other vaguely worded legislation to criminalize critical opinions. A comprehensive 2006 cybercrimes bill would have made ISPs [internet service providers] criminally liable for content on sites they carried, but it was never passed by the parliament. A different bill, introduced in July 2008, would make some cybercrimes – promoting corruption, prostitution, and apostasy on the internet – punishable by death. It passed its first reading with a vote of 180 to 29, with 10 abstentions, and was still under consideration at year's end." **[112f]**

16.20 Open Net Initiative (ONI) reported on 16 June 2009 that the Bill of Cyber Crimes' Sanctions (Cybercrimes Bill) [introduced in July 2008, see preceding paragraph] was ratified into law in November 2008 and was still under review by the Guardian Council when their report was written in June 2009. Further progress of the bill is unknown at the time of writing. **[89a]**

16.21 The FH Freedom on the Net 2009 report noted that:

"… the Iranian regime wields one of the world's most sophisticated apparatuses for controlling the internet and other digital technologies. Internet use in Iran began in 1995 at universities, then spread quickly via internet cafes to an otherwise isolated population with limited access to independent sources of news and entertainment. The government's censorship of the medium did not begin until 2001, but users today operate in an environment that features filtering of content – particularly domestically produced political news and analysis – together with intimidation, detention, and torture of bloggers, online journalists, and cyberactivists. As with restrictions on press freedom that date to the early days of the 1979 revolution, the Islamic Republic couches its restrictions on internet freedom in an opaque and arbitrary conception of Islamic morality outlined by the constitution, the press law, and the penal code." **[112f]**

16.22 The same report added that:

"In May 2006, an office was established at the MCIT in an attempt to centralize state filtering and surveillance efforts, but this effort has not yet fully materialized. Agencies outside the MCIT retain significant de facto power to control the internet, and these entities – including the Supreme Leader's office and the office of Tehran chief prosecutor Saeed Mortazavi – arbitrarily target certain sites, bloggers, and cyberactivists. Mortazavi, who has allegedly played a direct role in the torture of online journalists and activists, announced in December 2008 that he had established a 'special department for internet crimes', which will work closely with the intelligence service to block sites and monitor political messages and organizing." **[112f]**

16.23 The USSD Report 2009 stated that "Security forces monitored the social activities of citizens, entered homes and offices, monitored telephone conversations and Internet communications, and opened mail without court authorization." **[4c] (Section 1f)**

16.24 On 21 September 2009, the International Campaign for Human Rights in Iran (ICHRI) published a report on the human rights situation in Iran since the 12 June election, stating that:

"Websites and phone lines have been blocked on several occasions, preventing the circulation of information on the elections and the post-elections situation in the country. Foreign news broadcasts have been jammed. Private social networking websites have been used to persecute individuals and their associates. The authorities shut down such sites, including *Facebook*, for periods of time." **[52a] (p9)**

16.25 BBC News reported on 15 November 2009 that:

"Iranian police have set up a special unit to monitor political websites and fight internet crime. The head of the unit, Col Mehrdad Omidi, said it would target political 'insults and the spreading of lies'. Most opposition websites are already banned, especially those linked to the defeated presidential candidates from Iran's disputed June elections. But activists continue to set up new websites to keep their campaign alive, as they have no access to state media." **[21g]**

16.26 The FH Report 2010 stated that:

"Individuals used mobile-telephone cameras and social-networking websites to provide some of the only independent coverage of the aftermath of the 2009 presidential election, particularly given the crackdown on traditional media. The effectiveness of this type of reporting has improved as internet use in Iran has skyrocketed, reaching about 25 percent of the population by 2008.

"Recognizing the internet's growing influence, the government has forced service providers to block a growing list of 'immoral' or politically sensitive sites. In 2006, the authorities announced the creation of a central filtering facility to block unauthorized websites, identify internet users, and keep a record of sites visited.

"The number of blocked websites rose sharply ahead of the presidential election, affecting internationally known sites like Facebook, Twitter, and YouTube, as well as several political websites. In late 2009, a group calling itself the Iranian Cyber Army hacked Twitter, redirecting users to a message that appeared to support the current regime. Text-messaging services were completely shut down on the day of the election, and phone services were severely disrupted the next day. Sites associated with minority and human rights, and particularly women's rights, were also targeted during the year. Some women's rights activists who were detained by police later reported that their online activities had been monitored by officials, who produced copies of their instant-messaging discussions during interrogations." **[112h]**

16.27 The AI Report 2010, covering events in 2009, stated that: "The authorities blocked websites voicing criticism, notably those of Iranian bloggers, and periodically blocked those of foreign news media reporting on Iran. In April, they warned SMS users that messages were 'controlled' by a new 'internet crimes' law introduced in January." **[9a] (p174)**

See also Journalists and Bloggers below

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ACADEMIC FREEDOM

For treatment of student dissenters see Political affiliation, Student activists

16.28 The USSD Report 2009 stated that:

"The government significantly restricted academic freedom. Authorities working with universities continued to dismiss university professors in accordance with a 2006 presidential call for the removal of secular and liberal professors. To obtain tenure, professors had to refrain from criticism of authorities. According to AI, in August the Supreme Council for the Cultural Revolution instructed the Institute for Humanities and Cultural Studies to revise the humanities curriculum. Earlier in the year Supreme Leader Khamenei had made a speech noting worrisome trends in the teaching of humanities, including what he considered encouraging doubt of religious principles.

"According to AI, in October authorities banned from teaching five prominent law professors from Alameh Tabatabai University's law school. Local news reports noted that the professors taught human rights courses at the university.

"Admission to universities was politicized; in addition to standardized examinations, all applicants had to pass 'character tests' in which officials eliminated applicants critical of the government's ideology. Basij members were given advantages in the admissions process. Student groups reported that a 'star' system inaugurated by the government in 2006 to rank politically active students was still in use. Students deemed antigovernment through this system reportedly were banned from university admission or prevented from registering for upcoming terms. During the previous three years, according to the ICHRI, government interference with university admissions

considerably increased with a coordinated assault by the Ministry of Higher Education, the MOIS, and the judiciary aimed at preventing student activists from continuing their education. On February 2, a human rights organization reported that in the past few years authorities had barred 58 students from matriculating at graduate programs at universities in the country due to their prior participation in student activism. HRW also reported during the year that authorities used university disciplinary committees to expel or transfer students to other universities as punishment for peaceful political activities." **[4c] (Section 2a)**

16.29 The Freedom House, *Freedom in the World 2010* Report, covering events in 2009, released in May 2010, stated that: "Academic freedom is limited. Scholars are frequently detained, threatened, and forced to retire for expressing political views, and students involved in organizing protests face suspension or expulsion." **[112h]**

16.30 The UNESCO report of 10 February 2010 stated that:

"Two leading international researchers were sent to jail in January 2009, convicted of cooperation with the US government in fomenting a 'velvet revolution'. Dr Kamiar Alaei and his brother, Dr Arash Alaei, were found guilty of 'communicating with an enemy' on the grounds that they had participated in international HIV & AIDS conferences. They had worked with government and religious leaders on education programmes for young people and in prisons." **[10b]**

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JOURNALISTS

16.31 The FH report 2010 stated that:

"The authorities frequently issue ad hoc orders banning media coverage of specific topics and events. Although some foreign media outlets had been specifically invited to cover the 2009 presidential election, the government officially banned the foreign media from reporting on the postelection demonstrations. Most foreign journalists were confined to their hotels and ultimately forced to leave as their visas expired. Reporters from a number of countries were arrested and temporarily detained during the year.

"The Press Court has extensive power to prosecute journalists for such vaguely worded offenses as 'insulting Islam' and 'damaging the foundations of the Islamic Republic.' The use of 'suspicious sources' or sources that criticize the government is also forbidden. Fear of stepped-up penalties has reinforced a trend toward journalistic self-censorship. The Association of Iranian Journalists reported in 2007 that the profession had suffered in quality and investment due to the government's crackdown on independent newspapers. The organization was subsequently harassed by the government, and in August 2009 its offices were raided and closed.

"Iran leads the world in the number of jailed journalists, with 39 behind bars at the close of 2009. Some received sentences of up to 15 years in prison, and at least one was sentenced to flogging. Several dozen other journalists

were arrested and released on bail during the year, often after they issued coerced confessions on television." **[112h]**

16.32 The ICHRI Report dated 21 September 2009 included details of journalists detained since the June 2009 elections and the treatment they received. **[52a]**

16.33 The Freedom House report *Freedom of the Press 2009* – Iran, dated 1 May 2009, stated that: "Iran's judiciary frequently denies accused journalists due process by referring their cases to the Islamic Revolutionary Court, an emergency venue intended for those suspected of seeking to overthrow the regime. The Preventive Restraint Act is used regularly without legal proceedings to temporarily ban publications." **[112d]**

16.34 RSF reported on 15 October 2009:

"Reporters Without Borders keeps on getting requests for help from terrified Iranian journalists who have been forced to flee their country after receiving summonses from the authorities. With 32 of their colleagues now detained in Iran and with a president and a Supreme Leader bent on suppressing all criticism, around 30 journalists have fled since last June's disputed elections.

"'This is the biggest exodus of journalists since the 1979 revolution,' Reporters Without Borders said. Describing news media as 'means used in an attempt to overthrow the state', the regime is ridding itself of undesired witnesses by jailing them or getting them to flee. Photographers, cameramen, bloggers and reporters for newspapers that have been closed down - all are being accused of 'acting against national security'…

"As well as the human tragedy, the exodus of Iranian journalists increases the risk of a complete news blackout in Iran. News and information have become synonymous with repression. One Iranian journalist had to flee because she told the BBC about Neda Aghasoltani, the young woman who in death became a symbol of opposition to the regime. Another journalist, a photographer, fled after one of his photos was used prominently by the international media. A third had to leave after talking about the situation of detainees in his blog." **[38d]**

16.35 The International Federation of Journalists (IFJ) concurred. On 16 October 2009, the IFJ:

"…accused the Iranian authorities of a media witch hunt as journalists flee the country or are in hiding after the closure of several newspapers and the continued shutdown of the Association of Iranian Journalists (AoIJ).

"'There is no let-up on the harassment of media in Iran,' said Aidan White, IFJ General Secretary. 'Independent journalists are in flight for their own safety and the independent media sector is under siege.'

"According to reliable reports, up to six newspapers have been closed since controversial presidential elections in June and at least 18 journalists remain in prison. Many more continue to flee the country and others, including the President of the AoIJ, Rajabali Mazrooei, are in hiding and fearing arrest." **[54]**

16.36 On 15 November 2009, RSF reported that:

"'Journalists are still being kidnapped or arrested illegally in Iran…At least 100 journalists and cyber-dissidents have been arrested in the past 145 days (since the 12 June presidential election) and 23 three [sic] of them are still being held. More than 50 journalists have left the country and those who have stayed are subject to constant harassment.'

"The press freedom organisation added: 'Meanwhile, verdicts are beginning to be issued in the Stalinist-style show trials and it is no surprise that journalists have been given harsh sentences of five or six years in prison without any possibility of appeal.'" **[38a]**

16.37 On 8 December 2009, the Committee to Protect Journalists (CPJ) released a report entitled *CPJ's 2009 prison census: Freelance journalists under fire*, which stated that:

"Most of those [journalists] imprisoned in Iran, the world's second-worst jailer, were swept up in the government's post-election crackdown on dissent and the news media. Of those, about half are online journalists. They include Fariba Pajooh, a freelance reporter for online, newspaper, and radio outlets. Radio France Internationale reported that she was charged with 'propagating against the regime' and pressured to make a false confession.

"'Not long ago, Iran boasted a vigorous and vital press community,' CPJ's Simon added. 'When the government cracked down on print media, journalists migrated online and fueled the rise of the Farsi blogosphere. Today, many of Iran's best journalists are in jail or in exile, and the public debate has been squelched alongside the pro-democracy movement.'" **[29b]**

16.38 The CPJ Report 2009, published 16 February 2010, stated that:

"At least 23 journalists were still being jailed on December 1 [2009], when CPJ conducted its annual worldwide census of imprisoned journalists, making Iran the world's second-worst jailer of the press. (Only China imprisoned more.) Even as the government released a trickle of journalists, others continued to be arrested, among them former International Press Freedom Award recipient Mashallah Shamsolvaezin and the prominent writer Emadeddin [Emadoldin] Baghi." **[29a]**

16.39 On 25 June 2010 RSF reported that Emadoldin Baghi had been released on bail after being held in prison for six months. "But Iran is still holding 36 other journalists and bloggers, which is more than any other country in the Middle East." **[38e]**

16.40 The CPJ Report 2009 noted that:

"Journalists were among the 100 detainees who faced a mass, televised judicial proceeding in August [2009] on vague antistate accusations, including 'endangering national security' and 'involvement with foreign powers in order to topple the regime.'…

"Nearly all of the journalists detained in the aftermath of the elections were working for local media outlets, including Web sites and newspapers affiliated with reformist candidates, according to CPJ research. A handful, however, were working for international media…

"The journalists arrested in the crackdown were added to the ranks of at least six who were already in Iranian jails at the time of the election." **[29a]**

16.41 In the same report:

"CPJ expressed deep concern about the health of the detained journalists and the conditions in which they were being held. Iranian authorities released 'confessions' by several of the detained journalists that appeared to have been coerced. The journalists' lawyers were denied access to their clients in prison, while police chief Gen. Ismail Ahmadi Moghaddam publicly admitted that detainees had been tortured in custody…

"At least two journalists have died at Evin Prison in the last six years under circumstances that have not been fully explained, CPJ research shows, including Omidreza Mirsayafi, a blogger who died in March while serving a 30-month sentence on a charge of insulting Iran's religious authorities. In 2003, Iranian-Canadian photojournalist Zahra Kazemi died of a brain hemorrhage that resulted from a beating while behind bars." **[29a]**

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

For further information about the treatment of journalists see also Recent Developments and Latest news.

Bloggers

16.42 The Freedom on the Net 2009 report noted that:

"Since 2004 the authorities have been cracking down on online activism through various forms of judicial and extrajudicial harassment. An increasing number of bloggers have been intimidated, arrested, tortured, kept in solitary confinement, and denied medical care, while others have been formally tried and convicted. According to Reporters Without Borders, the authorities arrested or questioned 17 bloggers during 2008, seven more than in 2007. Article 514 of the criminal code makes insulting the Supreme Leader punishable by six months to two years in prison, and Article 500 sets a penalty of three months to one year in prison for the distribution of propaganda against the state. Bloggers are typically charged with these offenses, and many practice self-censorship to avoid punishment." **[112f]**

16.43 The Freedom on the Net 2009 report added:

"Self-censorship is extensive, particularly on political matters, and many bloggers and journalists write under pseudonyms. It is important to note that while the Iranian blogosphere and Iranian news sites do push the bounds of what is acceptable to the regime, the most socially and politically progressive sites are managed and staffed by Iranians living abroad. Since

the short-lived era of relative press freedom under President Mohammad Khatami, many online intellectuals and activists have left the country. Iran's best-known bloggers – such as Omid Memarian, Roozebeh Mirebrahimi, and Shahram Rafizadeh – are now writing from foreign cities and have been sentenced to prison in absentia." **[112f]**

16.44 The CPJ Report 2009 stated that:

"Iranian bloggers have long been regional trailblazers in using the Internet to get around official censorship. Even so, online journalists have frequently been targeted by the authorities; in April, CPJ named Iran one of the world's 10 Worst Countries to Be a Blogger. During the elections, Iranian authorities recognized that Internet-based media could pose a threat. Authorities blocked social networking sites inside Iran such as Twitter, DailyMotion, and Facebook, as well as reformist Web sites and YouTube, where international visitors could glimpse raw digital footage—some recorded by cell phone—of security forces and militia members shooting at and assaulting protesters. Some news reports said authorities also imposed bandwidth restrictions that made it difficult to upload materials such as pictures or videos of the protests. In spite of these efforts and the imprisonment of many Iranian bloggers in the aftermath of the elections, Internet journalism continued to build momentum." **[29a]**

16.45 The Foreign and Commonwealth Office's *Annual Report on Human Rights 2009 - Iran,* published on 26 March 2010, stated that Hossein Derekhshan, a prominent blogger remained in detention without being formally charged. Furthermore:

"Omid Reza Mirsayafi, a 29 year-old blogger serving two and a half years in prison for anti-state propaganda, died in prison in March after he failed to receive medical assistance, under circumstances that remain unclear. Despite this, Iran's younger generation is politically curious and media-savvy, and the demand for alternative news sources has grown steadily over the years. In 2009, there were an estimated 100,000 blogs in Farsi, and social networking sites, such as Twitter, YouTube and Facebook, played a significant role after the elections, despite regime attempts to block them." **[26c] (p118)**

See also Journalists above. For recent information about the treatment of bloggers see Recent Developments and the websites of RSF and the Committee to Protect Journalists

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17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

Section should be read in conjunction with Political affiliation and Freedom of speech and media.

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

"Registration and legal requirements for NGOs are restrictive, inconsistently enforced, and poorly coordinated among government ministries. In 2003, the

Ministry of the Interior and a group of leading NGOs drafted a law designed to ameliorate government regulation and support civic organizations, but the parliament rejected the legislation. Instead, a cabinet decree was issued in 2005 to increase government surveillance of NGO activity. While the decree does streamline registration, it also subjects NGOs – the majority of which are community-based social service organizations – to more government monitoring and prohibits participation in political activity.

"Ahmadinejad describes NGOs as a 'Western' phenomenon and a risk to national security. He has attempted to supplant their efforts using government-controlled Islamic councils and has withdrawn government funding that was provided under Khatami. NGOs have little recourse to the courts if authorities violate their rights. Severe infringements on freedom of expression prevent civic groups from openly criticizing state policies and holding government officials accountable. For example, watchdog efforts regarding conditions in prisons or the systematic persecution of the Baha'i religious minority are rare and draw heavy penalties. After Ahmadinejad's election, two of the most prominent NGOs in Iran were shut down: the Center for the Defense of Human Rights, led by Nobel Peace Prize winner Shirin Ebadi, and the Organization for the Defense of Prisoners' Rights, led by Emad Baghi." **[112e]**

17.02 Reporters Without Borders' (RSF) *World Report 2009* - Iran, released 1 May 2009, stated that:

"… the regime also targets human rights defenders. Iranian police on 21 December 2008 closed the offices of the Circle for the Defenders of Human Rights, headed by lawyer and Nobel Peace Prize winner Shirin Ebadi, on the grounds that the organisation did not have interior ministry permission to 'carry out its activities'. The organisation, which was founded by Ebadi in 2002, provides free legal aid to Iran's journalists and human rights activists. Her legal chambers were searched on 29 December." **[38b]**

17.03 An article in Radio Free Europe, dated 30 June 2009, noted that "Hundreds of human rights activists, intellectuals, civil society leaders, opposition political activists, students, and journalists have been arbitrarily detained in Iran since the disputed June 12 presidential election. An unknown but substantial number have also been killed and injured." **[42y]**

17.04 The Human Rights Watch Report, *The Islamic Republic at 31,* published in February 2010, stated that following the June 2009 elections:

"…the government harassed and intimidated activists, journalists, and human rights defenders, detaining many, subjecting some to trials that did not meet international fair trial standards, and convicting others solely for exercising their right to peaceful dissent…At Evin prison the most serious abuses Human Rights Watch documented were directed against well-known political figures and human rights defenders." **[8l]**

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

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18. CORRUPTION

18.01 In its 2009 Corruption Perceptions Index (CPI), released on 17 November 2009, Transparency International ranked Iran 168th in the world corruption rankings out of 180 countries (down from 141st in 2008) **[62a]**), giving it a CPI score of 1.8. (The CPI Score relates to perceptions of the degree of corruption as seen to exist among public officials and politicians by business people and country analysts. It ranges between 10 (highly clean) and 0 (highly corrupt). **[62b]**

18.02 Freedom House's *Freedom in the World 2010* report released in May 2010, covering events in 2009 noted: "Corruption is pervasive. The hard-line clerical establishment has grown immensely wealthy through its control of tax-exempt foundations that monopolize many sectors of the economy, such as cement and sugar production." **[112h]**

18.03 The US State Department *Report on Human Rights Practices 2009*, released 11 March 2010 (USSD Report 2009) noted that "Official corruption and a lack of government transparency persisted." **[4c] (Introduction)** Furthermore, in the security forces: "Corruption and impunity were problems." **[4c] (Section 1d)**. The report continued:

"The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and official corruption remained a serious and ubiquitous problem in all three branches of government.

"Many officials expected bribes for providing even routine service. Individuals routinely bribed officials in order to obtain permits for illegal construction. Under President Ahmadi-Nejad, the IRGC has been a major beneficiary of state contracts for infrastructure projects. According to Freedom House, the hard-line clerical establishment also grew wealthy through its control of bonyads, tax-exempt foundations that monopolize many sectors of the economy such as cement and sugar production." **[4c] (Section 4)**

See Security forces and Forged and fraudulenty obtained official documents

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19. FREEDOM OF RELIGION

OVERVIEW

19.01 The Freedom House report, *Freedom in the World 2010: Iran* (FH Report 2010), published on 7 May 2010, reported that

"Religious freedom is limited in Iran, whose population is largely Shiite Muslim but includes Sunni Muslim, Baha'i, Christian, Jewish, and Zoroastrian minorities. The Special Court for the Clergy investigates religious figures for alleged crimes and has generally been used to persecute clerics who stray from the official interpretation of Islam. Ayatollah

Seyd Hussain Kazemeini Boroujerdi, a cleric who advocates the separation of religion and politics, is currently serving 11 years in prison for his beliefs…

"The constitution recognizes Zoroastrians, Jews, and Christians as religious minorities, and they are generally allowed to worship without interference, so long as they do not proselytize. Conversion by Muslims to a non-Muslim religion is punishable by death. The non-Muslim minorities are barred from election to representative bodies (though a set number of parliamentary seats are reserved for them), cannot hold senior government or military positions, and face restrictions in employment, education, and property ownership." **[112h]**

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

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

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

19.03 The CSW September 2009 profile concluded that: "At some levels, Iranian society is tolerant and supportive of non-Muslim compatriots. However, the politics of 'defending Islam' and the 'Islamic Republic' automatically exclude and marginalise them. They remain vulnerable to persecution at the hands of the state, security forces and militias, as well as socio-economic discrimination in their day-to-day lives." **[116a] (p13)**

19.04 The US State Department *International Religious Freedom Report 2009*, Iran, released on 26 October 2009, (USSD IRF Report 2009) covering the period 1 July 2008 to 30 June 2009, stated that:

"During the reporting period, respect for religious freedom in the country continued to deteriorate. Government rhetoric and actions created a threatening atmosphere for nearly all non-Shi'a religious groups, most notably for Baha'is, as well as Sufi Muslims, evangelical Christians, and members of the Jewish community. Reports of government imprisonment, harassment, intimidation, and discrimination based on religious beliefs continued during the reporting period." **[4b]**

19.05 The *2010 Annual Report* of the United States Commission on International Religious Freedom (USCIRF Report 2010), covering the period 1 April 2009 to 31 March 2010 and released on 29 April 2010, concluded that:

"The government of Iran continues to engage in systematic, ongoing, and egregious violations of religious freedom, including prolonged detention, torture, and executions based primarily or entirely upon the religion of the accused. Iran is a constitutional, theocratic republic that discriminates against its citizens on the basis of religion or belief. During the past year, the Iranian government's poor religious freedom record deteriorated, especially for religious minorities such as Baha'is, Christians and Sufi Muslims, and physical attacks, harassment, detention, arrests, and imprisonment intensified. Even the recognized non- Muslim religious minorities – Jews, Armenian and Assyrian Christians, and Zoroastrians – protected under Iran's constitution faced increasing discrimination and repression. Dissident Muslims were increasingly subject to abuse and several were sentenced to death and even executed for the capital crime of moharebeh ('waging war against God'). A revised penal code that would codify serious punishments, including the death penalty, for converts from Islam remains under consideration by the Iranian parliament. Heightened anti-Semitism and repeated Holocaust denials by senior government officials have increased fear among Iran's Jewish community. Since the 1979 Iranian revolution, members of minority religious communities have fled Iran in significant numbers for fear of persecution." **[88a] (p54)**

19.06 The same report also noted that:

"Beginning in August 2005, and particularly since the June 2009 elections, the Iranian government has intensified its campaign against non-Muslim religious minorities. A consistent stream of virulent and inflammatory statements by political and religious leaders and an increase in harassment and imprisonment of, and physical attacks against, these groups has led to a renewal of the kind of oppression seen in the years immediately following the Iranian revolution in the early 1980s. Ayatollah Ahmad Jannati, head of the Guardian Council, has publicly attacked non-Muslims and referred to them as 'sinful animals' and 'corrupt.'" **[88a] (p57]**

19.07 The USSD IRF Report 2009 stated that:

"The Constitution states that Islam is the official state religion, and the doctrine followed is that of Ja'afari (Twelver) Shi'ism. The Constitution provides that 'other Islamic denominations are to be accorded full respect,' while the country's pre-Islamic religious groups – Zoroastrians, Christians, and Jews – are recognized as 'protected' religious minorities. However, Article 4 of the Constitution states that all laws and regulations must be based on Islamic criteria. In practice, the Government severely restricted freedom of religion." **[4b]**

19.08 The US State Department *Report on Human Rights Practices 2009*, released on 11 March 2010 (USSD Report 2009), noted that:

"Government actions continued to support elements of society who created a threatening atmosphere for some religious minorities.

"All religious minorities - including but not limited to Sunni Muslims, Christians, Baha'is, and Sufis, and Mandeans - experienced varying degrees of officially sanctioned discrimination, particularly in employment, education, and housing. Inheritance laws favored Muslims over non-Muslims. Broad restrictions on Baha'is undermined their ability to practice their faith and

function as a community. Baha'i groups reported that the government often denied their applications for new or renewed business and trade licenses. Baha'is could not teach or practice their religious beliefs or maintain links with coreligionists abroad. It was difficult to distinguish whether the cause of government discrimination against Sunni Muslims was religious or ethnic as most Sunnis are also members of ethnic minorities.

"The government's anti-Israel stance, in particular the president's repeated speeches decrying the existence of Israel and calling for the destruction of its 'Zionist regime,' created a threatening atmosphere for the 25,000-person Jewish community. Government officials continued to make anti-Semitic statements, organize events during the year designed to cast doubt on the Holocaust, and sanction anti-Semitic propaganda. The government also limited distribution of nonreligious Hebrew texts and required Jewish schools to remain open on Jewish Sabbath." **[4c] (Section 2c)** "

19.09 The USSD Report 2009 also noted that: "The government did not respect the right of Muslim citizens to change or renounce their religion". Moreover, "Proselytizing of Muslims by non-Muslims was illegal." **[4c] (Section 2c)** The same report also observed that: "The government charged members of religious minorities and others with crimes such as 'confronting the regime' and apostasy and followed the same trial procedures as in cases of threats to national security." **[4c] (Section 1e)**

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

"After Mahmoud Ahmadinejad was elected president in 2005, the situation for everyone who can be suspected of being in opposition to the regime has deteriorated... Religious minorities have also experienced a general worsening of the political climate. This has affected adherents of Baha'i in particular, while Jews have increasingly been on the receiving end of the president's verbal tirades and threatening rhetoric (US Department of State 2008)". **[33a] (p12)**

19.11 The Landinfo Report 2009 also observed that:

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

"All non-Muslim minorities generally maintain a low profile in public as regards religious affiliation. As long as they follow the rules, minorities can practise their religion without being in the authorities' spotlight because this constitutes lawful and socially acceptable behaviour." **[33a] (p10-11)**

19.12 The USCIRF Report 2010 concurred, stating that:

"Since the disputed June 12, 2009 elections, human rights and religious freedom conditions in Iran have regressed to a point not seen since the early days of the Islamic revolution. Killings, arrests, and physical abuse of detainees have increased, including for religious minorities and Muslims who dissent or express views perceived as threatening the legitimacy of the government. The Iranian government has repressed its citizens on the basis of religious identity for years. However, in recent months it has increasingly manipulated the reach of its religious laws to silence, and in some cases put to death, Shi'a Muslims simply for exercising their internationally protected rights to freedom of expression and freedom of thought, conscience, and religion or belief." **[88a] (p54)**

19.13 A letter from the FCO dated 30 April 2010 also observed that the "religious intolerance" of the Iranian regime impacted on "Shiite groups that do not share the official version of Islam promoted by the authorities." **[26i]**

19.14 The Amnesty International 2010 Report (AI Report 2010), Iran, published on 27 May 2010 and covering events in 2009, stated that:

"Members of religious minorities, including some not recognized by the government, continued to suffer discrimination, harassment, arbitrary arrest and damage to community property. Among those targeted were Sunni Muslim clerics; Shi'a clerics advocating the separation of the state from religion; members of the Dervish and Ahl-e Haqq communities; members of a philosophical association called Al-e Yasin; Christians; and members of the Baha'i community, who remained unable to access higher education. Converts from Islam were at risk of attack as well as prosecution for 'apostasy', which is punishable by death." **[9a] (175)**

See also Recent developments

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Religious demography

19.15 The USSD IRF Report 2009, released on 26 October 2009, stated that:

"The population is 98 percent Muslim--89 percent is Shi'a and 9 percent Sunni (mostly Turkmen and Arabs, Baluchs, and Kurds living in the southwest, southeast, and northwest respectively). There are no official statistics available on the size of the Sufi Muslim population; however, some reports estimate between two and five million persons practice Sufism in the country. Non-Muslims are estimated to account for 2 percent of the population.

"Recent unofficial estimates from religious organizations claim that Baha'is, Jews, Christians, Sabean-Mandaeans, and Zoroastrians constitute 2 percent of the population. The largest non-Muslim minority is the Baha'is, who number 300,000 to 350,000. Unofficial estimates of the Jewish community's size vary from 20,000 to 25,000.

"According to U.N. figures, 300,000 Christians live in the country, the majority of whom are ethnic Armenians. Unofficial estimates for the Assyrian

Christian population range between 10,000 and 20,000. There are also Protestant denominations, including evangelical religious groups. Christian groups outside the country estimate the size of the Protestant Christian community to be less than 10,000, although many Protestant Christians reportedly practice in secret. Sabean-Mandaeans number 5,000 to 10,000 persons. The Government regards the Sabean-Mandaeans as Christians, and they are included among the three recognized religious minorities; however, Sabean-Mandaeans do not consider themselves Christians. The Government estimates there are 30,000 to 35,000 Zoroastrians, a primarily ethnic Persian minority; however, Zoroastrian groups claim to have 60,000 adherents. There are indications that members of all religious minorities are emigrating at a high rate, although it is unclear if the reasons for emigration are religious or related to overall poor economic conditions." **[4b] (Section I)**

LEGAL FRAMEWORK

19.16 The UN Secretary-General's *Report on the situation of human rights in Iran*, dated 23 September 2009, noted that:

"The Iranian Constitution explicitly declares Islam to be the State Religion but contains two important provisions concerning religious minorities. Article 13 states that Zoroastrian, Jewish and Christian Iranians are the only recognized religious minorities who are free to perform their religious rites and ceremonies, within the limits of the law, and to act according to their own canon in matters of personal affairs and religious education. Article 14 also provides protection for non-Muslims, provided they refrain from conspiracy or activity against Islam and the Islamic Republic of Iran. The Baha'i community is not recognized as a religious minority, but the authorities assert that Baha'is enjoy the rights accorded to all other Iranians." **[10g]**

See section on Baha'is below

19.17 The CSW September 2009 Iran religious profile noted that, in addition to the positive provisions of Articles 13 and 14 of the Constitution:

"…Article 12 of the Iranian Constitution declares Islam to be the state's official religion. Although declaration of a state religion is not inherently contradictory to the provisions on religious freedom under international law, the elusive provisions in Article 168 of the constitution – that the judiciary functions 'in accordance with the criteria of Islam' – open the door for possible contradictions with human rights covenants to which Iran is a signatory, including the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

"This becomes clearer in Article 167 of the constitution which allows for judges to deliver verdicts 'on the basis of authoritative Islamic sources and authentic fatawa' in the absence of any relevant legislation in the codified law. For example, there are currently no codified laws that criminalise conversion from Islam to another religion. However…converts from Islam are regularly threatened with apostasy charges and the death penalty on the basis of a constitutional appeal to traditional Islamic jurisprudence…

"There are many subtle implications contained in Articles 12, 167 and 168 of the Iranian Constitution besides punishment of apostasy. This can be seen in the courts' assessment of the validity or credibility of the testimonies of non-Muslim witnesses compared with Muslim ones, in the differing remunerations of required 'blood money' paid by convicted perpetrators to the families of Muslim and non-Muslim victims, and in not allowing the marriage of Muslim women to non-Muslim men." **[116a] (p4)**

19.18 The USCIRF Report 2010 stated that:

"The constitution of Iran formally recognizes Christians, Jews, and Zoroastrians as protected religious minorities who may worship freely and have autonomy over their own matters of personal status (e.g. marriage, divorce, and inheritance). Nevertheless, the primacy of Islam and Islamic laws and institutions adversely affects the rights and status of non-Muslims and the recognized religious minorities live, in effect, as second class citizens. Members of these groups are subject to legal and other forms of discrimination, particularly in education, government jobs and services, and the armed services. In addition, their places of worships are frequently defaced with graffiti and photos of the religious leadership. Their private schools are administered by Iran's Ministry of Education, which imposes a state-approved religious curriculum.

"Non-Muslims may not engage with Muslims in public religious expression or persuasion; some also face restrictions on publishing religious material in Persian. In 2004, the Expediency Council authorized collection of equal blood money for the death of Muslim and non-Muslim men. Baha'is, Sabean Mandaean men, and all women remain excluded from the revised ruling. According to Iranian law, Baha'i blood is mobah, which means members of the Baha'i faith can be killed with impunity." **[88a]**

19.19 The USSD IRF Report 2009 stated that:

"By law religious minorities are not allowed to be elected to a representative body or to hold senior government or military positions, with the exception that 5 of a total 290 seats in the Majles [parliament] are reserved for religious minorities. Three of these seats are reserved for members of Christian religious groups, including two seats for Armenian Christians and one for Assyrian Christians. There is also one seat to represent Jews and one to represent Zoroastrians. While Sunnis do not have reserved seats in the Majles, they are allowed to serve in the body. Sunni Majles deputies tend to be elected from among the larger Sunni communities. Members of religious minorities are allowed to vote; however, no member of a religious minority, including Sunni Muslims, is eligible to be president…

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

APOSTASY (CONVERSION FROM ISLAM)

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

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

19.21 The same report stated, in relation to Iranian law, that:

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

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

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

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

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

See also Legal Framework

Proposed law on apostasy

19.24 The USCIRF Report 2010 noted that:

"In early 2008, the Iranian parliament began considering a new law that would impose serious punishments, including the death penalty, on converts from Islam. In September 2008, a committee in the Majlis approved advancing the amended language on apostasy, which could be passed by the full Majlis in the near future. Although the Iranian government has in the past applied the death penalty for apostasy under Islamic law, it has not been explicitly codified. If the proposed law is passed, it would further endanger the lives of all converts from Islam, particularly members of the Baha'i faith, who are already considered apostates, even if they are fourth- or fifth-generation Baha'i adherents." **[88a] (p57)**

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

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

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

19.26 The CSW September 2009 Iran Religious Profile noted that the draft Penal Code Bill had initially been approved by the Iranian Parliament on 9 September 2008. There were 196 votes for the Bill, seven against, and two abstentions:

"The bill seeks to codify the formulations of the traditional Islamic jurisprudence on apostasy – death penalty for a male apostate and lifelong imprisonment for a female apostate. Following the initial vote, the bill was passed on to the Legal and Judicial Committee of the Parliament before further deliberation and final voting by the parliament and review by the Guardian Council. Although, in June 2009, Ali Shahrokhi of the committee reportedly told the Iranian state news agency (IRNA) that the committee reached a decision on removing the death penalty from the bill as this was not 'in the interest of the regime', CSW remains concerned that, until the final version of the bill is voted and approved, the possibility remains that the death penalty for apostasy might still be included. " **[116a] (p4)**

19.27 The USSD Report 2009 noted that:

"Apostasy was punishable by death, according to Shari'a law. In September 2008 the Majles enacted a revision to the penal code to make conversion from Islam punishable by death for men or life imprisonment for women. The legislature reportedly implemented the revision on a one-year trial basis. On June 23 [2009], the Legal and Judicial Committee of the Majles

recommended removing the revision from the penal code, but it remained at year's end [December 2009]." **[4c] (Section 2c)**

19.28 At the time of writing of the COI Report the draft Penal Code bill had not passed into law.

See also Penal Code

Prosecution of apostates

19.29 The USSD Report 2009 noted that: "There were no reported instances of courts imposing the death penalty for apostasy during the year." **[4c] (Section 2c)** On the prosecution of apostates the Landinfo Report 2009 noted:

"In practice, it is very rare for anyone to be convicted of apostasy. The last time this happened was in 1990, when a priest was executed for apostasy, evangelisation and US espionage (*Telegraph* 2008). However, three priests (two of them converts) were kidnapped and killed by unknown perpetrators in 1994 (Landinfo 2006). In 2004, a pastor who had converted to Christianity in 1980 was arrested in connection with a Christian conference. The pastor, a colonel in the army, was tried for apostasy but acquitted (Norwegian Mission to the East, 2005). However, he was convicted of violating military law because he had kept his Christian faith hidden from his superiors. Pursuant to the law, only Muslims can become officers in the Iranian armed forces. The man was sentenced to three years imprisonment and his pension rights were revoked. In 2005, another pastor was stabbed with a knife on the street by unknown perpetrators. The pastor died from his injuries." **[33a] (p12)**

19.30 However the government's attitude to apostasy may be changing (see also Overview above for information about the Government's hardening stance towards perceived opposition groups). The APCI Report 2008 stated that: "In …recent years, the Iranian government and clerical leadership have viewed apostasy as an increasing threat to the structure of Iranian society as the result of a perception that the rate of conversion is accelerating rapidly." **[6a] (p33)** While the USSD 2009 Report noted that: "Proselytizing of Muslims by non-Muslims was illegal. The authorities continued to increase vigilance in curbing proselytism by evangelical Christians." **[4c] (Section 2c)**

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

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

19.32 However, the above cases could be considered to be based on heresy charges as the FIDH report observed that:

"Heresy: Anybody who claims to be a prophet is to be condemned to death and any Moslem who devises a heresy and based on it creates a sect, which is detrimental to Islam, shall be considered an apostate, and thus subject to the death sentence. While Christianity, Judaism and the Zoroastrianism are recognised under the Constitution, this provision seems to be directed at followers of the Baha'i minority, who have suffered ongoing persecution since the 1979 revolution." **[56i]**

19.33 The CSW September 2009 Iran Profile stated that: "Although verdicts stipulating the death penalty for apostasy are rarely, if ever, carried out, intense pressure and serious human rights abuses occur regularly, and extra-judicial murder and attacks by official Islamic militias or radical groups are a serious concern." **[116a] (p5)**

See also Christians and Baha'is below

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SUNNI MUSLIMS

19.34 Sunnis are an officially recognised minority, the largest in Iran. Their historical-religious characteristics separate them from other followers of non-Shi'a religions. The Sunni minority is concentrated in specific geographic areas (the northwestern and southeastern provinces) and has different ethnic origins (Kurdish, Baluchi, etc.) compared to the Shi'a majority. The Sunni Kurds and the Sunni Baluchis are concurrently victimised by two forms of discrimination, ethnic and religious. (Freedom House, 27 March 2008) **[112b]**

19.35 The USCIRF Report 2010 stated that:

"Muslim minorities continue to face repression. Some Iranian Sunni leaders have reported widespread abuses and restrictions on their religious practice, including detentions and torture of Sunni clerics, as well as bans on Sunni teachings in public schools and Sunni religious literature, even in predominantly Sunni areas. Sufi and Sunni Muslim leaders are regularly intimidated and harassed by intelligence and security services and report widespread official discrimination. The Sunni community still has not been able to build a mosque in Tehran. Also, there have been allegations that the Iranian government discriminates against the Sunni community in government employment, particularly in leadership positions in the executive and judicial branches." **[88a] (p56)**

19.36 The Freedom House, *Freedom in the World 2010* report on Iran, published on 7 May 2010, noted that:

"Sunnis enjoy equal rights under the law but face discrimination in practice; there is no Sunni mosque in Tehran, and few Sunnis hold senior government posts. The Sunni militant group Jundallah, associated with the ethnic Baluchi minority, has waged a campaign of bombings and other attacks on the government in recent years, and the authorities have accused

the United States and Britain of supporting the group. At least 13 Sunni men were executed in July 2009 for alleged involvement in a December 2008 bombing. In October 2009, a suicide bombing attributed to Jundallah struck a meeting between IRGC commanders and tribal leaders, killing more than 40 people." **[112h]**

19.37 The USSD IRF Report 2009 stated that:

"Many Sunnis claimed that the Government discriminated against them. However, it is difficult to distinguish whether the cause of discrimination was religious or ethnic, since most Sunnis are also members of ethnic minorities. Sunnis cited the absence of a Sunni mosque in Tehran, despite the presence of more than one million adherents there, as a prominent example. Sunni leaders reported bans on Sunni religious literature and teachings in public schools, even in predominantly Sunni areas. Human rights organizations reported that the Government demolished several Sunni mosques during the reporting period. Sunnis also noted the underrepresentation of Sunnis in government-appointed positions in the provinces where they form a majority, such as Kurdistan and Khuzestan Provinces, as well as their inability to obtain senior governmental positions.

"Sunni Majles representatives asserted that government discrimination led to the lack of Sunni presence in the executive and judicial branches, especially in higher-ranking positions in embassies, universities, and other institutions, as well as anti-Sunni propaganda in the mass media, including books and other publications." **[4b] (Section II)**

19.38 The FCO letter of 30 April 2010 noted that: "Two Sunni religious representatives were killed in Kurdistan at the beginning of October 2009, and pressure against secular religious leaders is on the rise." **[26i]**

See also Kurds

CHRISTIANS

19.39 The Christian Solidarity Worldwide (CSW) Iran religious freedom profile dated September 2009 stated that:

"Armenian, Assyrian and Chaldean Christians live in relative peace and enjoy official recognition as ethnic and religious minorities. However they suffer similar limitations and discrimination to other recognised minorities, in terms of access to education, government and army positions. The Armenian MP Leon Davidian argued [in 2004] that Christian minorities 'enjoy more advantages than non-Muslims in other self-declared democratic nations. We have our own schools and teach our own languages…We freely practise our own religions'. However, a high emigration rate among these communities is indicative of the difficulties faced by these minorities in Iran, despite relative privileges offered by the government.

"Evangelical and Pentecostal churches are distrusted and their members are persecuted in Iran. In addition to state-based persecution, church leaders or proselytizing Christians have been attacked, kidnapped and killed by mobs or state agents. One of the main reasons for such intense persecution has been the high number of apostates from Islam in Evangelical and Pentecostal churches. Unlike ethnic Christians of the

Armenian and Assyrian communities, Protestant churches actively proselytise. The fact that most of these groups meet on private property also fuels suspicion and reaction from local authorities. The government has requested that church leaders provide a full list of their members to the Ministry of Information and Islamic Guidance and do not allow any Muslims to attend their churches or change their religion. Many church leaders continue to ignore these orders. In 2009, an Assyrian church in Tehran which allowed Christians from a Muslim background to attend its services and to be members of the church was shut down by authorities.

"The publication of any religious material in Persian is forbidden. This directly affects Christians with a Persian background, rather than ethnic minorities who use their own languages, such as Armenian, in religious practices." **[116a] (p12-13)**

19.40 The USSD IRF Report 2009 stated that:

"Christians, particularly evangelicals, continued to be subject to harassment and close surveillance. During the reporting period [1 July 2008 to 30 June 2009], the Government vigilantly enforced its prohibition on proselytizing by closely monitoring the activities of evangelical Christians, discouraging Muslims from entering church premises, closing churches, and arresting Christian converts. Members of evangelical congregations were required to carry membership cards, photocopies of which must be provided to the authorities. Worshippers were subject to identity checks by authorities posted outside congregation centers. The Government restricted meetings for evangelical services to Sundays, and church officials were ordered to inform the Ministry of Information and Islamic Guidance before admitting new members." **[4b] (Section II)**

19.41 The same report included details of four reported incidents against the Christian community during the period 1 July 2008 to 30 June 2009. **[4b]** Further details may be found in Section II of the USSD IRF 2009 report.

19.42 The USCIRF Report 2010 stated that:

"During the reporting period [1 April 2009 to 31 March 2010], there has been a significant increase in the number of incidents of Iranian authorities raiding church services, detaining worshippers and church leaders, and harassing and threatening church members. Christians, particularly Evangelical and other Protestants, continue to be subject to harassment, arrests, close surveillance, and imprisonment; many are reported to have fled the country. Indigenous Assyrian and Armenian Christian religious leaders also have been targeted. Since becoming president, Iranian President Mahmoud Ahmadinejad has called for an end to the development of Christianity in Iran. The government requires Evangelical Christian groups to submit congregation membership lists." **[88a] (p59)**

19.43 The USCIRF Report 2010 also included details of individuals arrested and detained during the period March 2009 to February 2010. Some were released and the whereabouts of others were unknown. The report also noted that: "It is a common practice, particularly in cases involving offenses based on religious belief, for Iranian authorities to release prisoners but to leave the charges against them or their convictions in place in order to be able to threaten them with re-imprisonment at any future time." **[88a] (p59)**

19.44 CSW reported in its undated profile of Iran, accessed 15 June 2009:

"Churches and Christian training centers are routinely monitored and there has been widespread closure of these institutions by the Ministry of Islamic Guidance (MIG), forcing many churches to go underground. The Armenian and Assyrian churches have been allowed to stay open because their services are conducted in the Armenian/Assyrian languages and because they have agreed to the government's demands forbidding Muslims and Muslim converts from attending the church services and refraining from evangelism." **[116b]**

19.45 The Landinfo Report 2009 stated that:

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

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

"Experience shows that the authorities have used Islamic law as a threat. Recalcitrant church leaders have been confronted with the fact that the authorities can prosecute them if they so wish. Church leaders have been threatened with the police not being able to protect them from 'extreme Islamic groups' if they fail to comply with the authorities' demands. Arrests of church leaders for short periods, threats during interrogation, raids, seizures of internal documents and warnings have all taken place on occasion. The last major campaign by the Iranian authorities against church leaders in Tehran was in 2004. Since then, the churches in Tehran have maintained a

low profile and behaved more in accordance with the authorities' demands. Church leaders have also stated on several occasions that the authorities monitor all activity and know the identity of all members and others with looser ties to the churches." **[33a] (p11-12)**

19.46 A letter from the FCO dated 30 April 2010 stated that:

"The Iranian Constitution officially recognises Christianity, along with Judaism and Zoroastrianism, as minority religions. Although in theory this permits members of these religions to practise their faith under protection of the law, in reality Iran permits them only a limited role in public life and subjects them to gross human rights violations in a similar manner to members of Iran's other religious minorities. Treatment of Christians in Iran, particularly those who have converted from Islam, seriously concerns us as reports suggest that the number of Christians and Christian converts arrested or detained in Iran has increased significantly over the last two years.

"In March 2009, two Christians, Marzieh Amirizadeh and Maryam Rostampour, were arrested and detained for 259 days without charge. Despite repeated attempts to force them to recant their faith, the women refused, even when threatened with the death penalty." **[26i]**

Muslim converts to Christianity

19.47 An Amnesty International public statement dated 31 May 2008 observed:

"Although Christianity is a recognized religion in Iran, evangelical Christians, some of whom have converted from Islam, often face harassment by the authorities. Converts from Islam risk arrest, attack or the death penalty. Conversion from Islam (apostasy) is forbidden under Islamic law, which requires apostates to be put to death if they refuse to go back to Islam. There is no specific provision in the Iranian Penal Code for apostasy, but judges are required to use their knowledge of Islamic law to rule on cases where no specific legislation exists in the Penal Code." **[9x]**

See section on the Proposed law on apostasy above for details of developments regarding proposed amendments to the penal code.

19.48 The CSW September 2009 Iran Profile stated that:

"The persecution of Muslim converts to Christianity has re-escalated since 2005. The Iranian police continue to detain apostates for brief periods and to pressurise them to recant their Christian faith and sign documents pledging they will stop attending Christian services and refrain from sharing their faith with others. There have also been increasing reports of apostates being denied exit at the borders, with the authorities confiscating their passports and requiring them to report to the courts to reclaim them. During the court hearings, they are coerced to recant their faith with threats of death penalty charges and cancellation of their travel documents." **[116a] (p5)**

19.49 The Landinfo Report 2009 noted that: "In practice, Iranian Muslims who convert to Christianity largely live in the same way as those who are born to Christian parents. However, it is a precondition for avoiding problems that converts behave discreetly, allow religious practice to take place within the

confines of the religious community and otherwise treat their faith as a private matter, which most of them do." **[33a] (p11)**

19.50 The USSD IRF Report 2009 included details of six reported incidents against Christian converts during the period 1 July 2008 to 30 June 2009. **[4b]** Further details of these may be found in Section II of the USSD IRF 2009 report

19.51 The FCO letter dated 30 April 2010 stated that:

"Under Iran's strict interpretation of Islam, anyone converting to another religion could face the death penalty or at least life imprisonment… Treatment of Christians in Iran, particularly those who have converted from Islam, seriously concerns us as reports suggest that the number of Christians and Christian converts arrested or detained in Iran has increased significantly over the last two years." **[26i]**

19.52 The USCIRF Report 2010 stated that:

"In January 2009, three Christian converts, Jamal Ghalishorani, Nadereh Jamali and Hamik Khachikian, were arrested in Tehran for engaging in underground house church activity. No formal charges were made and all were released within one to two weeks, although Ghalishorani and Jamali have an open case against them. In August 2008, five Christian converts were arrested, including Ramtin Soodmand, the son of Assemblies of God pastor Hossein Soodmand, who was executed in 1990. All were released by October, although Soodmand continues to await trial on charges of 'promoting propaganda against the Islamic Republic.'" **[88a] (p59)**

See also Apostasy (conversion from Islam)

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JEWS

19.53 The CSW September 2009 Iran Profile stated that:

"Jews living in Iran have been allowed some freedom to practise their religion, including the use of Hebrew for religious instruction. However, the Jews face various limitations on their rights to travel and to communicate with Jewish communities outside Iran, especially in Israel. They are required to seek exit clearance each time they leave Iran, and family members are generally not allowed to leave the country at the same time. Jewish schools have been asked to remain open on Saturdays to comply with the national education calendar. This poses a problem for Jews who want to keep Saturday as a day of rest in accordance with Jewish teachings on the Sabbath. There have also been sporadic acts of vandalism and personal attacks against Jews." **[116a] (p13)**

19.54 The USSD IRF Report 2009 stated that:

"While the Government recognizes Judaism as an official religious minority, the Jewish community experienced official discrimination. The Government continued to sanction anti-Semitic propaganda involving official statements, media outlets, publications, and books. The Government's anti-Semitic

rhetoric, along with a perception among radical Muslims that all Jewish citizens of the country support Zionism and the state of Israel, continued to create a hostile atmosphere for Jews. The rhetorical attacks also further blurred the line between Zionism, Judaism, and Israel and contributed to increased concerns about the future security of the Jewish community…

"The Government promoted and condoned anti-Semitism in state media; however, with some exceptions, there was little government restriction of, or interference with, Jewish religious practice. The Government reportedly allowed Hebrew instruction but limited the distribution of Hebrew texts, particularly nonreligious texts, making it difficult to teach the language. Moreover, the Government required that in conformity with the schedule of other schools, Jewish schools must remain open on Saturdays, which violates Jewish law.

"Jewish citizens were free to travel out of the country but were subject to the general restriction against travel by the country's citizens to Israel. This restriction, however, was not enforced. " **[4b] (Section II)**

19.55 The USCIRF Report 2010 stated that:

"In recent years, official policies promoting anti-Semitism have risen sharply in Iran, and members of the Jewish community have been targeted on the basis of 'ties to Israel,' whether real or perceived. President Ahmadinejad and other top political and clerical leaders have made public remarks during the reporting period denying the Holocaust and calling for the elimination of the state of Israel. In 2009, there was an increase in this officially sanctioned, anti-Semitic propaganda, involving official statements, media outlets, publications, and books. In recent years, in line with a stepped-up state-sponsored campaign, numerous programs broadcast on state-run television advanced anti-Semitic messages, a prominent newspaper held a Holocaust denial editorial cartoon contest, and the Iranian government sponsored a Holocaust denial conference. Anti-Semitic editorial cartoons depicting demonic and stereotypical images of Jews, along with Jewish symbols, were also published in the past year.

"Official government discrimination against Jews continues to be pervasive, fostering a threatening atmosphere for the approximately 25,000-30,000 member Jewish community. According to the State Department, despite minimal restrictions on Jewish religious practice education of Jewish children has become increasingly difficult in recent years, and distribution of Hebrew religious texts is strongly discouraged." **[88a] (p60)**

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ZOROASTRIANS

19.56 The BBC News website, accessed on 6 May 2010, reported that: "Zoroastrianism is one of the oldest but perhaps most misunderstood religions still practised today. Its spiritual doctrines on heaven, hell and resurrection heavily influenced Islam and Christianity. But emigration, conversion to Islam and centuries of oppression mean their numbers in Iran have dwindled to around 45,000." **[21o]**

19.57 The CSW September 2009 Iran Profile stated that:

"Zoroastrianism is an ancient Near Eastern religion that has had a dominant presence among Persian people before the conversion of Persians to Islam. This close historical link with the national identity of Persians and the relative respect Islam shows to religions preceding Islam has resulted in their official recognition and tolerance. Although Zoroastrians enjoy legal freedoms such as the ability to open schools and charitable associations, they share similar difficulties with other minorities in accessing employment in the public sector." **[116a] (p13)**

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SABEAN MANDAEANS

19.58 The USCIRF Report 2010, published in May 2010, stated that:

"During the past few years, the unrecognized Sabean Mandaean religious community, numbering between 5,000 and 10,000 people, has been facing intensifying harassment and repression by authorities. There were reports that members of the Sabean Mandaean community experienced societal discrimination and pressure to convert to Islam, and they were often denied access to higher education. " **[88a] (p59-60)**

BAHA'IS

19.59 The USSD IRF Report 2009 stated that: "Adherents of religious groups not recognized by the Constitution, such as the Baha'is, do not have freedom to practice their beliefs…"The Government considers Baha'is to be apostates and defines the Baha'i Faith as a political 'sect.'" **[4b] (Section II)**

19.60 The FIDH report *Iran/Death Penalty: a State Terror Policy* dated 28 April 2009, noted that:

"The Baha'i faith is regarded as the most dangerous form of apostasy by IRI [Islamic Republic of Iran] authorities, one reason being that it originated in Iran in the nineteenth century. More importantly, however, is its contention that its founder was a messenger of God. Islam recognises that there have been divine religions before it such as Judaism and Christianity, but it holds Prophet Mohammad as the ultimate prophet of God and Islam as the ultimate divine religion. Others, such as Baha'ism, are man-made religions and thus tantamount to apostasy. As noted previously, both Ayatollah Khomeini's book, Tahrir ul-Vassileh, and the Constitution lay the ground for the persecution of the Bahai's as apostates." **[56i]**

19.61 A Human Rights Watch report dated 23 February 2010 noted that:

"Haifa, in present-day Israel, is the final resting place of Baha'ullah - the founder of the Baha'i Faith - and the faith's administrative headquarters since 1868, when Haifa was under Ottoman rule, Despite the fact that sites in and around Haifa were considered holy to the Baha'is well before the creation of the state of Israel, the Iranian government has repeatedly used

the connection as an excuse to accuse Baha'is in Iran of spying for Israel, with which Iran has hostile relations." **[8n]**

19.62 The Minority Rights Group International 2009 Report, published on 16 July 2009, observed that the situation for Baha'is could be deteriorating "…as they face state-sponsored persecution, personal threats, restrictions on employment, expulsion from university and high school, and continued defamation in the media." **[46c]**

19.63 The April 2009 report published by the International Campaign for Human Rights in Iran concurred, stating that "Baha'is have come under increasing attack in recent months, with a number of them being arrested." **[52b] (p5)**

19.64 The UN Secretary-General's report dated 23 September 2009 stated:

"Reports continued to be received about members of the Baha'i community being subjected to arbitrary detention, confiscation of property and denial of employment, Government benefits and access to higher education. A number of communications have been sent by various Special Rapporteurs and the independent expert on minority issues to the Government regarding the treatment of the Baha'i community." **[10g] (p13-14)**

19.65 The USSD IRF Report 2009 noted that:

"Baha'i groups outside the country reported that government authorities increased their harassment and intimidation of the members of the Baha'i community during the reporting period [1 July 2008 to 30 June 2009].

"The Government continued to imprison and detain Baha'is based on their religious beliefs. The Government arbitrarily arrested Baha'is and charged them with violating Islamic Penal Code Articles 500 and 698, relating to activities against the state and spreading falsehoods, respectively. Often the charges were not dropped upon release, and those with charges pending against them reportedly feared re-arrest at any time. Most were released only after paying large fines or posting high bails. For some, bail was in the form of deeds of property; others gained their release in exchange for personal guarantees or work licenses." **[4b] (Section II)**

The USSD IRF Report 2009 included reported incidents of arrests and detentions of Baha'is. **[4b]**

19.66 The same report stated that "Government officials reportedly offered Baha'is relief from mistreatment in exchange for recanting their religious affiliation, and if incarcerated, recanting their religious affiliation as a precondition for releasing them." **[4b] (Section II)**

19.67 The Human Rights Watch World Report 2010, released 20 January 2010, noted that: "The government continues to deny members of the Baha'i faith, Iran's largest non-Muslim religious minority, freedom of religion." **[8k]**

19.68 On 7 January 2010, the International Campaign for Human Rights in Iran reported that: "More than 200 Baha'is have been killed by the State following the Islamic Revolution of 1979. Thousands more have been arrested, harassed, surveilled, dismissed from their jobs, or had their finances and

property confiscated by the government. Baha'is are prohibited from holding government jobs and their children are not allowed to attend university." **[52e]**

19.69 The US Commission on International Religious Freedom Report 2010, published on 29 April 2010, provided the following update:

"The Baha'i community has long been subject to particularly severe religious freedom violations in Iran. Baha'is, who number at least 300,000, are viewed as 'heretics' by Iranian authorities, and may face repression on the grounds of apostasy. Since 1979, Iranian government authorities have executed more than 200 Baha'i leaders in Iran, and more than 10,000 have been dismissed from government and university jobs. Baha'is may not establish places of worship, schools, or any independent religious associations in Iran. In addition, Baha'is are barred from the military and denied government jobs and pensions as well as the right to inherit property. Their marriages and divorces are also not recognized, and they have difficulty obtaining death certificates. Baha'i cemeteries, holy places, and community properties are often seized or desecrated and many important religious sites have been destroyed. In recent years, Baha'is in Iran have faced increasingly harsh treatment, including increasing numbers of arrests and detentions and violent attacks on private homes and personal property. Baha'i property has been confiscated or destroyed and dozens of Baha'is have been harassed, interrogated, detained, imprisoned, or physically attacked.

"Nearly 300 Baha'is have been arbitrarily arrested since early 2005 and, at present, at least 45 Baha'is remain in prison on account of their religious identity. In March and May 2008, seven Baha'i leaders – Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naemi, Saeid Rezaie, Mahvash Sabet, Behrouz Tavakkoli, and Vahid Tizfahm – were arrested and taken to the notorious Evin prison in Tehran, where they remain today. After numerous postponements, the trial for the five men and two women started in January and is still ongoing. They were formally charged with espionage, propaganda activities against the Islamic order, the establishment of an illegal administration, cooperation with Israel, sending secret documents outside the country, acting against the security of the country, and 'corruption on earth.' Attorneys for the seven Baha'is, who have had extremely limited access to their clients and files, say that the charges against them have no merit and are baseless." **[88a] (p58)**

19.70 On 17 April 2010, the Baha'i World News Service provided an update on the seven imprisoned Baha'i leaders referred to above, reporting that they were due to appear at the third court hearing on 12 April 2010; however:

"… when the prisoners arrived at the court, their families were not allowed to enter, signaling a closed hearing. Inside the courtroom, however, the prisoners saw numerous officials and interrogators from the Ministry of Intelligence – along with a film crew which had already set up its cameras. Concerned over the presence of non-judicial personnel in a supposedly closed hearing, the Baha'is – with the agreement of their attorneys – declined to be party to the proceedings. The judge adjourned the session and did not announce a date for continuing the trial." **[57a]**

19.71 The USCIRF Report 2010 stated:

"Since January 1, 2010, [to 30 March 2010] at least 50 Baha'is have been arbitrarily arrested. At least 14 Baha'is were arrested in March in several different cities throughout the country, including Marvdasht, Mashhad, Semnan, Isfahan, Shiraz, Kermanshah, and Sari. Approximately 13 Baha'is were detained in February, several of whom remain in jail. Another 13 Baha'is were arrested in early January and 10 remain in detention. Other arrests in 2010 occurred in several other cities, including Tehran, Babolsar, Karaj, Nazarabad, and Shahrekord. Most of the detentions followed the similar pattern of Ministry of Intelligence officials appearing at the homes of Baha'is, searching the premises and confiscating computers, books and other materials, and then making arrests. No charges have been filed. According to human rights groups, between October 2009 and mid-February 2010, there were 47 new cases of arbitrary detention of Baha'is. In addition, throughout 2009, Baha'is in several cities across the country were targets of arson attacks; in all cases, police said nothing could be done to find the perpetrators. Dozens of Baha'is are awaiting trial while others were sentenced to prison terms ranging from 90 days to several years in 2009 and 2010. All of those convicted are reportedly in the process of appealing the verdicts. In March 2010, at least 50 young Baha'is, some of whom received prison sentences ranging from one to four years for teaching underprivileged children in southeastern Iran in 2006, were banned from travel outside the country.

"In the past year, Baha'i cemeteries in various parts of the country, including Tehran, Ghaemshahr, Marvdasht, Semnan, Sari, and Isfahan, have been desecrated, defaced, or in some way blocked to the Baha'i community. In February 2009, a Baha'i cemetery in Semnan in northern Iran was desecrated, and in January, another Baha'i cemetery was destroyed in Ghaemshahr. Baha'i cemeteries also have been destroyed in Yazd and outside of Najafabad in central Iran. In the past several years, several articles in the government-controlled newspaper *Kayhan*, whose managing editor is appointed by Supreme Leader Ayatollah Khamenei, have vilified and demonized the Baha'i faith and its community in Iran. Iranian authorities also have gone to great lengths in recent years to collect information on all members of the Baha'i community in Iran and to monitor their activities.

"In the past, Baha'is in Iran have not been allowed to attend university. Although the Iranian government maintains publicly that Baha'is are free to attend university, reports over the past year indicate that the *de facto* policy of preventing Baha'is from obtaining higher education remains in effect. Of the very few Baha'is who are enrolled in universities, several were expelled during the past year once their religious beliefs became known. Furthermore, during the past few years, young Baha'i schoolchildren in primary and high schools increasingly have been vilified, pressured to convert to Islam, and in some cases expelled on account of their religion." **[88a] (p58-59)**

19.72 Human Rights Watch report dated 23 February 2010 stated that:

"The detention of 13 Baha'is on February 10 and 11 [2010] follows the arrest of 13 others in early January. The government alleges that those arrested in January helped to organize recent anti-government demonstrations but has not made public any charges against those detained in February. These arrests come during a broad government crackdown on opposition activists.

'The Iranian government seems to be using the post-election unrest as a cover for targeting the Baha'i community,' said Joe Stork, deputy Middle East and North Africa director at Human Rights Watch. 'These arrests are only the latest chapter in the government's systematic persecution of the Baha'i.'" **[8n]**

See Apostasy (conversion from Islam) above and Latest News

SUFIS

19.73 A news article by Radio Free Europe/Radio Liberty dated 26 February 2009 stated that:

"The origins of Sufism are traced back to the beginnings of Islam and Sufis believe Prophet Muhammad was the first Sufi master. The Sufi tradition focuses on the inner and spiritual teachings of Islam that are included in the so-called Mecca verses of the Koran…Analysts say the current tensions between the Shiite Nematollahi Gonabadi Sufi order and the Iranian establishment is seen a result of the historical differences.

"The Nematollahi order is Iran's largest Sufi order, with reportedly over 2 million members across the country, including in major cities such as Tehran and Isfahan. Its members have come under increasing state pressure over the past four years; three of their houses of worship have been demolished. Officials accused the Sufis of not having building permits and of narcotics possession -- charges the Sufis reject. Dervishes [Sufis] say they're being targeted because of what they describe as the growing popularity of Sufism and also because they're considered a potential challenge to the power of Iran's clerical establishment. Some conservative clerics have called the Sufis a danger to Islam." **[42s]**

19.74 The USSD IRF Report 2009 stated that:

"Sufis within the country, Sufi organizations outside the country, as well as numerous human rights organizations, remained extremely concerned about growing government repression of Sufi communities and religious practices, including increased harassment and intimidation of prominent Sufi leaders by the intelligence and security services. Government restrictions on Sufi groups and houses of worship (husseiniya) became more pronounced in recent reporting periods. There were numerous reports of Shi'a clerics and prayer leaders denouncing Sufism and the activities of Sufis in the country in both sermons and public statements." **[4b] (Section II)**

19.75 The Freedom House, *Freedom in the World Report 2010* stated that "Sufi Muslims have … faced persecution by the authorities." **[112h]** The USCIRF Report 2010 stated that: "During the past year [April 2009 to March 2010], arrests and harassment of Sufi Muslims increased significantly. If the religious identity of a Sufi Muslim student was made known, the university generally expelled him or her." **[88a] (p56)**

19.76 The FIDH report, *Iran/death penalty: A state terror policy, Special edition for the 4th World Congress against the death penalty,* published on 16 March 2010 stated that:

"Some members of Ahl-e Haq, a Sufi sect, have been sentenced to death. Mehdi Qasemzadeh, arrested with some other members of the sect, who had been sitting in prison since 2004, was executed on charge of moharebeh at the end of February 2009. Yunes Aqayan who was also a member of the same religious group and has been sitting in prison since 2004 was found guilty of fighting God and sentenced to death. His sentence was upheld in 2005. At some point in July 2009, there were reports that his death sentence had been implemented, but those reports could not be confirmed." **[56e]**

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20. ETHNIC GROUPS

OVERVIEW

Section should be read in conjunction with the previous section on Freedom of religion.

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

"There are a number of ethnic groups in Iran. Speakers of Persian and its various dialects are the largest ethnic group, forming about 50 per cent of the population by some accounts. Next to them, the most populous ethnic group is the Azerbaijani Turks (over 25% of the population), Kurds (7-10%), Arabs (2%), Baluchis (2%) and the Turkmens (more than 1%).

"The Constitution stipulates that Persian, or Farsi as it is called in Iran, is the official language. It also allows the use of ethnic and local languages in the media and the teaching of their literature in schools alongside the Persian language (Article 15). The reality, however, is that various ethnic groups have consistently complained of the violations of their rights. Most Kurds, Baluchis, and Turkmens are followers of one or another branch of Sunni Islam, and consequently also constitute a religious minority. The Arabs living in southwestern Khuzestan are mostly Shiites, while those in the southern provinces of Bushehr and Hormuzgan are mostly Sunnis. The Azerbaijani Turkic speakers are also predominantly Shiites. There have been movements within all the ethnic minorities, demanding respect for their rights." **[56i]**

20.02 The Minority Rights Group (MRG) International report, *Peoples Under Threat 2009*, published on 16 July 2009 rated Arabs, Azeris, Baha'is, Baluchis, Kurds and Turkomans in Iran among those groups around the world "…most at risk of genocide, mass killing or other systematic violent repression." The ranking is based on a basket of 10 indicators, including those for "democracy or good governance… conflict… group division or elite factionalization… prior genocides and politicides… and the country credit risk classification." Iran is ranked 14th out of the 20 ranked countries (1st place being the country where minorities are most at risk), **[46b]** down from 12th place in the MRG 2008 report **[46a]**.

20.03 The Foreign and Commonwealth Office's *Annual Report 2009 – Iran*, published on 26 March 2010, stated that:

"Members of Iran's ethnic minority groups from the Ahwaz, Kurdistan, Khuzestan, Baluchistan and Turkmenistan regions … face increasing intimidation. Large numbers have been detained on charges of endangering national security. The days after the election result saw a series of mass executions in Iran's border regions, viewed by many as a warning sign to the local populations. On 11 November [2009], Ehsan Fattahian [a Kurd **[9s]**] was executed after a ten-year sentence to be served in exile was increased to a death sentence by a higher court…Many members of minority groups remain on death row accused of terrorism, treason, or acting against national security." **[26c] (p117)**

20.04 The FIDH's report of 28 April 2009 stated that:

"Persons belonging to ethnic minorities in Iran (Kurds, Arabs, Baluchis) are often condemned to death and subsequently executed for offences related to the security of the state. Peaceful activists are sometimes unfairly condemned on such grounds, since the authorities do not make a difference between peaceful advocacy for the rights of the said minorities, and armed attacks by autonomists. Fair trial guarantees are violated and witnesses regularly report widespread use of torture in those cases." **[56i] (p 46)**

20.05 The Amnesty International Report 2010 published on 27 May 2010 and covering events in 2009, stated that: "Members of Iran's ethnic minorities continued to face discrimination along with harassment and imprisonment for advocating greater respect for social and cultural rights, including the right to mother tongue education. In June [2009], the government announced that it would allow some higher education in regional languages." **[9a] (p175)**

See also Exit and Return for details of possible discrimination faced by ethnic minorities wishing to leave Iran.

KURDS

Background

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

"The Kurdish population is one of the largest ethnic minority groups in Iran. The number of Kurds in the country varies considerably according to the available sources. The estimate ranges from five to twelve million people out of a total Iranian population of an estimated 70.5 million. The vast majority of the Kurds in Iran live in the mountainous region of Western Iran from the Turkish and Iraqi borders in the west to Lake Urumieh in the north east. The area covers approximately 95,000 square kilometres.

"The only province that is governmentally recognised as Kurdish is the province of Kurdistan. However, the area that is often called Iranian Kurdistan extends from Kurdistan province in the central area to Western

Azerbaijan province in the north and Kermanshah province in the southern area.

"The area of Iranian Kurdistan consists of mountains, plains, villages and large urban centres. The Kurdish population are mainly situated in and around the big cities of Kermanshah, Sanandaj and Mahabad.

"The economic environment in Iranian Kurdistan varies. Kurds living in the Zagros mountain range mainly rely on pastoral farming and herding in a modified tribal economic set-up. The Kurds of the plains often live in villages and rely on agriculture and, to a smaller extent, on pastoral farming. The main crops of this region are tobacco, barley, rice and wheat. Kurds living in urban settings are mainly occupied as teachers, traders and shopkeepers. Of course some Kurds may also be working in other sectors; however, Kurds will not be working in high levels of government." **[86b]**

20.07 The Amnesty International (AI) report *Iran: Human rights abuses against the Kurdish minority*, dated July 2008, stated that:

"… [Kurds] live mainly in the provinces of West Azerbaijan, Kordestan, Kermanshah and Ilam in the west and south-west of the country, although many have moved to the big cities such as Tehran. Sanandaj is the administrative centre of Kordestan. There is also a community of Kurds in North Khorasan province in northeastern Iran.

"The Kurdish language is divided into two main dialects: Sorani and Kurmanji. Smaller communities of Gorani and other Kurdish-dialect speakers are present in Iran. Most Kurds are Sunni Muslims, although a minority are Shi'a. Some are Yazidi, a religion with pre-Islamic roots, while others are Baha'i, Ahl-e Haq and followers of the Qaderi and Naqshbandi schools of Sufism." **[9e]**

20.08 Sorani Kurdish is spoken by Iraqi Kurds living south of the Greater Zab, and by the Iranian Kurds living in Kordestan Province. Sorani Kurdish is typically written in a modified Arabic script; such modern literature as exists in Kurdish is usually in Sorani, because there has been more opportunity to publish in Iraq than in other countries in recent times. (Centre for Applied Linguistics, 18 February 2004) **[23a]**

Discrimination and human rights violations

20.09 A Foreign Policy Centre (FPC) report, *A revolution without rights? Women, Kurd and Bahais searching for equality in Iran*, dated 25 November 2008 noted:

"… [Kurds] are particularly vulnerable as a minority population in Iran for two main reasons: some Kurds have a long history of struggle for national autonomy in Iran and they are mostly Sunni Muslims (a minority in Shi'a Iran). The border areas they inhabit are relatively underdeveloped and they have suffered from violent repression before and since the [1979] revolution. The Islamic Republic of Iran has continued a pattern established by previous regimes of creating a strong centralised state that is intolerant of ethnic dissidents... **[49b] [p16]**

"Although there are no specific anti-Kurdish laws in the constitution, the authorities find pretexts for persecuting Kurds who openly and non-violently profess their group identity. Once arrested many have experienced violations of due process that contravene Iranian law and fall far below international standards. Kurds are also denied rights to teach their language, and they face discrimination with respect to housing, public education and employment." **[49b] (p40)**

20.10 The same FPC report also stated:

"The KDPI [Kurdish Democratic Party of Iran] supported the overthrow of the Shah and many Kurds participated in the 1979 revolution, but they were quickly marginalized by the new regime. When a popular referendum was held to vote on the creation of an Islamic Republic, most Kurds boycotted the vote. They objected to the draft constitution, which did not mention the Kurds or make provision for regional autonomy. Shortly thereafter, the KDPI helped to organise a rebellion in the region. The uprising was met with brutal violence. Human Rights Watch reported that 'more than 271 Iranian Kurdish villages were destroyed and depopulated between 1980 and 1992.' An estimated 10,000 Kurds were killed in the two years after the revolution.

"Although strong feelings of nationalism remain among some of the Kurds in Iran, most Kurds express their identity non-violently. However, journalists and historians who publish their thoughts or opinions on Kurdish nationalism have been tried, imprisoned and often sentenced to death. They are usually convicted of 'enmity with God', a vague charge that is often used by the regime to silence its critics. In September 2008, about 200 Kurdish 'prisoners of conscience' in Iran went on a hunger strike to protest the use of the death penalty and the prevalence of torture in detention centres across the country." **[49b] (p18)**

20.11 The FIDH report *Iran/Death Penalty: a State Terror Policy,* dated 28 April 2009 (FIDH Report 2009) stated that: "The [Kurdish] nationalist movement has been strong in the Kurdish provinces of Iran for many years. Some Kurdish groups have been fighting the central government in Iran since 1979 and the demand for regional autonomy is strong; they have thus suffered the highest number of casualties in comparison with other ethnic groups." **[56i]** The FIDH Report 2009 added: "While a number of Kurdish opposition leaders lost their lives in the course of extrajudicial executions abroad, cultural activists and journalists are also subjected to harsh repression. Many have been condemned to prison sentences, and some of them have been condemned to death." **[56i]**

20.12 The Human Rights Watch *World Report 2010*, released 20 January 2010, stated that: "In the northwestern provinces of Azerbaijan and Kurdistan, the government restricts cultural and political activities, including the organizations that focus on social issues. The government also restricts these minorities from promoting their cultures and languages." **[8k]**

20.13 The AI report *Iran: Human rights abuses against the Kurdish minority*, dated July 2008, stated that:

"A key moment for Kurdish activists in recent times was in July 2005, when Iranian security officials shot dead Kurdish opposition leader Shawan Qaderi and two other men in Mahabad. The security forces tied Shawan Qaderi's

body to a jeep and dragged the corpse through the streets. This sparked violent protests that shattered years of relative peace in Kordestan. The protests also marked the start of a new wave of state repression against Kurds in which those who spoke up for Kurdish rights were targeted." **[9e]**

20.14 The Amnesty International Annual Report 2010, released in May 2010, covering events in 2009, stated that: "Members of the Kurdish minority suspected of belonging to banned armed opposition groups were arrested and imprisoned. Some were sentenced to death and at least one was executed, possibly in reprisal for a spate of attacks on officials in Kordestan province in September [2009]". **[9a]**

20.15 The FPC report of November 2008 stated that:

"The charges made against Kurdish activists often include allegations of unspecified breaches of national security or violating morality, which create a legal exemption from honouring human rights protections outlined in the constitution. For example, freedom of expression is allowed, 'except when it is detrimental to the fundamental principles of Islam or the rights of the public.' Activities that count as being 'against' Islam or the Islamic Republic can be very broadly defined to suit the purposes of the local or national government. Such charges are used as a pretext for cracking down on criticism, activism or dissent of any kind." **[49b] (p42)**

20.16 On 12 November 2009, Amnesty International reported that Ehsan Fattahian, a male Kurd, had been executed in Kordestan, northwestern Iran the day before, after being convicted of 'enmity against God' for his membership of the left-wing Kurdish organisation, Komala. AI also noted that: "At least 12 other Kurds are known to be on death row for political offences. They include two other men, Habibollah Latifi and Sherko Moarefi, both of whom were detained in October 2008 and convicted of 'enmity against God in connection with their alleged membership of proscribed Kurdish organizations." **[9s]**

20.17 The US State Department *Country Report on Human Rights Practices 2009*, Iran, released on 11 March 2010, (USSD Report 2009) stated that: "Kurdish human rights organizations reported that 16 Kurdish political prisoners faced execution at year's end [December 2009]." **[4c] (Section 1e)** The FIDH report of 16 March 2010, noted that "No less than 21 Kurdish political prisoners are currently on death row." **[56e]** On 10 May 2010 Agence France Presse reported that four members of the Kurdish Party of Free Life of Kurdistan (PJAK), including one woman, had been executed in Tehran's Evin prison. They were reportedly: "…convicted of being 'mohareb' or 'enemies of God' – a crime punishable by death under Iran's sharia-based Islamic law." **[14a]**

20.18 On 9 May 2010, the International Campaign for Human Rights in Iran (ICHRI) reported that Farzad Kamangar, a Kurdish teacher and social worker had been executed with four other "political prisoners". The ICHRI article stated that he: "… was charged with Moharebeh (taking up arms against God), convicted and sentenced to death in February 2008, after a seven-minute long trial in which 'zero evidence' was presented." **[52g]**

See also sections on Kurdish political groups: the KDPI, Komala and PJAK under Opposition groups and political activists and Freedom of religion

ARABS

20.19 The FIDH Report 2009 stated that:

"The Arab minority, the majority of whose members live in the southwestern province of Khuzestan, like other ethnic minorities, has been denied its cultural rights and has faced repression both before and after the revolution. A few months after the 1979 revolution, there were clashes in Khuzestan that were suppressed by the government and scores of Arabs were sent to the gallows.

"In April 2005, unrests in Khuzestan led to the death of many Arabs including some in alleged extrajudicial executions. The turbulence occurred following the surfacing of a letter allegedly written by Mr. Abtahi, an advisor to then President Khatami. The letter, dated 1999, the authenticity of which Mr Abtahi strongly denied, proposed the reduction of the Arab population in Khuzestan by transferring them to other parts of Iran. Subsequently, several bombs exploded in Ahvaz, the provincial capital of Khuzestan, as well as in Tehran, killing a number of people.

"Seven men were shown on TV on 1 March 2006 and said to be convicted for involvement in the bombings. Two of them were hanged the day after. At least 11 other men were also said to be sentenced to death. In 2006, 36 Arabs had been sentenced to death or lengthy prison terms; five were executed after unfair trials, two of them in public. In 2007, at least eight were executed and 17 others were facing the death sentence after unfair trials." **[56i]**

20.20 The USSD Report 2009 stated that:

"Foreign representatives of the Ahvazi Arabs of Khuzestan claimed their community of two to four million in the country's southwest encountered oppression and discrimination, including the lack of freedom to study and speak Arabic. Ahvazi and human rights groups alleged torture and mistreatment of Ahvazi Arab activists, including allegations that in September IRGC intelligence officers raped two female activists." **[4c] (Section 6)**

20.21 The FIDH report *Iran/death penalty: A state terror policy, Special edition* published on 16 March 2010 also noted that, in Khuzestan, members of the Arab ethnic group had been facing repression: "It was reported in October 2009 that seven members of the community were at imminent risk of execution for 'acting against national security' and killing a Shia cleric." **[56e]**

20.22 The AI Report 2010 noted: "Members of the Ahwazi Arab and Azerbaijani minorities were subject to continuing repression." **[9a] (p175)**

20.23 On 9 November 2009, the Iranian Minorities Human Rights Organisation (IMHRO) reported that at least 64 Arab workers at a factory in Ahwaz [Ahvaz] had been arrested following their peaceful protest in Naderi, one of the main streets in Ahwaz. Other workers at the protest who were not arrested were told not to return to work at the factory. They were protesting about the long delay in receiving their pay and benefits which non-Arab workers received on time. According to a witness, minutes after the protest started, anti-riot police surrounded, attacked and arrested the men. It was

reported that some were severely injured. The IMHRO stated that the Iranian government systematically suppresses Ahwazi Arabs and they are banned from education and speaking their own language. They are banned from working in the oil and gas industries and can only get low level jobs in factories, where they are discriminated against, given the most difficult jobs and experience long delays in receiving payment. Some receive no payment after working for years. Furthermore:

"If they protest they [are] mark [sic] as tools in [the] hand[s] of foreigners and charged with connection with illegal political parties. There are no worker unions who could defend workers right and any attempt for gathering is suppressed harshly by government. After arrest they would add them to black list and then they never find any other jobs. Some end up in long term prison. [The] Government also add their family members to [a] black list to be banned from university and higher education." **[109c]**

BALUCHIS

20.24 The FIDH Report 2009 stated that:

"The Baluchis who are said to number more than 1.4 million live mostly in the Sistan-Baluchistan province in the southeast, bordering Pakistan and Afghanistan. Since the early 2000s, an armed Baluchi group, People's Resistance Movement of Iran, known as the Jondollah has been fighting the Iranian government stating its aim as achieving a more democratic system and full rights of the Sunnis in Iran. The response of the Iranian government has been very harsh.

"The authorities appointed the former prosecutor of the Special Court for Clergy and former deputy prosecutor-general, Hojatoleslam Nekoonam, to head the Justice Department in Sistan and Baluchistan in 2006. Since then the number of death sentences and executions have risen drastically in the region. A large number of Baluchis have been arrested, tried and some of them executed within a few days of the trials. Most have been accused of drug trafficking and armed banditry, murder and kidnapping. It is not clear as to how many of them were involved in the opposition against the government.

"In June 2006, six people were executed for fighting God and corruption on earth.

"Said Qanbarzahi was hanged on 27 May 2007. He had been sentenced to death in March 2007 when he was 17 years old, together with six other men. They were believed to have been detained for their families' ties to perpetrators of a bus bombing in February 2007 that killed 14 revolutionary guards.

"Yaqub Mehrnahad, head of the of the Voice of Justice Young People's Society, a registered NGO, was arrested with some other members of the Society in Zahedan in May 2007. He was also representative of the daily Mardomsalary in the province. He spent over a year in detention during which he was sentenced to death and his sentence was upheld. He was finally executed on 4 August 2008. Mehrnahad had been accused of cooperation with the Jondollah. He had never taken up arms and was reportedly not given access to lawyers during his detention.

"Amnesty International recorded at least five executions of Baluchis in 2005; at least 32 and possibly more than 50 in 2006; up to 50 from January-August 2007.

"In March 2007, Member of Parliament for Zahedan, Shahriyari said in an interview that 700 people had had their death sentences confirmed by the Supreme Court and were waiting to be executed in the Sistan-Baluchistan province.

"A website keeping track of executions of Baluch people has recorded 176 judicial and extrajudicial executions from December 2006 –through March 2009." **[56i]**

20.25 The USSD Report 2009 stated that:

"Local and international human rights groups alleged serious economic, legal, and cultural discrimination against the Baluch minority during the year. Baluch journalists and human rights activists faced arbitrary arrest, physical abuse, and unfair trials, often ending in execution. In August 2008 authorities executed Baluch journalist and education activist Yaghoob Mirnehad in Zahedan for alleged membership in the militant group People's Resistance Movement of Iran (formerly Jundallah), which the government considers a terrorist group." **[4c] (Section 6)**

20.26 The FIDH report published on 16 March 2010 stated that members of the Baluch minority had "frequently been victims of executions." The report further noted that:

"Sizable numbers of Baluch men have been executed after unfair trials on charge of *moharebeh* allegedly for membership of an armed opposition group, People's Resistance Movement of Iran (formerly known as Jondollah). Three Baluch people charged with *moharebeh* were reportedly executed in public in Zahedan on 3 May 2009, in connection with a bombing in the city only two days after the incident – which in itself demonstrates that they did not benefit from a fair trial, but were rather victims of an expeditious revengeful procedure. Other members of the Baluch minority, who were executed on the same charge, included three people on 30 May, two on 6 June, and 13 on 14 July, all in Zahedan." **[56e]**

See also section on the People's Resistance Movement of Iran (PMRI), or Jondollah

AZERIS

20.27 The USSD Report 2009 stated that:

"Ethnic Azeris comprised approximately one-quarter of the country's population, were well integrated into government and society, and included the supreme leader among their numbers. Nonetheless, Azeris complained that the government discriminated against them, banning the Azeri language in schools, harassing Azeri activists or organizers, and changing Azeri geographic names. Azeri groups also claimed a number of Azeri political prisoners had been jailed for advocating cultural and language rights for

Azeris. The government charged several of them with 'revolting against the Islamic state.'…

"In a series of arrests beginning in July 2008, police reportedly detained at least eight Azeri-Iranian students in Tabriz and charged them with 'establishing illegal groups in order to disrupt national security' and 'propaganda against the state.' According to AI, the student activists were campaigning for greater cultural and linguistic rights, including the right to education using the Azeri language and the right to celebrate Azeri culture and history. In October 2008 authorities released all but one on bail; the remaining prisoner, Dariush Hatemi, was released in November 2009." **[4c] (Section 6)**

20.28 In the AI Report 2009 it was noted that: "Activists continued to call for the Azerbaijani Turkic language to be used in schools and government services in the areas where Azerbaijani Iranians mainly live. Dozens of activists were arrested in February [2008] in connection with demonstrations on International Mother Language Day." **[9h]**

20.29 A Radio Free Europe / Radio Liberty (RFE/RL) article, dated 26 July 2008, reported that Vedud Asadi, well-known for promoting the cultural and language rights of Iran's Azeri minority, was arrested without charge two weeks after his wedding. The report added: "The ethnic-Azeri minority makes up 25-33 percent of Iran's population. While the Iranian Constitution provides language and cultural rights for the country's minorities, the regime has banned the teaching of the Azeri language in schools, and harassed and jailed activists like Asadi." **[42m]** On 24 August 2008 it was reported that Vedud Asadi had been released on bail after being illegally detained for 34 days in Rasht, an Azerbaijani city by the Khazar Sea. **[47] (Baybak.com)**

QASHQAIS

20.30 The Qashqai website, accessed on 1 December 2009, noted that the Qashqai are also known as the Qashqaai, Qashqa'i or Ghashghai. Information on the website stated:

"The Qashqai compose a community of settled, semi-settled, and pastoral nomadic households who reside mainly in the Fars region of southern Iran. They speak Qashqai Turki (Turkish). Most of them also speak, at least, Persian (Farsi). They are Shia Muslims… Since the 1960s the general trend has beed a sharp increase in sedentarization of Qashqai nomads and involvement in non-pastoral and non-traditional economic activities. Presently the Qashqai form mainly settled and semi-settled households. Qashqai population of today is estimated between one and one and a half million." **[37a]**

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

"In addition to established ethnic minorities, a number of nomadic groups and tribes are targeted for discrimination, for instance the Gheshghay [another version of Qashqai]… The population of the group is estimated as

2% of the Iranian population, living mainly in Fars Province in Southern Iran. Shiraz is known as the biggest centre of the group's activities, whilst a part of the group continue to be nomadic. Notably, after the 1979 Iranian Islamic Revolution, Khosrow Khan Qashqai, the Ghashghayi leader, returned to Iran from Germany, was arrested and subsequently publicly executed for advocating for the group's rights and autonomy. This has caused long-standing suspicion by the government of this ethnic group, considering it a potentially volatile one.

"Moreover, the religious practices of the group are not entirely in line with those of the mainstream Islamic regime and therefore give rise to suspicions and discrimination against them, as described in the account below:

"Following the Islamic Revolution, various Qashqa'i customs, such as public dancing, the playing of traditional music on oboes and skin drums, and stickfighting games performed to music, were declared immoral and anti-Islamic by the new government. The extent of continuous discrimination is not known. However, various laws still deem certain Qashqa'i practices to be anti-Islamic, despite the fact that the group is Shia Muslim.

"In light of the above information, whilst those of the Ghashghayi ethnicity would not be prosecuted on basis of ethnicity alone, they may indeed be targeted on basis of ethnicity for dispossession of property, employment, education as well as other discrimination. Lastly, the account below suggests a possible rationale for such efforts by the government in relation to the Ghashghayi:

"In 2005, Miloon Kothari, the United Nations Special Rapporteur on Adequate Housing, condemned the recent confiscation of land owned by minority groups such as the Qashqa'i. Tehran's objective with these policies, according to human rights activists, was to implement 'ethnic restructuring' by forced migration out of the oil and sugar-rich Khuzestan province. In addition to land confiscation, the Qashqa'is also had to deal with traditional pastures being sold to the private sector." **[6a] (p51-52)**

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21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

With regard to lesbians and bisexual women, the section should be read in conjunction with the section on Women for information about their position generally in Iranian society.

Note on language: care should be taken in interpreting what is meant by sources in referring to 'homosexual' or 'homosexuality'. Some sources use the terms to mean both men and women who have same-sex (physical and emotional) relationships, while others use the terms in reference to gay men only.

Where information provided is not quoted, the COI Report will refer to gays/gay men and lesbians as appropriate.

LEGAL RIGHTS

21.01 A report by the International Lesbian and Gay Association (ILGA), *State-Sponsored Homophobia,* dated May 2010, (ILGA Report 2010) observed that same-sex relations for men and women are illegal in Iran. **[104] (p24)** A letter from the Foreign and Commonwealth Office (FCO) dated 30 April 2010 noted that "Homosexual activities are illegal and can carry the death penalty." **[26h]**

21.02 The website of the Mission for Establishment of Human Rights in Iran (MEHR Iran), accessed on 16 March 2010, includes full details of the Iranian Penal Code. The legislation relating to same-sex relationships is included mainly in Book Two (*Haads* – punishments specified by Shari'a), which was ratified in 1991. Some of the articles in Book Five of the Penal Code, however, also refer to circumstances in which a punishment for same-sex relationships may apply. Book Five refers to punishments not specified by Shari'a and was ratified in May 1996. **[66a]**

21.03 Book Two of the Iranian Penal Code states:

"**Part 2: Punishment for Sodomy**

"**Chapter 1: Definition of Sodomy**

"Article 108: Sodomy is sexual intercourse with a male.
Article 109: In case of sodomy both the active and the passive persons will be condemned to its punishment.
Article 110: Punishment for sodomy is killing; the Sharia judge decides on how to carry out the killing.
Article 111: Sodomy involves killing if both the active and passive persons are mature, of sound mind and have free will.
Article 112: If a mature man of sound mind commits sexual intercourse with an immature person, the doer will be killed and the passive one will be subject to Ta'azir of 74 lashes if not under duress.
Article 113: If an immature person commits sexual intercourse with another immature person, both of them will be subject to Ta'azir of 74 lashes unless one of them was under duress.

"**Chapter 2: Ways of proving sodomy in court**

"Article 114: By confessing four lashes to having committed sodomy, punishment is established against the one making the confession.
Article 115: A confession made less than four lashes (to having committed sodomy) does not involve punishment of 'Had' but the confessor will be subject to Ta'azir (lesser punishments).
Article 116: A confession is valid only if the confessor is mature, of sound mind, has will and intention.
Article 117: Sodomy is proved by the testimony of four righteous men who might have observed it.
Article 118: If less than four righteous men testify, sodomy is not proved and the witnesses shall be condemned to punishment for Qazf (malicious accusation).
Article 119: Testimony of women alone or together with a man does not prove sodomy.

Article 120: The Sharia judge may act according to his own knowledge which is derived through customary methods.
Article 121: Punishment for Tafhiz (the rubbing of the thighs or buttocks) and the like committed by two men without entry, shall be hundred lashes for each of them.
Article 122: If Tafhiz and the like are repeated three lashes without entry and punishment is enforced after each time, the punishment for the fourth time would be death.
Article 123: If two men not related by blood stand naked under one cover without any necessity, both of them will be subject to Ta'azir of up to 99 lashes.
Article 124: If someone kisses another with lust, he will be subject to Ta'azir of 60 lashes.
Article 125: If the one committing Tafhiz and the like or a homosexual man, repents before the giving of testimony by the witnesses, his punishment will be quashed; if he repents after the giving of testimony, the punishment will not be quashed.
Article 126: If sodomy or Tafhizis proved by confession and thereafter he repents the Sharia judge may request the leader (Valie Amr) to pardon him.

"**Part 3: Lesbianism**

"Article 127: Mosaheqeh (lesbianism) is homosexuality of women by genitals.
Article 128: The ways of proving lesbianism in court are the same by which the homosexuality (of men) is proved.
Article 129: Punishment for lesbianism is hundred (100) lashes for each party.
Article 130: Punishment for lesbianism will be established vis-a-vis someone who is mature, of sound mind, has free will and intention. Note: In the punishment for lesbianism there will be no distinction between the doer and the subject as well as a Muslim or non-Muslim.
Article 131: If the act of lesbianism is repeated three lashes and punishment is enforced each time, death sentence will be issued the fourth time.
Article 132: If a lesbian repents before the giving of testimony by the witnesses, the punishment will be quashed; if she does so after the giving of testimony, the punishment will not be quashed.
Article 133: If the act of lesbianism is proved by the confession of the doer and she repents accordingly, the Sharia judge may request the leader (Valie Amr) to pardon her.
Article 134: If two women not related by consanguinity stand naked under one cover without necessity, they will be punished to less than hundred (100) lashes (Ta'azir). In case of its repetition as well as the repetition of punishment, hundred (100) lashes will be hit the third time." **[66a]**

21.04 The US State Department *Report on Human Rights Practices 2009*, Iran, released on 11 March 2010, (USSD Report 2009) stated that: "The Special Protection Division, a volunteer unit of the judiciary, monitored and reported 'moral crimes'. The law prohibits and punishes homosexual conduct; sodomy between consenting adults is a capital crime. The law defines transgender persons as mentally ill, encouraging them to seek medical help in the form of gender-reassignment surgery." **[4c] (Section 6)**

See also subsection Transgender persons below.

21.05 The USSD Report 2009 also stated that: "The punishment of a non-Muslim gay man or lesbian was harsher if the gay man or lesbian's partner was Muslim. Punishment for homosexual behavior between men was more severe than for such behavior between women." **[4c] (Section 6)**

21.06 The Danish Immigration Service's report of their 2005 fact-finding mission to Iran stated that:

"Under the penal code, homosexuality between men is a serious crime and, if there is the necessary evidence or confessions, it can incur the death penalty. According to [Article] 114, the necessary proof is confessions to the judge or the testimony of four men. [Article] 120 also prescribes '…That the judge can make a decision in accordance with his own knowledge that is based on general knowledge and judgement.' …

"Two female defence lawyers with many years' experience of court cases in Teheran reported that if the judge had detailed knowledge of the homosexuality, this knowledge could be sufficient testimony to pass judgement. …

"UNHCR in Ankara reported that the judge's knowledge of the circumstances of the case in cases of homosexuality could be sufficient evidence." **[86a] (p10)**

See also Knowledge of the judge

21.07 A Human Rights Watch (HRW) article dated 28 March 2008 observed that:

"Iranian law provides punishments up to death for penetrative same-sex sexual activity between men on the first conviction, and punishes non-penetrative activity with up to 100 lashes. Homosexual conduct between women is punishable with death on the fourth conviction. Iran's Penal Code requires four reiterated confessions, or the testimony of four 'righteous men' as eyewitnesses, to prove lavat, or sodomy. However, judges are permitted to accept circumstantial evidence or inference. At the May 2007 raid in Esfahan [see paragraph 21.25 below], police reportedly brought four civilian witnesses to prove that 'immorality' was taking place." **[8a]**

21.08 A report by the International Gay and Lesbian Human Rights Commission (IGLHRC) dated 25 November 2009 stated that: "Under Iranian law, sodomy includes sexual intercourse between members of the same sex, and is illegal. The punishment for same-sex intercourse between two men (Lavaat) is death and between two women (Mosaheghe) is 100 lashes for the first three offenses and the death penalty for the fourth." **[99b]**

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TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

Charges, sentences and punishments

21.09 In their letter dated 30 April 2010, the FCO stated that:

"We have concerns about the treatment of homosexuals in Iran.

Homosexual activities are illegal and can carry the death penalty. We are not aware of any individual that has been executed in Iran in recent years solely on the grounds of homosexuality. We are aware of concerns that homosexuals have been charged with crimes such as rape and kidnap and then executed. Although homosexuality is illegal in Iran and homosexuals do experience discrimination, we do not believe that homosexuals are systematically persecuted." **[26h]**

21.10 The same source also stated:

"It is worth noting that it can be difficult to obtain information on human rights concerns and specific cases in Iran, especially on an issue as sensitive as homosexuality. Our Embassy can only make a limited judgement of the situation based upon publicly available information such as official public statements and media reporting and informal contacts with the gay community in Tehran. This by no means provides us with a full picture of the overall treatment of homosexuals in Iran, and as a result our assessment is necessarily limited." **[26h]**

21.11 A *Gay City News* article dated 10 December 2009 stated that:

"It is extremely difficult to obtain information about death penalty cases involving homosexuality under today's repressive theocratic regime in the Islamic Republic of Iran, where the press is heavily censored and journalists, regime critics, and human rights advocates are routinely persecuted and arrested and where the subject of same-sex relations is officially considered a political and religious taboo. Defendants in sodomy cases are denied open trials." **[44a]**

21.12 An article in Spiegelonline, *The Gay Sons of Allah, Wave of Homophobia Sweeps the Muslim World*, dated 17 September 2009, observed that:

"… homosexuals have been persecuted on a more or less regular basis since the Islamic revolution. Since President Mahmoud Ahmadinejad has been in office there has definitely been an increase in this persecution despite the fact that Ahmadinejad never grows tired of emphasizing that there are no homosexuals in his country.

"The mere suspicion that someone may have committed 'unnatural acts' is enough for that person to be sentenced to a flogging in Iran. If caught more than once, the person in question can be sentenced to death. According to official statistics, 148 homosexuals have been given a death sentence and executed thus far. [The timescale and exact source for this statement are unclear. In comparison, for example, a BBC article dated 13 March 2008 reported that more than 4,000 gay men and lesbians had been executed in the country since the 1979 revolution. **[21r]**] The true figure is doubtless much larger than this… Homosexuals are almost always charged with other crimes such as rape, fraud, or robbery in order to be better able to justify their execution." **[71a]**

21.13 In contrast to the Spiegelonline article that the persecution of LGBT persons has increased, a HRW report of 11 June 2009, *Together, Apart*, stated that: "Iran regularly arrests and tortures men, women, and transgender people under suspicion of same-sex conduct, but there is no real indication that arrests or executions have increased in recent years." **[8i] (p16)**

21.14 The USSD Report 2009, released on 11 March 2010, stated that: "According to HRW, the last confirmed death sentences for homosexual conduct were handed down in 2005, although there were allegations of executions related to homosexual conduct in 2006 and 2007." **[4c] (Section 6)** A letter dated 5 October 2006 from Human Rights Watch (HRW) to Minister Verdonk, the Dutch Minister of Alien Affairs and Integration, titled *No Deportations of LGBT Iranians to Torture* noted:

"Trials on morals charges in Iran are held in camera, and international outrage over the frequency of executions (Iran has the highest rate of executions per capita in the world) has led the government to exercise tight controls over press reporting of the death penalty. For these reasons, confirming the frequency of executions for lavat [sexual acts between men] is effectively impossible." **[8ae]**

21.15 An article on Radio Free Europe/Radio Liberty (RFE/RL) titled, *Persian Gay and Lesbian Activist Urges Tolerance*, dated 17 May 2007 reported that:

"…in recent years, there have been only a few reported cases of individuals being officially charged with homosexuality.

"Yet Parsi [Arsham Parsi, Secretary-General of the Toronto-based Iranian Queer Organisation] says the spectre of the harsh sentences casts a shadow on the life of homosexuals.… in the case of homosexuals, even if nothing happens, they always face fear. Many believe that the punishments for homosexuals are only on the books and they are not being applied. But we don't accept this - we think homosexuals are being sentenced, but perhaps [these cases] don't get reported." **[42ae]**

21.16 With regard to access to a fair trial once a gay man has been accused of "sodomy", an article dated 10 December 2009 in *Gay City News* reported a telephone conversation with a lawyer, Masomeh Tahmasebi:

"Tahmasebi explained that it was often very difficult for defendants in sodomy cases to find competent lawyers. 'Because of the social stigma attached to sodomy cases, many lawyers are not willing to take on such cases because of fears of accusations that they might be gay themselves,' she told Gay City News. 'And because of this same social shame, families often do not contact lawyers to defend the accused, so as a last resort the court assigns a lawyer pro bono, who often does not get the case until the day of the trial. So most of these sodomy cases are badly defended.'

"That means, Thamasebi added, that 'the only real chance left for the defendant is international human rights pressure and protest against the application of the death penalty — but often this occurs so late that the window of opportunity to prevent these executions is very small.'" **[44a]**

21.17 The IGLHRC report dated 25 November 2009 stated that, within the past three years:

"The Courts in Iran have sentenced a number of men to death after they were accused and convicted of sodomy…Most, if not all of these arbitrary executions orders follow rushed trials with little adherence to procedure. Judges overseeing sodomy cases often ignore the strict guidelines of the

Iranian Penal Code, and instead use questionable investigative methods and inadmissible evidence to decide the case. Frequently, the convictions are based on forced confessions, made under extreme psychological pressure and torture. Additionally, at least three lawyers who have defended people accused of sodomy have expressed fear of harassment and intimidation by the government and vigilantes. The courts do not allow independent observers to examine cases…

"In most cases, the Court convicts the defendants of sodomy charges solely on the basis of 'the knowledge of the judge'. According to the Iranian law, when there is not enough evidence to convict a defendant of a sexual crime, the judge may use his knowledge, in a deductive process based on the evidence that already exists, to determine whether the crime took place or not. Unfortunately, the excessive use of this principle means that rather than paying attention to evidence, the judge often sentences defendants to death based on his speculations. A number of prominent legal and religious scholars believe that such a broad application of the 'the knowledge of the judge' to issue death penalty for sexual crimes is in violation of the letter and the spirit of Sharia law.'" **[99b]**

See also Knowledge of the judge

21.18 The IGLHRC report of 25 November 2009 also included details of ongoing "sodomy cases" brought within the Iranian judicial system during the preceding three years. The IGLHRC were "…still investigating other possible cases in which men have been charged with sodomy, convicted, and sentenced to death." **[99b]**

21.19 A HRW article dated 4 November 2009, called for the Iranian authorities to halt the planned executions of three men facing execution under charges of male homosexuality, allegedly committed when they were minors. The HRW article stated that:

"Mehdi P., from Tabriz; Moshen G., from Shiraz; and Nemat Safavi, from Ardebil, were accused in separate cases of committing homosexual acts when they were under age 18. No date has been set for their execution yet, but the lawyer representing two of the men fears that it could happen any day…

"Mehdi P. and Moshen G. denied the charges, and no witnesses testified against them. Safavi was arrested at the age of 16 in 2006, and tried by a court in Ardebil, where he is being held.

"The courts sentenced all three to death despite the requirement in Iran's shari'a-based criminal code that sexual offenses require a confession repeated four times or the testimony of four male witnesses. However, the code allows judges to use their 'knowledge' in determining guilt where no such evidence is available, a dangerously elastic provision. Judges relied on such discretionary 'knowledge' to sentence Mehdi P. and Moshen G. No information is available on the source of evidence for the third judgment." **[8e]**

21.20 The International Gay and Lesbian Human Rights Commission (IGLHRC) provided additional information on Nemat Safavi's situation, stating on 25 November 2009 that:

"According to an investigation performed by the Committee of Human Rights Reporters (CHRR) in November 2009, the Supreme Court overturned Nemat's death sentence on March 4, 2009 and sent the case to another criminal court in Ardebil for retrial. Efforts are currently underway to provide Nemat with a defense lawyer who can convince the court of his innocence and prevent another death sentence for him." **[99b]**

See also Death penalty for children and Latest News

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Arrests and ill-treatment

21.21 On 21 November 2005, Human Rights Watch (HRW) reported that:

"Late last year [2004], the Iranian judiciary, which has been at the center of many reported human rights violations, formed the Special Protection Division, a new institution that empowers volunteers to police moral crimes in neighborhoods, mosques, offices and any place where people gather. The Special Protection Division is an intrusive mechanism of surveillance that promotes prosecution of citizens for behavior in their private domain." **[8t]**

21.22 A HRW letter to Minister Verdonk, the Dutch Minister of Alien Affairs and Integration, Ministry of Justice, titled 'Netherlands: Threat to Return Gay and Lesbian Iranians' dated 8 March 2006, elaborated on the function of the Special [Social] Protection Division or "Setad-e Hefazat-e Ejtema'l", stating:

"This organization - drawing, like many parallel groups, on unemployed ex-military draftees to fill its ranks - aims to control 'the social ills of each neighborhood and region' as well as 'deviant individuals' (according to its Articles of Association which were leaked to the Iranian press). In July 2005 a senior judicial official in Qom told reporters that 210 units of the Social Protection division employing 1,970 formally accredited volunteers had been set up throughout that city. These divisions would report serious moral offenses to the 'disciplinary forces of the judiciary' for further action to be taken. (ISNA News Agency, 10 Tir 1384/1 July 2005)." **[8ag]**

21.23 A HRW press release dated 28 March 2008 stated that:

"Sources inside Iran report to Human Rights Watch that on February 28-29, police in Esfahan raided a private home and arrested 30 or more men attending a party. They have been jailed for almost four weeks without access to lawyers and without charge. Police reportedly referred them to a forensic medical examiner to look for 'evidence' that they have engaged in homosexual conduct." **[8a]**

21.24 The HRW report, *Together, Apart*, dated 11 June 2009, stated that in Iran and some other countries in the Middle East, "…doctors administer torturous forensic anal exams to 'prove' male suspects' homosexuality." **[8i] (Section II: Middle East and North Africa)**

21.25 The HRW press release dated 28 March 2008 also reported other arrests:

"In May 2007, during a nationwide crackdown to enforce dress codes and conduct, police raided another private party in an apartment building in Esfahan. They arrested 87 persons, including four women and at least eight people whom they accused of wearing the clothing of the opposite sex. Victims told Human Rights Watch that police stripped many of them to the waist in the street, and beat them until their backs or faces were bloody. Several reportedly had bones broken.

"Of those arrested, 24 men were tried for 'facilitating immorality and sexual misconduct,' as well as possessing and drinking alcohol. In June 2007, an Esfahan court found all of them guilty of various combinations of these charges. Most were sentenced to up to 80 lashes and to fines of 10 million to 50 million riyals (US$1,000-5,000). The verdicts are under appeal and have not yet been enforced.

"Sources in Iran have told Human Rights Watch that since the May 2007 arrests, police have intensified surveillance, harassment, and abuse against people connected to the 87 arrested men, or otherwise suspected of homosexual conduct. Several described being detained by police and interrogated to reveal contacts.

"According to one man's account, police 'poured water over me. … They threatened me, they said 'cooperate with us.' … They are after everyone, they said, 'You are completing your gang, you are creating new members, where do you gather?'" They told me, 'Go out and meet people.' In essence, I should spy for them.'"

"Human Rights Watch learned that in December 2007 at another private gathering in Esfahan, police arrested 16 more people, subjecting them to forensic examinations. Authorities released them after four days in detention.

"Other reports indicate that in March 2008, Esfahan police entrapped several men over the internet by answering personal advertisements, and interrogated them to reveal the names of friends and contacts. Police found erotic pictures of men on another man's mobile phone after arresting him, and a court reportedly sentenced him to three years of imprisonment." **[8a]**

21.26 An article on Xtra.ca, a Canadian online source for gay and lesbian news, dated 21 August 2009 reported that: "Several gay Iranians have reportedly been arrested as part of the government's bloody crackdown on street demonstrations. Those who are already known to be gay risk jail time or abuse in Iran's notorious prison system, says Parsi [Arsham Parsi, executive director of the Toronto based Iranian Queer Railroad]." **[41a]**

21.27 The same article also stated that:

"Given the Islamic republic's entrenched system of sharia law, which dictates the death penalty for gay sex, improvements in queer rights are usually measured by how much authorities turn a blind eye, notes Janet Afary, professor of history and women's studies at Purdue University and author of Sexual Politics in Modern Iran.

"Under the leadership of reformist president Mohammad Khatami from 1997 to 2005 authorities observed a 'don't ask, don't tell' policy around gay relationships and even allowed the publication of queer newspapers.

"'They were not accepting of homosexuals but they were not aggressively pursuing them, either,' says Afary.

"Ahmadinejad, on the other hand, pioneered using the internet to track down gays while paradoxically telling US students at Columbia University in 2007, 'In Iran we don't have homosexuals like in your country.'" **[41a]**

21.28 The Xtra.ca article of 21 August 2009 also reported on the case of a man who had left Iran to seek asylum. The article stated that:

"The plight of many politically active gay Iranians is typified by Hamid, a 29-year-old who volunteered in the campaign of presidential candidate Mir-Hossein Mousavi.

"Hamid (an alias used to protect his identity) was arrested by police in 2007 during an entrapment campaign targeting gay chat rooms. While in custody his interrogators made him sign a document confessing his homosexuality.

"So when Hamid was rounded up at a pro-Mousavi demonstration in Shiraz last month authorities wasted no time making an example out of him. He was held in detention for 48 hours, where he alleges he was beaten with an electric baton." **[41a]**

See section on Political affiliation for information on political rights and treatment of political opposition

21.29 The US State Department Report on Human Rights Practices 2009, Iran, released on 11 March 2009, (USSD Report 2009) stated that: "The size of the LGBT community was unknown, as many individuals feared identifying themselves. There were active LGBT NGOs in the country, but most activities to support the LGBT community took place outside the country." **[4c] (Section 6)**

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Views of state officials

21.30 On 13 November 2007, *The Times* reported the views of Mohsen Yahyavi (deputy chairman of the energy committee of Iran's parliament, or Majles), as:

"He 'explained that according to Islam gays and lesbianism were not permitted', the record states. 'He said that if homosexual activity is in private there is no problem, but those in overt activity should be executed [he initially said tortured but changed it to executed]. He argued that homosexuality is against human nature and that humans are here to reproduce. Homosexuals do not reproduce.'" **[15c]**

21.31 The US State Department *Report on Human Rights Practices 2009*, Iran, released on 11 March 2009, (USSD Report 2009) stated that: "The

government censored all materials relating to lesbian, gay, bisexual, and transgender (LGBT) issues. In September 2008 President Ahmadi-Nejad called homosexual activity an 'unlikable and foreign act' that 'shakes the foundations of society.' **[4c] (Section 6)** On 29 April 2009, Radio Free Europe/Radio Liberty reported that during a speech in Shiraz, President Ahmadinejad had described homosexuality as one of the "ugliest" behaviours in which a person could participate. In 2007 he told an audience at Columbia University, New York that there were no homosexuals in Iran." **[42k]**

21.32 A CBC News article about a 2008 documentary, *Be Like Others*, which reported on the Iranian government's gender-reassignment programme, observed:

"… homosexuality is a crime punishable by death. But the government has provided a way out for the nation's gays and lesbians: a sex-change operation. Fully paid for by the state, the procedure would allow these people to conform to Iran's theocratic standards of sexuality… [the documentary] captures the pain and brutality of a regime that is pushing sex-change operations as the path to a final solution to homosexuality…What… [the] film reveals is a culture so steeped in hatred of gays and lesbians that it deems a sex change preferable to simply accepting differences in sexual orientation. The shift in policy came more than two decades ago, when Ayatollah Ruholla Khomeini issued a fatwa (religious decree) declaring sex changes permissible for 'diagnosed transsexuals.' Be Like Others introduces us to a number of the people who have been given this label. Some have accepted their fate, and feel the sex change to be a way to avoid further persecution; others are clearly uncomfortable with the idea, but have agreed to it simply because of intense outside pressure. One young woman laments that her boyfriend seems uninterested in her now that she's no longer a man." **[83a]**

See also subsection Transgender persons below

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SOCIETAL TREATMENT AND ATTITUDES

21.33 A RFE/RL article titled *Persian Gay and Lesbian Activist Urges Tolerance*, dated 17 May 2007, reported that:

"Sexual issues are considered taboo in Iran, and there is widespread misinformation about homosexuality. Many Iranians consider it a disease or sickness. For some, homosexuality among men is synonymous with pedophilia.

"As a result, gays and lesbians in Iran cannot be open about their sexual orientation. Many suppress their feelings. There are also reports of sex-change operations or hormone therapy to escape persecution. Some also face arranged or forced marriages insisted on by their families.

"Parsi [Arsham Parsi, secretary-general of Toronto-based Iranian Queer Organisation] claims a lack of knowledge and homophobic culture that rules Iranian society puts enormous pressure on homosexuals."

"'Execution and flogging are punishments [that homosexuals can face], but these sentences are not being applied only after arrest,' Parsi says. "Before the government detains and flogs someone, the families, friends, and acquaintances [harass] that person, they ostracize him and create many problems for that person.'

"Parsi says social forums for homosexuals - whether online, at private parties, or in cafes - are accompanied by fear.

"Police frequently raid private parties and detain young Iranians who have been socializing, dancing, and sometimes drinking alcohol. Such raids target more than just the homosexual community." **[42ae]**

21.34 A letter from HRW to the Dutch Minister of Alien Affairs and Integration dated 5 October 2006 stated: "Societal as well as official scrutiny of 'deviant' behavior is widespread in Iran, with neighbors and even family members enlisted to support the state's moral policing." **[8ae]**

21.35 A Human Rights Watch Report of 11 June 2009 commented on the situation for lesbian and bisexual women in the Middle East, including Iran, stating that they faced:

"…a complex cultural system that controls people's bodies and sexualities. Law, custom, economy, and family are all implicated as well. This means the crackdowns may connect to fears that norms for gender and sexuality are shifting or breaking down. Women who defy those norms and men who escape them are equally at risk…

"Culture and politics, daily life and law, are equally at issue, then. An Iranian lesbian who started an internet site for other women says: 'What are the most important things lesbians need? They need somewhere to be safe, to find other women, to be able to communicate with them. The major problem is the family and the culture.' She adds, though: 'There is the law beyond that. If you can get knowledge to your family and get them to accept you, you still have to worry about the law and your life, about what happens if the larger community discovers you are a lesbian. There is no respite: when you think you are safe at home, you could step out on the street and be arrested.'" **[8i] (p16)**

21.36 On 10 December 2008, a Gay City News article reported that the Committee of Human Rights Reporters (CHHR) in Iran which was founded in 2005:

"…has become one of the most important sources of information about human rights violations in Iran and recently became the first Iranian human rights organization to officially recognize the LGBT rights struggle by creating a Queer Committee to deal with persecution of sexual minorities. ('Queer' is the translation preferred by Alizadeh [the Middle East and North Africa programme coordinator for the IGLHRC] and other gay Iranians for the Persian word 'degar-bash,' a term meaning 'different' and which embraces gays, lesbians, and transpeople.)

"Hesam Misaghi, a 21-year-old leading member of CHRR's Queer Committee, speaking through a translator by telephone from Isfahan, Iran's third largest city, told Gay City News that this committee had been established some five months ago. The establishment of the Queer

Committee by CHRR 'is the sign of a new cultural awareness, because a new generation of Iranians no longer share the reactionary views of the regime with regard to sexual minorities,' said Misaghi, who courageously insisted on using his real name for the interview with this reporter. He added that 'while an important part of those with this new attitude are secular, there is even a new generation of conservative Muslims who want to recognize queer rights.' Most of CHRR's activists are in their 20s, 30s, and 40s, and a number of them have been arrested and harassed by security forces for their human rights work." **[44a]**

21.37 *The Gay City News* article continued:

"'We're not afraid of criticism from other human rights organizations or from society in taking up the cause of queers', Misaghi said. 'While since the fraud-tainted elections the regime has been putting repressive pressure on all sectors of civil society, one way the government wants to prove its authority and show its muscle is by persecuting and silencing sexual minorities and other marginal groups.' The activist added that 'people in all the other CHRR committees and departments cooperate fully with the Queer Committee and help out.' The Queer Committee's activism, Misaghi said, is 'empowered by students.'

"Misaghi confirmed to this reporter the existence of queer organizing on a number of university campuses throughout Iran, marking the first time that a student activist has spoken openly to a Western reporter about this new development. The reason there has been no reporting outside Iran on campus queer organizing, according to the activist, is that 'based on what I've experienced, there is great secrecy on the part of student queer activists, most of whom use aliases in their work, and in issuing public statements will do so only in the name of a group. There is no visibility, no head figure, no out activists.'" **[44a]**

21.38 In the same article Hesam Misaghi of CHRR's Queer Committee also stated that:

"The majority of the student movement is dominated by conservative Muslims, who, even when they criticize the current regime, defend the Islamic Republic and aren't at all sympathetic to queer rights, due to the taboo nature of homosexuality in the Islamic Republic. Leftist student groups are more inclined to support the queer struggle. But this is a zero tolerance regime, and even student critics who share its Islamist ideology are subjected to arrest and persecution." **[44a]**

See also Student activists

21.39 An IGLHRC report dated 25 November 2009 commenting Iranian government's criminalisation of same-sex relations noted:

"Additionally, the Special Rapporteur on Extra-Judicial, Summary, and Arbitrary Executions has expressed concern numerous times about the use of the death penalty for consensual sodomy and has stated that criminalizing sodomy 'increases the social stigmatization of members of sexual minorities, which in turn makes them more vulnerable to violence and human rights abuses, including violations of the right to life.'" **[99b]**

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TRANSGENDER PERSONS

21.40 The USSD Report 2009 stated:

> "The government provided grants of as much as 45 million rials ($4,500) and loans of as much as 55 million rials ($5,500) for transgender persons willing to undergo gender reassignment surgery. Human rights activists and NGOs reported that some members of the gay and bisexual community have been pressured to undergo gender reassignment surgery to avoid legal and social persecutions in the country. In September [2009] international newspapers reported that a family court allowed the first transsexual marriage between a woman and her male partner, previously also a woman." **[4c] (Section 6)**

21.41 The *Guardian* also reported Iran's first transsexual marriage in a news article dated 11 September 2009, stating that: "The case comes against the backdrop of Iran's notoriously repressive policies on homosexuality, which is illegal under the country's strict theocratic code." **[16e]**

21.42 The HRW report, *Together, Apart*, dated 11 June 2009, stated that Iran has allowed gender reassignment surgeries and change of identity for almost 20 years but "…police arrest and torture transgender people, even with medical papers." **[81] (p18)**

21.43 An article in the *Guardian* dated 27 July 2005 reported that in contrast to almost everywhere else in the Muslim world, sex change operations are legal in Iran for anyone who can afford the minimum £2,000 cost and satisfy interviewers that they meet necessary psychological criteria. As a result, women who endured agonising childhood and adolescent experiences as boys, and – albeit in fewer numbers – young men who reached sexual maturity as girls, are easy to find in Tehran. Iran has even become a magnet for patients from eastern European and Arab countries seeking to change their genders. **[16f] (p1)**

21.44 Another *Guardian* article dated 25 September 2007 reported that:

> "When Mahmoud Ahmadinejad, Iran's ever-combative president, provoked his latest controversy in New York this week by asserting that there were no homosexuals in his country, he may have been indulging in sophistry or just plain wishful thinking. While Mr Ahmadinejad may want to believe that his ideal of an Islamic society is exclusively non-gay, it is undermined by the paradox that transsexuality and sex changes are tolerated and encouraged under Iran's theocratic system.
>
> "Iran has between 15,000 and 20,000 transsexuals, according to official statistics, although unofficial estimates put the figure at up to 150,000. Iran carries out more gender change operations than any other country in the world besides Thailand.
>
> "Sex changes have been legal since the late Ayatollah Ruhollah Khomeini, spiritual leader of the 1979 Islamic revolution passed a fatwa authorising them nearly 25 years ago. While homosexuality is considered a sin, transsexuality is categorised as an illness subject to cure.

"The government seeks to keep its approval quiet in line with its strait-laced stance on sexuality, but state support has actually increased since Mr Ahmadinejad took office in 2005. His government has begun providing grants of £2,250 for operations and further funding for hormone therapy. It is also proposing loans of up to £2,750 to allow those undergoing surgery to start their own businesses." **[16h]**

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

"Once a transgender individual has undergone gender reassignment, that person legally becomes the proper gender- male, in the case of transgender men, and female, in the case of transgender women. To obtain legal permission for sex-change operations and new birth certificates, applicants must provide medical proof of gender-identity disorder. There are now several clinics staffed by psychiatrists and clinical psychologists who are authorised to provide a clinical assessment of the patients requesting a sex change operation. After the operation, all legal documents, including birth certificates and passports, are changed accordingly." **[6a] (p54)**

21.46 On 7 January 2010, a translation of an article written by the state-run Fars News Agency posted on the International Gay and Lesbian Human Rights Commission (IGLHRC) website, stated that:

"The Director of Socially Vulnerable groups at the State Agency for National Well-Being says that the Iranian Military will no longer classify transgender people (who are eligible a for [sic] medical discharged from the compulsory military service) as 'people with mental disorders.'

"In his January 6th [2010] interview, Mr. Hasan Mousavi Chelk said: 'So far, transgender people were exempt from the military based on their situation as 'mentally disturbed.' But by including this classification in their discharge paper, they have faced numerous problems. Therefore it was decided to end the practice.'

"The new policy comes after two years of consultation between the National Well-Being Agency and the Iranian Armed Services. The new regulations will allow transgender people to be classified either as 'people with hormonal imbalance' or 'diabetics.'

Mr. Chelk says most of the Iranian public is not informed about transgender people, whom he describes as 'people with sexual identity disorder.' He says the Iranian government considers transgender people as its citizens and has a favorable view towards them.

"According to Mr Chelk, there are currently 4,000 self-identified transgender people in Iran." **[99c]**

21.47 The IGLHRC commented on the above announcement, stating that: "While the decision of the government not to classify transgender people as mentally disturbed is an important step forward, the language used by the

government officials is both unfortunate and shows the challenges that the trans [sic] community faces in Iran." **[99c]**

21.48 *The Continuum Complete International Encyclopedia of Sexuality* (CCIES), Iran, a 2004 study by the Kinsey Institute, provides further information on sexual conventions in Iran. **[92a]**

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22. DISABILITY

22.01 The US State Department *Report on Human Rights Practices 2009*, Iran, released on 11 March 2010, (USSD Report 2009) stated that:

"The law prohibits discrimination against persons with disabilities. The law also provided for state-funded vocational education for persons with disabilities, but according to domestic news reports, vocational centers were confined to urban areas and were unable to meet the needs of the entire population. Building accessibility for persons with disabilities remained a widespread problem. The Welfare Organization of Iran is the major governmental agency charged with protecting the rights of persons with disabilities." **[4c] (Section 6)**

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23. WOMEN

OVERVIEW

For information about girls see section on Children

23.01 The report of the Secretary-General to the United Nations, dated 23 September 2009, noted that Iran has not ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). **[10g] (p12)** Ratification was vetoed by the Guardian Council and the disputed legislation was referred to the Expediency Council where it is still awaiting consideration. (Freedom House, 3 March 2010) **[112c] (p3)**

23.02 The Freedom House (FH) report *Women's Rights in the Middle East and North Africa 2010 – Iran*, published 3 March 2010 noted:

"Despite massive participation by women in the revolution and a subsequent increase in the levels and forms of women's social presence and educational achievements, the Islamic Republic brought many negative changes to women's rights and personal freedoms. Sex segregation and compulsory veiling, discrimination in penal and civil codes, and setbacks in personal status and family law further institutionalized patriarchal gender relations and cultural attitudes.

The discriminatory state ideology and policies of the Islamic Republic run against the modern socioeconomic and demographic realities in the country,

especially with respect to the growing number of urban, educated, middle-class women." **[112c] (Introduction)**

23.03 The same source noted that:

"The election of President Mahmoud Ahmadinejad in 2005 marked a return to power for hard-liners and negatively affected almost all areas of women's social life. Violations of human rights generally and women's rights in particular have intensified, and censorship has increased. The overall condition of women in Iran has also suffered from revived sociopolitical restrictions on women's dress, freedom of assembly, social advocacy, cultural creativity, and even academic and economic activity. Attempts at legal reforms in favor of women's rights have been blocked, and a government-backed proposal that would have reinforced polygamy and temporary marriage made women's rights a more urgent concern for a broad spectrum of the female population.

"At the same time, growing globalization, increased access to new communications technology, and recent demographic changes have countered some of these negative trends. Iran has undergone rapid urbanization, and 70 percent of its population is under the age of 30, contributing to a transformation in gender roles. These factors, combined with resistance by women and youth and their collective campaigns for equal rights, have stirred factional conflicts and differences on gender issues among the clerics and other ruling elites. The women's rights movement is reasonably well-organized and surprisingly effective considering the repressive conditions within which it operates. Women's rights defenders have influenced public discourse surrounding discriminatory laws, challenging the regime while pushing for change and often leveraging public opinion to influence policy at high levels." **[112c] (Introduction)**

23.04 The 2009 Social Institutions and Gender Index (SIGI), a composite measure of gender equality based on the Organisation for Economic Co-operation and Development's (OECD's) Gender, Institutions and Development Database, ranked Iran 95th of the 102 non-OECD countries assessed. The IGI Country Profile on Iran, accessed on 30 June 2010, stated that: "Iran is a theocratic republic; as such, the situation of women is very much affected by Islam and Sharia law. The Constitution supports equal rights to a large degree, but its enforcement is generally poor and discriminatory provisions still remain." **[39a]**

23.05 The US Commission on International Religious Freedom 2010, published on 29 April 2010, stated that: "The government's enforcement of its official interpretation of Islam negatively affects the human rights of women in Iran, including their freedom of movement, association, and thought, conscience, and religion or belief, as well as freedom from coercion in matters of religion or belief." **[88a] (p60)**

23.06 The United Nations Population Fund Country Profile 2010, accessed 20 May 2010, stated that:

"Despite significant achievements in health and education of women, there are a number of challenges in promoting gender equity, equality and empowerment of women in accordance with MDG3 [Millenium Development

Goals 3] and pertinent international conferences and conventions. There is limited women's participation in wage labour outside the agricultural sector. The significant progress achieved in female educational attainment has not been translated into increase in economic participation. There is a need for increased job opportunities for women and improved gender equality in the labour market. Creating conducive environment for women's economic participation is a pre-requisite to promoting Iran's economic competitiveness and active interaction with global economy, a primary goal of Iran's Twenty-Year Outlook (2005-2025). Furthermore, there is limited women's representation in Parliament (4.1%) and participation in governance and decision making positions." **[10s]**

23.07 The Foreign and Commonwealth Office's (FCO) *Annual Report on Human Rights 2009 - Iran*, published on 26 March 2010, stated that: "According to the latest World Economic Forum Global Gender Gap Report, Iran has dropped from 116 to 128 in the 2009 rankings. The report measures the size of the gender inequality gap in 134 countries, focusing on economic participation, educational attainment, political empowerment, and health and survival **[26c] (p116)**

23.08 The Amnesty International (AI) Report 2010, published on 27 May and covering events in 2009, stated that: "Women continued to face discrimination in law, despite some minor improvements. Women's rights campaigners, including those active in the 'One Million Signatures' campaign to end legal discrimination, were harassed, detained, prosecuted and banned from travelling for collecting signatures in support of their petition." **[9a] (p174)**

See also Government suppression of women's rights organisations

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LEGAL RIGHTS

23.09 The Freedom House (FH) report *Women's Rights in the Middle East and North Africa 2010 – Iran*, published 3 March 2010 noted:

"The constitution and the Shari'a-based penal and civil codes, especially those sections pertaining to family and personal status, legalize the subordination of women, treating them as second-class citizens with unequal rights. Women's rights activists have launched widely publicized equal-rights campaigns that have been successful within the parameters established by the theocracy. However, the overall legal framework remains discriminatory, with the state's theocratic underpinnings consistently negating its progressive and democratic elements." **[112c] (Nondiscrimination and access to justice)**

23.10 The US State Department *Report on Human Rights Practices 2009*, released on 11 March 2010, (USSD Report 2009) stated that:

"The constitution nominally provides women with equal protection under the law and all human, political, economic, social, and cultural rights in conformity with Islam. Provisions in the Islamic civil and penal codes, particularly sections dealing with family and property law, discriminate

against women. Shortly after the 1979 revolution, the government replaced those laws that provided women with increased rights in the home and workplace with a legal system based largely on Shari'a practices. On March 12, President Ahmadi-Nejad instructed the relevant bodies to implement a law in which women's share of their husband's inheritance would increase to one-fourth from the previously stipulated one-eighth of his property. At year's end there was no information on the law's implementation. The governmental Center for Women and Family continued to publish reports on feminism with a negative slant and limited the debate on women's issues to matters related to the home." **[4c] (Section 6)**

23.11 The FCO's Annual Report 2009, stated that:

"Domestic legislation in Iran remains deeply discriminatory in relation to women. Many articles of the Civil Code discriminate in the areas of marriage, divorce, nationality and custody of children. Under the Penal Code, a woman's testimony is worth half that of a man's, women receive half as much compensation for injury or death, and girls face prosecution as adults at a much younger age than boys." **[26c] (p116)**

23.12 The Freedom House report, *Freedom in the World 2010*, Iran, (Freedom House 2010) covering events in 2009, published in May 2010, noted that: "Women do not enjoy equal rights under Sharia-based statutes governing divorce, inheritance, and child custody, although some of these inequalities are accompanied by greater familial and financial obligations for men." **[112h]**

23.13 The FH report on women's right published on 3 March 2010, stated that:

"An adult woman is generally not recognized as a full person in court. Except for civil law cases, in which women's testimony has the same value as that of men, the testimony of two women equals that of one man. Nonetheless, judges retain wide discretion in determining what constitutes acceptable testimony. In cases involving major crimes, such as murder, a woman's testimony is impermissible in court…

"The customary practices in most parts of Iranian society are often more progressive than the laws, with the exception of some ethnic groups and tribal communities in a few underdeveloped regions of the country. Because of this gap between law and society, women's rights activists have made legal reforms their top priority." **[112c] (Nondiscrimination and access to justice)**

23.14 Information on The Women's Learning Partnership website dated 1 September 2008 stated that: "Iran's current Civil Code [pdf] is highly discriminatory, restricting women's custody rights and ability to divorce, lowering the minimum age of marriage for females, requiring the husband's permission for the wife to work outside of the home, and legalizing temporary marriages." **[13a]** The Women's Forum against Fundamentalism in Iran's website, accessed on 24 May 2010, included a list of "official laws against women in Iran" complied in 2005. **[59]** A *Guardian* news article dated 6 October 2009, by Shirin Ebadi, one of the founders of the 'One Million Signatures Campaign' [also known as the Campaign for Equality], noted that "Women also require their husband's permission to work, travel or leave the country." **[16d]**

See also Exit and Return for further information on women and children leaving Iran

23.15 An AI article dated 29 October 2009 stated that women: "… are particularly vulnerable to unfair trials because in Iran they are more likely than men to be illiterate and more likely to sign confessions to crimes they did not commit. Discrimination against women in other aspects of their lives also leaves them more susceptible to conviction for adultery..." **[9m]**

23.16 The FH report on women's rights published 3 March 2010 observed:

"Measures intended to improve women's rights under the personal status and family laws have been enacted over the years. To help women secure better marital conditions and divorce terms, the prenuptial 'conditions' envisioned under Article 1119 of the civil code have been added to the printed standard marriage contract. This reflects the Islamic tradition that allows a woman to request certain conditions, such as the right to divorce and the right to a residence separate from her husband's relatives. Although the validity of these stipulations is conditional upon the approval of the prospective husband, they nonetheless provide an important potential protection. A prospective bride and her family may feel awkward requesting them during marriage negotiations, and men may simply refuse to accept them. Furthermore, many women are unaware of their legal rights in this area. These factors weaken the potential protection offered by the practice, and unless such conditions become fully integrated into the marriage law, many men will consider them to be 'extra rights' or 'privileges' to which they may refuse to submit." **[112c] (Autonomy, security and freedom of the person)**

23.17 The same FH report also noted that:

"The laws regulating the personal status and family rights of women, found mostly in Books 7 to 10 of the civil code, are discriminatory in relation to marriage, the right to divorce, and child custody. The government-proposed Family Protection Bill was passed in September 2008, but not before a large and diverse coalition of women's groups, supported by moderate clerics and politicians, was able to secure the removal of two of the most onerous provisions. Under the bill's original version, a man would no longer be required to have his first wife's permission before taking another wife, and women would have been required to pay tax on their mehriyeh (dowry) at the outset of marriage." **[112c] (Autonomy, security and freedom of the person)**

23.18 The same report observed that:

"Women's extensive legal vulnerability to divorce, polygamy, sigheh, and loss of child custody, combined with broader economic difficulties in Iran, has led prospective wives and their families to demand extremely large mehriyeh as a protective measure. This in turn adds to prospective husbands' apprehension about marriage, given rising unemployment and housing costs and their obligation to support their new families financially. The resulting delayed or precarious marriages have added to social problems in the country." **[112c] (Autonomy, security and freedom of the person)**

See also Mehriyeh and Sigheh or temporary marriage below

23.19 A *Guardian* news article dated 17 June 2009, observed that, despite the current "authoritarian backlash" in the country, there had been, over the past year:

"…a series of small but significant victories: Iranian MPs have declined to enact laws that would have further facilitated men's ability to indulge in polygamy; new measures are presently under discussion to enhance women's inheritance rights; and reforms are also being put forward to end the insulting, discriminatory rule in compensation cases, where a family of a dead woman will be awarded literally half of the compensation paid for a man's death." **[16c]**

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POLITICAL RIGHTS

23.20 The Freedom House (FH) report *Women's Rights in the Middle East and North Africa 2010 – Iran*, published 3 March 2010 noted:

"Women in Iran have the right to vote and run for public office but are excluded from holding leadership roles in the main organs of power, such as the office of the supreme leader, the Assembly of Experts, the Guardian Council, the Expediency Council, the judicial branch, and the presidency. These positions have been reserved exclusively for men, most of whom are also clerics. After the establishment of the Islamic Republic, women were barred from serving as judges, and existing female judges – including Shirin Ebadi, Iran's first female chief judge of a district court – were demoted to administrative positions. Changes made in 2003 allowed women to hold the rank of judge and the right to serve as legal counselors, but they remain prohibited from issuing and signing final verdicts." **[112c] (Political rights and civic voice)**

23.21 The USSD Report 2009 observed that: "Women cannot serve in many high-level political positions or as judges, except as consultant or research judges without the power to impose sentences." **[4c] (Section 6)**

23.22 The USSD Report 2009 also noted that:

"According to the Guardian Council's interpretation, the constitution barred women and persons of non-Iranian origin or religions other than Shia Islam from becoming president. Women were also barred from serving as supreme leader; as members of the Assembly of Experts, Guardian Council, or Expediency Council (a body responsible for mediating between the Majles and the Guardian Council and serving as a consultative council for the supreme leader); and as certain types of judges. One of the 10 vice presidents and one cabinet minister were women. Twelve women served in the Majles during the year [2009]."

23.23 The FH report on women's rights, published on 3 March 2010, stated:

"Even with sex segregation, discriminatory laws, and state policies stressing women's domestic duties, women in Iran play a considerable and very visible role in the public sphere. Using any available spaces and legal rights, they have demonstrated their activism in both formal and informal political

and civil society organizations. A growing women's rights movement, especially in the past 10 years, has been challenging discriminatory laws and policies in various areas of life, including those that prevent women from taking part in high-level decision-making and political power. Women's activities have been constrained by some cultural traditions and state repression, especially under the presidency of Ahmadinejad." **[112c] (Political rights and civic voice)**

23.24 The UN Secretary-General's report of 23 September 2009 stated that: "Women's representatives in Parliament constitute only 4.1 per cent, and women's participation in governance and decision-making positions remains limited." **[10g]**

23.25 The Freedom House 2010 report noted that: "Women currently hold seats in the parliament, though they are routinely excluded from running for higher offices. In a sign of female voters' growing political influence, the 2009 presidential candidates addressed issues that concerned women in the weeks preceding the election." **[112h]**

23.26 The same report stated that: "Twice-elected parliament member Marzieh Vahid-Dastjerdi became Iran's first female cabinet minister in September 2009, when she was appointed to head the Health Ministry." **[112h]** Two other female nominees, Fatemeh Ajorlou for welfare and social security minister and Susan Keshavarz for education minister were rejected. (BBC News, 3 September 2009) **[21a]** Marzieh Vahid Dastjerdi, a gynaecologist regarded as a conservative, described her appointment as "an important step for women". (Keesing's News Digest for September 2009) **[12a]** A *Guardian* article dated 6 October 2009 noted that although the present parliament was "monopolised by hardliners", it included 13 women [out of 290 members]. **[16d]**

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SOCIAL AND ECONOMIC RIGHTS

Abortion

23.27 On 30 September 2008, the Pew Forum on Religion and Public Life reported that:

"Abortion has been illegal in Iran since the 1979 Islamic Revolution. Although there are no explicit exceptions to this prohibition, Iranian law generally allows acts that are performed to save the life of a person; thus, it is commonly understood that abortion is illegal except when necessary to save the mother's life. In 2005, the Iranian parliament passed a measure allowing abortions within the first four months of pregnancy in cases of fetal impairment that would result in economic burden; the measure was ultimately blocked by the Iranian Guardian Council." **[63]**

23.28 The FH report on women's rights, published 3 March 2010, stated that:

"Abortion remains illegal under the penal code, except where the life of the mother is threatened and 'ensoulment' – exhibited by signs of life as established in Islamic law – has not occurred in the fetus. It is unclear

whether a pregnancy that threatens a mother's life but has progressed to ensoulment could be legally aborted. Illegal abortion is punishable under the diyeh, or compensatory section of the penal code, but can also be punished through qisas, or retaliation, if it occurs after ensoulment. The father or paternal grandfather is the guardian of the fetus and is therefore entitled to the blood money and retaliation.

"If someone other than the mother causes the abortion, the amount of diyeh depends on the fetus's stage of growth until it gains its 'human spirit.' After that point, Article 487 of the penal code indicates that a male fetus draws the full diyeh of a male human being, a female fetus draws half that amount, and a fetus of uncertain sex is worth three-quarters of the sum for the male. According to Articles 623 and 624, doctors or any other individuals who play a role in illegal abortion are also punished with prison terms ranging from three months to five years, and payment of diyeh. If the mother aborts her own pregnancy, Article 489 requires her to pay the fetus's full diyeh to the father or his family." **[112c] (Social and cultural rights**)

See also Women, sub section Health and welfare and Medical issues

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Marriage

23.29 Book 7 of the Iranian Civil Code relates to marriage and divorce **[51]**.

23.30 The Freedom House (FH) report *Women's Rights in the Middle East and North Africa 2010 – Iran*, published 3 March 2010 stated:

"According to Article 1034 of civil code, marriage is defined as being between a man and woman, and a man may become the suitor of any eligible woman. Implicit in law and reinforced by cultural attitudes is the notion that men, not women, should propose marriage. Article 1070 of the civil code requires the mutual consent of both bride and groom for a marriage contract to be valid. In practice, however, very young or widowed women, particularly those living in provincial and rural areas, may be forced into marriage either out of poverty or based on traditional and tribal customs. Although men may also be forced into marriage by their families, rural girls are far more susceptible to such practices.

"The legal age of consent is 13 for girls and 15 for boys, but a permit may be obtained for the marriage of even younger girls or boys upon the request of a father or paternal grandfather to the court. This flexibility, combined with the already-low legal marriage age, increases the likelihood of young girls being married off to older men for financial reasons. More recent sociocultural trends in Iran, however, indicate that such laws are lagging far behind the new realities. At present, the average age of the first marriage for women and men are actually 24 and 27 respectively.

"The validity of a woman's first marriage is contingent upon the approval of her father or paternal grandfather, regardless of her age. If she has no father or grandfather, or can argue that they refused her choice without justification, the daughter may appeal to the court and register her marriage with the court's approval. Such restrictions do not apply to men. It is

uncommon and largely undesirable for a young woman to marry without parental (especially the father's) approval, as it may ostracize her from her relatives and community.

"Only men are permitted to marry multiple spouses. They can take up to four wives and engage in an unlimited number of temporary marriages (*sigheh or mutá*). In reality, polygamy is not a common practice, and most people disapprove of *sigheh*. However, because sexual relationships outside of marriage are criminalized under Article 63 of the penal code, *sigheh* is occasionally used by members of the secular and nonconformist youth to avoid punishment for otherwise illicit sexual activity." **[112c] (Autonomy, security and freedom of the person)**

23.31 The USSD Report 2009 stated that: "The government does not recognize marriages between Muslim women and non-Muslim men, or Baha'i marriages." **[4c] (Section 5)**

See 'Sigheh' or temporary marriage below

23.32 A BBC News article dated 10 June 2008 reported that being married is a job requirement for both men and women in some areas despite economic difficulties leading many people to postpone marriage. **[21f]** A husband has the right to prevent his wife working if the employment is "incompatible with the family interests or the dignity of himself or his wife." (Freedom House, 3 March 2010) **[112c] (Economic rights and equal opportunity)**

See also Legal Rights above

Sigheh (temporary marriage)

23.33 The USSD Report 2009 stated:

"The country's Islamic law permits a man to have as many as four wives and an unlimited number of sigheh, based on a Shia custom in which a woman may become the wife of a Muslim man after a simple religious ceremony and a civil contract outlining the union's conditions. Sigheh wives and any resulting children were not granted rights associated with traditional marriage." **[4c] (Section 5)**

23.34 The USSD Report 2009 also noted: "Prostitution is illegal, but it took place under the legal cover of sigheh (temporary marriage). International press reports described prostitution as a widespread problem. The problem appeared aggravated by difficult economic conditions and rising numbers of drug users and runaway children." **[4c] (Section 6)** The USSD Trafficking in Persons Report 2010, published 14 June 2010, noted that the legal process of fixed term marriage (sigheh) was sometimes abused to coerce women into prostitution. **[4g] (p180**

23.35 Footnote 31 of the Freedom House (FH) report on women's rights published on 3 March 2010 observed that: "Sigheh is a provision within Shi'a Islam that gives legitimacy to sexual relationships of any duration and to their offspring. It is a contract between a man and a woman based on a specified sum of money paid to the woman. The majority of the world's Muslims (Sunnis) and even many Shiites do not approve of this practice." **[112c] (Autonomy, security and freedom of the person)**

23.36 The same report also noted: "… because sexual relationships outside of marriage are criminalized under Article 63 of the penal code, sigheh is occasionally used by members of the secular and nonconformist youth to avoid punishment for otherwise illicit sexual activity." **[112c] (Autonomy, security and freedom of the person)**

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Mehriyeh (nuptial gift/marriage settlement)

23.37 An article on the Women's United Nations Report Program & Network (WUNRN) website dated 8 December 2008 noted that:

"Mehriyeh is the nuptial gift or the marriage settlement given to the woman by her husband-to-be. Mehriyeh is in place so that if a woman were to divorce her husband, since she inherits so little from him, she will still have some money to be able to start a new life. The woman can request the mehiryeh at any time during the marriage and the man is obliged to give it to her." **[22] (Footnote 38)**

23.38 The Freedom House report on women's rights, published 3 March 2010, stated:

"Many of the improvements made to women's marital rights center on financial support offered to women during marriage and upon divorce. A woman is entitled to mehriyeh, a sum of money or object of monetary value specified in the marriage contract that a husband is obligated to pay to his wife. Generally, the dowry is paid upon divorce and is intended to deter men from initiating divorce or, failing that, to provide financial support to divorced women. Article 336 of civil code was amended in 2006 to allow a wife to demand monetary compensation from her husband for domestic labor she performed during their marriage, particularly when the man initiates the divorce without a reasonable excuse. Finally, a divorced woman is entitled to her *jahiziyeh*, the items she brought into the home upon marriage.

"Although these provisions potentially protect the financial security of women, in practice it is difficult to secure the mehriyeh or compensation for domestic labor. Given other imbalances in the marriage law, especially the fact that the right to divorce lies almost exclusively with men, women often forfeit their mehriyeh and other financial benefits in exchange for a divorce, buying their freedom from unhappy or abusive marriage." **[112c] (Autonomy, security and freedom of the person)**

23.39 An article dated 2 October 2009 by a Professor of Sociology and Women's Studies at Purdue University, published on Payvand's Iran News website stated that anecdotal evidence indicated that "…the practice of mahr/mehrieh, whereby the groom promises an amount of money to his bride, has been growing rather than declining in Iran." The article suggested that women's limited employment opportunities and being unable to rely on a steady income may partially explain this trend. **[53a]**

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Adultery

23.40 Book 2 of the Islamic Penal Code of Iran defines adultery and refers to punishments for committing adultery (Articles 63 to 102). Punishments include flogging, stoning and, in certain situations, death. (Mission for Establishment of Human Rights in Iran [MEHR]) **[66a]**

23.41 The USSD Report 2009 noted that:

> "A man may escape punishment for killing a wife caught in the act of adultery if he is certain she was a consenting partner. According to a police official quoted in a domestic newspaper in 2008, 50 honor killings were reported during a seven-month period, although official statistics were not available. The punishment for perpetrators was often a short prison sentence." **[4c] (Section 5)**

23.42 The USSD 2009 also noted: "Women sometimes received disproportionate punishment for crimes such as adultery, including death sentences." **[4c] (Section 5)**

23.43 The same report continued:

> "Adultery remained punishable by death by stoning, and on January 11, according to AI, judiciary spokesman Ali Reza Jamshidi said a 2002 directive suspending executions by stoning had no legal weight and could be ignored. The law provides that a victim of stoning is allowed to go free if he or she escapes. It is much harder for women to escape, as they are buried to their necks, whereas men are buried only to their waists. In December 2008 authorities in Mashhad stoned three men convicted of adultery; two died and the third, an Afghan citizen, was severely wounded but escaped. On March 5, according to AI, Vali Azad, convicted of adultery, was secretly stoned to death in Lakan Prison in Rasht. According to several sources, five to nine persons were at imminent risk for death by stoning at year's end." **[4c] (Section 1a)**

23.44 On 29 October 2009, Amnesty International reported that:

> "The majority of those sentenced to death by stoning are women, who suffer disproportionately from such punishment. One reason is that they are not treated equally before the law and courts, in clear violation of international fair trial standards. The age of criminal responsibility for women is lower than that for men and a woman's testimony is worth only half that of a man. They are particularly vulnerable to unfair trials because in Iran they are more likely than men to be illiterate and more likely to sign confessions to crimes they did not commit. Discrimination against women in other aspects of their lives also leaves them more susceptible to conviction for adultery, said Amnesty." **[9m]**

See subsection on Honour killings, Death penalty and Latest News

Divorce

23.45 Book 7 of the Iranian Civil Code relates to marriage and divorce **[51]**.

23.46 Article 1120 states that: "Marriage may be dissolved by cancellation, by divorce, or by waiver of the remaining period in the case of a temporary marriage." **[51]** Articles 1121 to 1132 of the Civil Code sets out the circumstances under which divorce may be obtained. **[51]**

23.47 The USSD Report 2009 stated:

"A woman has the right to divorce only if her husband signs a contract granting that right, cannot provide for his family, or is a drug addict, insane, or impotent. A husband was not required to cite a reason for divorcing his wife. Traditional interpretations of Islamic law recognized a divorced woman's right to part of shared property and to alimony. These laws were not enforced. According to a study by the National Organization for Civil Registration quoted in a book by a women's rights activist, more than 89 percent of women did not receive their due alimony, and 9 percent did not receive their share of the wedding gift (wedding contracts traditionally stipulate that in case of divorce the groom give his bride the wedding gift for financial support). The law provides divorced women preference in custody for children up to age seven; divorced women who remarry are forced to give the child's father custody. After the child reaches age seven, the father is entitled to custody (unless the father has been proven unfit to care for the child). The court determines custody in disputed cases." **[4c] (Section 6)**

See Child custody below

23.48 Article 1133 of the Civil Code states that: "A man can divorce his wife whenever he wishes to do so." **[51]**

23.49 The FH report of 3 March 2010 observed:

"While the power of divorce lies principally with the husband, he cannot divorce his wife without going through the family court and its required procedures. The court appoints arbitrators, usually from among the relatives of the couple, in an attempt to secure reconciliation. If the husband insists on divorce, the court will grant its approval. The process is less arduous if the couple files for divorce on mutual basis, but far more difficult when the wife applies for divorce on her own. According to Article 1130 of the civil code, she has the burden of proving that the continuation of the marriage would expose her to 'difficult and pressing conditions.' These can include the husband's addiction, impotence, adultery, abandonment, and physical abuse. Polygamy cannot be cited as the reason for a divorce unless it violated a condition in the couple's marriage contract. Another option for women is a type of divorce called *khula*. According to the Article 1146 of the civil code, a woman can file for such a divorce, based on her disgust toward the husband, if she forfeits her mehriyeh or pays him an equivalent sum. It should be noted that khula is possible only when the husband concedes.

"In a divorce initiated by the husband, it is his prerogative to return to the wife and reconcile the marriage during the course of a waiting period known as eddeh (three months or three menstrual cycles), regardless of the wife's wishes. A divorced wife consequently has to remain in the husband's residence for three months after the intent to divorce is stated." **[112c] (Autonomy, security and freedom of the person)**

23.50 On 19 May 2009 the *Tehran Times* reported that:

"A new research conducted by Shahid Beheshti University showed that 80% of petitions for divorce were filed by women in the first five years of marriage. Head of the research group, Majid Abhari blamed women's power of attorney in divorce as the main reason behind such a great rate of petitions filed by women. According to the research, unemployment, poverty, addiction, and consequently lack of mutual understanding are the biggest cause of discords in marriage…According to figures of state Birth Registration Organization, there were a number of 110,510 divorces recorded in 1387 (March 2008-March 2009).

"Men aged between 25 and 29 and women 20 to 24 accounts for the highest rate of divorce, the figure showed. There was a rise of 11% in the country's divorce rate, compared with the last year." **[50]**

Child custody

23.51 The Freedom House (FH) report on women's rights, published 3 March 2010, stated that:

"After a divorce, a woman's child custody rights are determined by law based on the child's age. Article 1169 of the civil code originally gave women primary custody rights over their children until boys turn two and girls turn seven, but the age for boys was later raised to seven as well. After children reach the age threshold, custody goes to the father, unless his insanity or some other disqualifying factor is proven in court. According to Article 1170, the mother loses her custody rights to young children 'if she becomes insane or marries another man during her period of custody.' Article 1174 guarantees access to the child for the noncustodial parent." **112c] (Autonomy, security and freedom of the person)**

23.52 In their 'Comments on the Iran Country Report of April 2005' dated August 2005, UNHCR noted the distinction between custody and guardianship:

"Iranian Civil Code makes a distinction between custody and guardianship. Even when custody of children is with the mother, 'natural' guardianship remains with the father (or paternal grandfather). Therefore, mothers cannot travel outside of Iran without the permission of the father of the child even if the child is in custody of the mother (ACCORD, Iran Country Report: 7th European Country of Origin Information Seminar, June 2001)." **[3h] (p5)**

23.53 The report of the Special Rapporteur on violence against women dated 27 January 2006 stated that:

"Child custody laws … favour men over women. In principle, both the physical custody (hezanat) and the legal guardianship (velayat) of the child belong to the father. While, under certain circumstances, women are granted physical custody, legal guardianship, which includes the authority over decisions regarding the child's well-being, is almost exclusively given to the father. Following a divorce, physical custody was until recently granted to the mother until age 7 for girls and age 2 for boys. In 2003, the law was changed to allow both children to remain with the mother till age 7, custody is then automatically transferred to the father, or if he is absent or incapable, to another male in his family. If the mother remarries, the physical custody then shifts to the father. Women who have been subjected to violence

frequently do not want to risk losing their children and, when faced with such a possibility, they often feel they have no choice but to remain in a relationship with a violent partner." **[10ad] (p14)**

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Dress code and gender segregation

23.54 The Freedom House (FH) report *Women's Rights in the Middle East and North Africa 2010 – Iran*, published 3 March 2010, observed that:

"During its formative years, the Islamic Republic deliberately presented sex segregation and mandatory hijab (veiling) as the hallmarks of its cultural identity. However, there has never been a consensus among the ulema [Muslim scholars] on the meaning and extent of Islamic hijab; some do not consider it to be a mandate under the Koran. Conservative clerics and authorities view chador (an all-encompassing black cloak worn over street clothes) as the most desirable hijab, with some considering the garment to be an Islamic mandate. However, the less restrictive manteau-rusary (a long overcoat, trousers, and a head-scarf) is increasingly acceptable, and the number of women in chadors is decreasing. Many women in major cities have turned the dull color and form of manteau-rusary into colorful, stylish fashions and are using cosmetics in larger numbers, although they risk punishment for doing so." [**112c] (Social and cultural rights)**

23.55 The USSD Report 2009 stated:

"The penal code provides that if a woman appears in public without an appropriate hijab, she can be sentenced to lashings and fined. However, absent a clear legal definition of 'appropriate hijab' or the punishment, women were subject to the opinions of disciplinary forces or judges. Pictures of uncovered or immodestly dressed women in the media or in films were often digitally altered." **[4c] (Section 6)**

23.56 The USSD Report 2009 also noted that "The government enforced gender segregation in most public spaces, including medical care, and prohibited women from mixing openly with unmarried men or men not related to them. Women must ride in a reserved section on public buses and enter public buildings, universities, and airports through separate entrances." **[4c] (Section 6)**

23.57 The Freedom House (FH) report, *Freedom in the World 2010: Iran*, noted that: "Women must conform to strict dress codes and are segregated from men in some public places, and there has been a crackdown in recent years on women deemed to be dressed immodestly." **[112h]**

23.58 The USSD Report 2009 noted:

"During the year [2009] the government continued its crackdown on un-Islamic dress or 'bad hijab' (when a headcovering is brightly colored or does not completely cover the wearer's hair). According to press reports, morality police have stopped or detained more than two million individuals since 2007 for inappropriate hairstyles (usually related to the length of men's hair or beards) or bad hijab." **[4c] (Section 5)**

23.59 The FH report on women's rights dated 3 March 2010 stated:

"Head and body coverings for women are mandatory under Article 638 of the penal code, which stipulates that those who fail to comply with *hijab sharèe* (Shari'a-based veiling) face 10 days to two months in prison or fines between 50,000 and 500,000 rials (US$5 to US$50). The law lacks specificity on what constitutes a violation, but in practice, women have been punished for all of the following: showing part of one's hair, using cosmetics, wearing sunglasses, wearing a tight or short *manteau* (coat or gown), showing skin above the wrist or ankle, showing neckline, and wearing boots over (rather than under) trousers. No private plaintiff is necessary for prosecution, as it is the state's prerogative to monitor and control women's apparel.

"Harsher enforcement has increased the number of arbitrary arrests and detentions in recent years. Immediately following the revolution, observance of head coverings and modest dress for women was enforced by a special police service in all public places, and women were harassed, arrested, fined, and detained for violations. During the reform era under President Khatami (1997-2005), this enforcement was relaxed considerably although not eliminated. However, since 2006, male and female officers have stopped, verbally scolded, physically attacked, arrested, or temporarily detained thousands of women and some young men for wearing insufficiently modest clothing, or 'bad hijab.' **[112c] (Non-discrimination and access to justice)**

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Women in the workplace

23.60 The World Bank Country Brief on Iran, updated April 2010, noted that: "Larger numbers of increasingly well-educated women seek opportunities to participate at all levels of Iran's labor market and civil society; however their labor market participation and employment rates remain limited." **[36a]**

23.61 The FH report on women's rights published 3 March 2010 stated that:

"Iranian women's economic status does not yet match the remarkable expansion in their literacy rates, educational attainment, and sociopolitical activism. As of 2006, the female labor-force participation (LFP) rates in the formal sector of economy remained very low: 12.6 percent in urban areas and 12.3 percent in rural areas, for an overall female LFP rate of 12.5 percent, compared with 66.1 percent for men. These official statistics may be misleading, as data on women's overall economic activity, especially in the informal and private sectors, have been inconsistent and the subject of debate among economists. Depending on the methods of assessment and criteria used, the estimates have varied widely and they mostly give results much higher than the official rates. For example, the World Bank, whose figures include both the formal and informal sectors, estimated the 2006 LFP rate at 32 percent for women and 75 percent for men.

"Women hold a minimal share of executive, administrative, and managerial positions (3.4 percent as of 2006). This is due in part to the bulging youth

population and its rising demand for new jobs, combined with cultural and ideological biases that give priority to hiring and promoting men, especially in the private sector." **[112c] (Economic rights and equal opportunity)**

23.62 The FH report of 3 March 2010 also noted that female employment in Iran: "…has gradually shifted away from the agricultural and manufacturing sectors, such as the export-oriented carpet industry, and toward the service sector, particularly education, health, and social services." **[112c] (Economic rights and equal opportunity)**

23.63 An article on Payvand's Iran News website dated 2 October 2009 stated that:

"Some 33% of Iran's female labor force is in professional jobs, concentrated in education, healthcare, and social services, hardly a seismic shift from the pre-revolutionary period in terms of gender roles. Slightly over half of all teachers in Iran are women, but the proportion of female university teaching staff is, at 20%, less than that of Algeria (41%), Tunisia (40%), Turkey (38%), and Bahrain (36%). Iranian census data reveal no evidence of a shift to the FIRE [finance, insurance and real estate jobs] sector, and less than 4% of employed women are found in senior or executive or managerial positions." **[53a]**

23.64 The USSD 2009 stated that:

"… social and legal constraints limited women's professional opportunities. Women were represented in many fields, including the legislature, municipal councils, police, and firefighters, but a woman must seek her husband's consent before working outside the home. According to a World Economic Forum report during the year, the unemployment rate for women, who constituted 33 percent of the workforce, was 15.8 percent, compared with 9.3 percent for men. Women cannot serve in many high-level political positions or as judges, except as consultant or research judges without the power to impose sentences." **[4c] (Section 6)**

23.65 The FH report of 3 March 2010 noted that:

"Article 38 of the 1991 labor law mandates equal pay for equal work and prohibits discrimination on the basis of sex in determining wages. However, this requirement is not always enforced, and women workers do not receive the same retirement and family benefits as men. According to Article 75 of the labor law, women are barred from dangerous jobs and hazardous working conditions, the definition of which is established by the Ministry of Labor and Social Affairs. This law is reinforced by the right of a husband to prevent his wife from taking up employment that is 'incompatible with the family interests or the dignity of himself or his wife.' **[112c] (Economic rights and equal opportunity)**

Education

23.66 The Freedom House (FH) report *Freedom in the World 2010* noted: "Women are widely educated; a majority of university students are female…" **[112h]**

23.67 The FH report on women's rights of 3 March 2010 observed that women's right to education in Iran was limited by "traditional societal attitudes" rather than legal barriers. The report stated:

"The gender gap in education is closing, as evidenced by literacy rates of 87 percent for men and 77 percent for women as of 2007, and women are actually outperforming men at the tertiary level. While initially the Islamic Republic government prevented women from studying in certain fields at universities, most fields of study and employment have been legally open to women since the late 1990s. The number of female students in nontraditional majors such as engineering, medicine, law, and the natural sciences has been growing, and women have also engaged in many nontraditional occupations.

"At the same time, female students are increasingly being denied their choice of university because of sex segregation and new regulations introduced in 2007 and 2009, which impose gender quotas and force students to attend university in their hometowns. Women's rights activists have argued that these measures aim to limit the social and geographic mobility of students, especially female students, and decrease the rising proportion of women in nontraditional fields such as medicine. Especially in small towns and rural or tribal areas, access to schools and opportunities for higher education are much more limited for female students." **[112c] (Economic rights and equal opportunity)**

23.68 The USSD Report 2009 noted that: "Women had access to primary and advanced education. Reportedly, 65 percent of university students were women. Government officials acknowledged the use of quotas to limit women's university admissions in certain fields such as medicine and engineering. In addition, social and legal constraints limited women's professional opportunities." **[4c] (Section 6)**

See also Children, Education

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VIOLENCE AGAINST WOMEN

23.69 The FH report on women's rights dated 3 March 2010 reported that:

"During the reform era that lasted from 1997 to 2005, the media were able to conduct investigative reports that uncovered various forms of violence against women throughout Iran. However, coverage has been more limited as media restrictions have increased in recent years. Sporadic reports indicate ongoing 'honor killings' and serial killings of women in different regions. Close to 50 women were murdered during 2008 in four reported cases of serial killing in Abadan, Karaj, Varamin, and Gilan. According to one report, even the state-run newspaper Iran was pressured to refrain from publishing information related to these murders." **[112c] (Autonomy, security and freedom of the person)**

23.70 A report by the Norwegian Country of Origin Information Centre (Landinfo) published on 22 May 2009 stated that:

"The tradition of Muslim cultures to regard problems and violence within families as a private and internal family matter is both a common and a widespread problem. This is also the case in Iranian culture and society. The religious and socio-cultural situation means that many girls and women do not see the option of getting help from outside the family circle or from the authorities as a real alternative. Lacking awareness of legal rights combined with strong family ties, fear of social shame and stigmatisation, threats and financial dependence lead many girls and women to give in to their family's wishes, remain in unhappy marriages or commit suicide." **[33b] (p9)**

23.71 In her report of the fact finding mission to Iran, dated 27 January 2006, the UN Special Rapporteur on Violence against Women noted that:

"Violence against women in Iran is ingrained in gender inequality, which is upheld and perpetuated by two factors: (a) patriarchal values and attitudes based on notions of male supremacy, and (b) a State-promoted institutional structure based on gender-biased, hard-line interpretations of Islamic principles. While the former is a universal and historically rooted phenomenon, the latter is particular to Iran and is rooted in gender politics and policies prevalent in the country. Both factors, however, represent a male-dominated society with male-empowering laws and practices. While the official ideological underpinning of the State gender discourse rests on the premise that women in the Islamic Republic have been attributed [sic] with honour and due dignity, this very ideology has served to rationalize subordinating women, discriminating against them and subjecting them to violence. Furthermore, it is instrumental in silencing defiance and enforcing compliance.

"The ruling clergy, in their reading of the sharia that shapes both the attitudinal as well as the institutional structures, have tended towards conservative, gender-biased interpretations.

"This has been the source of divisive debates in the political arena between the hardliners and the reformists. The Sixth Majlis was reportedly a turning point for the articulation of reformist politics of gender in Iran. Within this process…some positive change has occurred in the laws and the administration of justice. However, gender-biased provisions and practices that prompt women's vulnerability to violence in the private as well as public spheres are still the norm." **[10ad] (p10)**

23.72 The Freedom House report *Women's Rights in the Middle East and North Africa 2010 – Iran*, published 3 March 2010 stated:

"Certain laws and cultural practices reinforce violence against women. Polygamy and temporary marriages destabilize spousal relations, increasing the likelihood of domestic violence. In addition, rape is not criminalized as a distinct offense. Instead it falls under the penal code's Article 63 definition of adultery, as sexual intercourse between a man and a woman "forbidden to each other." The victim of rape can assert that she committed adultery under duress and escape punishment, but this claim is difficult to establish because judges often look to the clothing and behavior of women – rather than the aggression of the perpetrator – for the "cause" of the rape.45 Because the satisfaction of the husband's sexual needs is considered a

wife's duty, spousal rape is not seen as a crime." **[112c] (Autonomy, security and freedom of the person)**

23.73 The USSD Report 2009 stated that:

"Rape is illegal and subject to strict penalties, but it remained a problem. Spousal rape is not illegal. Cases of rape were difficult to document due to social stigma against the victims. Most rape victims did not report the crime to authorities because they feared societal reprisal such as ostracism or punishment for having been raped. According to the penal code, rape is a capital offense, and four male witnesses or three men and two women are required for conviction. A woman or man found making a false accusation of rape is subject to 80 lashes." **[4c] (Section 6)**

23.74 Regarding the stringent requirements for witnesses to a rape before conviction, the UN Special Rapporteur's report dated 27 January 2006 observed that: "Given that most violence against women takes place in the private sphere, it is extremely difficult for women to provide such eyewitnesses to acts of violence. If the defendant is acquitted, the victim runs the risk of being charged and convicted for false accusation (qazf) or illicit sexual relations (zina)." **[10ad] (p16)**

23.75 The USSD Report 2009 noted:

"The law does not specifically prohibit domestic violence. Spousal abuse and violence against women occurred. According to a study published in 2008 using 2005 data, 52.7 percent of women reported being physically abused during their married lives. Abuse in the family was considered a private matter and seldom discussed publicly, although there were some efforts to change this attitude, particularly by the 'One Million Signatures for the Repeal of Discriminatory Laws,' or 'Change for Equality,' Campaign (OMSC). Some nongovernmental shelters and hotlines assisted victims during the year. " **[4c] (Section 6)**

23.76 The FH report on women's rights published 3 March 2010 stated:

"No specific law criminalizes domestic violence, and Iran has no public or private shelters for abused women. Due to legal shortcomings, societal attitudes, and the very nature of such abuse, domestic violence remains a private hardship. Victims who turn to the police are treated no differently from those who are attacked by a stranger. They can be compensated through the diyeh [diyat] system of the penal code, provided they supply witnesses and medical reports. Victims of bodily injury may also seek out retribution under Article 273 of the penal code. Sexual harassment in public places is outlawed under Article 619 of the penal code, which generally prohibits verbal or physical harassment of women or children in public places. If convicted under this statute, offenders face two to six months in prison and up to 74 lashes." **[112c] (Autonomy, security and freedom of the person)**

23.77 Book 4 of the Islamic Penal Code refers to the practice of diyat (blood money) being given as compensation for murder. Article 300 states that "The blood money for the first- or second-degree murder of a Muslim woman is half of that of a murdered Muslim man." **[66a]** This is reiterated by the

USSD Report 2009 which observed that "The blood money paid to the family of a female crime victim is half the sum paid for a man." **[4c] (Section 6)**

23.78 Regarding protection for victims of domestic abuse, the Landinfo report of 22 May 2009 observed that

"The Western European model of a crisis centre/shelter for women does not exist in Iran. There are, however, state institutions for single women, prostitutes, drug addicts and children and young people who have run away from home. These institutions are run by the national welfare organisation and offer protection, welfare services and rehabilitation programmes of varying quality for a transitional period. The number of such institutions in existence at any given time, and in which provinces they are found, is not public knowledge. The Iranian authorities are generally unwilling to provide the public with information about social situations and problems that may generate criticism of Islamic law and the Islamic Republic." **[33b] (p10)**

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Honour killings

23.79 A report by the Norwegian Country of Origin Information Centre (Landinfo) published on 22 May 2009 noted that access to information from Iran on "honour-related violence" and "honour killings" is very limited:

"The primary sources of available open information are Iranian and are representatives of civil society, the authorities and media run by exiled Iranians. The Iranian authorities do not permit human rights groups such as Amnesty International or Human Rights Watch, foreign researchers or journalists to travel to Iran on their own to obtain information about honour killings or other forms of violence against women. One exception to the authorities' policy of refusing foreigners entry to Iran, was the trip made by the UN Special Rapporteur to Iran in 2005 (United Nations Commission on Human Rights 2006)." [See below] **[33b] (p5)**

23.80 The USSD Report 2009 stated that: "According to a police official quoted in a domestic newspaper in 2008, 50 honor killings were reported during a seven-month period, although official statistics were not available. The punishment for perpetrators was often a short prison sentence." **[4c] (Section 6)**

23.81 UNHCR commented in their *Comments on the Iran Country Report of April 2005* of August 2005 that "'Honour crimes' are known to be occurring in Iran. It happens among Arab, Kurdish and Azeri minorities more than Farsi ethnicity…There are no reports of suggesting [sic] availability of state protection to woman risking 'honour killings'." **[3h] (p4)**

23. 82 The UN Special Rapporteur's report dated 27 January 2006, based on her visit to Iran from 29 January to 6 February 2005, noted that some cases of self-immolation in the city of Ilam were:

"… linked to the lack of legal protection for women victims of violence, lack of shelters, difficulty in obtaining a divorce, child custody laws that favour the father and pervasive gender discrimination throughout society.

"The self-immolation incidents are also said to be related, in some cases, to honour crimes, which are particularly common in Ilam and Khouzistan province. According to statistics provided by a consultant to the governor of Khouzistan in 2003, there have been 45 cases of honour killings of women under the age of 20 in one tribe alone. In 2001, a total of 565 women lost their lives in honour-related crimes, of which reportedly 375 were staged as self-immolation cases of women who were forced to set themselves on fire." **[10ad] (p11)**

23.83 The Amnesty International report dated July 2008 on human rights abuses against the Kurdish minority stated that "Self-immolation is a practice that occurs in all the areas of Kurdish settlement, where it is more common than in other parts of Iran. Some alleged suicides may have been staged to cover up 'honour' killings." **[9e]** On 28 August 2008, Iran Human Rights Voice (IHRV) reported that, in the first half of 2008 [1387], the number of Kurdish women victims of honour killings had increased. According to the Committee Against Honor-Related Violence, the number of murders in the first five months of 2008 stood at six; however, Parvin Zabihi, an advocate for women in the Kurdistan section of Iran, was reported as saying that the numbers were probably higher as details of three further murder cases had been received. **[11b]**

23.84 The Landinfo report of 22 May 2009 observed that:

"The available source material suggests that honour killings primarily occur among tribal peoples such as Kurdish, Lori, Arab, Baluchi and Turkish-speaking tribes. These groups are considered to be more socially conservative than the Persians, and discrimination against women in attitude and in practice is seen as being deeply rooted in tribal culture. The majority of these groups are Sunni Muslims and they live in the socioeconomically least developed and geographically most isolated areas of Iran." **[33b] (p7)**

23.85 The Landinfo report continued:

"There is also information about honour killings being carried out in the capital Tehran. According to an Iranian source, the greater part of women killed in Greater Tehran i[n] 2008 were killed by their husbands. This type of killing accounted for 35 per cent of all killings in Greater Tehran in a six-month period (IHRV 2008b). On the basis of the information available, there is nothing to suggest that the Iranian authorities actively try to combat honour killings…A woman who is threatened with honour killing or subjected to other forms of violence must seek help on her own. The community around her will not come to her assistance unless she asks directly for help. Whether it is possible to ask for help depends on where a women lives. In some parts of Iran, the physical and geographical conditions are such that fleeing is not possible in practice.

"The extent to which a woman can get help depends on a number of factors; such as what the case concerns, how old she is, where she lives, what she wants and to what extend she is able to mobilise parts of her own family network to plead her case and negotiate in the conflict. Depending on the nature of the case, she can for example seek help from a women's network, provided that such a network exists where she lives and that she is aware of

it. Or she can file a suit in a family court or report the matter to the police. If she goes to the police, the scope of the violence and threats will be decisive in determining whether she receives help and what kind of help she is offered. She is responsible for presenting evidence that she is in fact threatened by violence, which in certain cases can be impossible. The attitudes of the police or a local judge may have a decisive impact on her chance of being given real protection." **[33b] (p9-10)**

Government suppression of women's rights organisations

Subsection should be read in conjunction with Political affiliation, Freedom of speech and media, and Human rights institutions, organisations and activists.

23.86 Human Rights Watch (HRW) reported on 6 March 2010 that: "For more than 30 years, the women's rights movement has been at the forefront in the struggle for human rights and gender equality in Iran…". **[8aa]** Commenting the situation in recent years, the Freedom House report of March 2010 observed:

"Increased repression under the Ahmadinejad administration has hampered the expansion of the women's movement, forcing activists to make even greater sacrifices as they defend women's political and civil rights. Nevertheless, the level of gender consciousness, the extent of demands for women's rights, and the organizational skills in networking and resource mobilization (at both international and domestic levels) that activists currently enjoy is unprecedented in the history of the women's movement in Iran." **[112c]**

23.87 An Amnesty International (AI) report dated 28 February 2008 stated:

"In April 2007, Minister of Intelligence Gholam Hossein Eje'i publicly accused the women's rights movement of being part of an enemy conspiracy to bring about a 'soft subversion' of the Islamic Republic – a charge that women's rights defenders roundly reject. Since that time, women's rights groups and other NGOs that receive assistance from international donors, such as the Dutch organization Hivos, have been closed down and their directors and workers have been questioned by the Iranian security authorities about their work and financial affairs." **[9aah]**

23.88 The UN Secretary-General's *Report on the situation of human rights in Iran*, dated 23 September 2009, stated that:

"On 27 November 2008, the Special Rapporteurs on the situation of human rights defenders and on violence against women issued a joint statement expressing deep concern regarding the ongoing crackdown on women's rights defenders in the Islamic Republic of Iran, noting that peaceful demonstrators had been arrested, detained and persecuted, with prison sentences having been imposed on many of them. They noted that the Government continued to harass and intimidate women's rights activists involved in the 'one million signatures' campaign and to prevent them from travelling." **[10g] (p13)**

23.89 The *Report on the Status of Women Human Rights Defenders* published on 10 April 2009 by the International Campaign for Human Rights in Iran

(ICHRI), detailed pressures faced by women human rights defenders since June 2008. The report stated that:

"Women's rights activists advocating for legal reforms and the protection of women's rights have been increasingly targeted. Since our last report [5 May 2008], the most prominent human rights defender, Shirin Ebadi, has come under fire; a prison sentence of a woman's rights activist has been implemented for the first time in the history of the Islamic Republic of Iran [see paragraph 23.95 below]; and other women's rights activists have been targeted, harassed, arrested, summoned, tried and barred from travel." **[52b] (p1)**

The ICHRI report includes more detailed information on the treatment received by individual women human right's activists.

23.90 Amnesty International stated in its report, *Iran: Women's rights defenders defy repression*, dated 28 February 2008, that:

"Most of the women's rights defenders who have been arrested and prosecuted have been charged with vaguely worded security offences. Such charges are used by the authorities effectively to limit the activists' internationally recognized rights to freedom of expression and association as they seek to protect and promote women's rights in Iran, in violation of international standards such as the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party.

"In continuing to violate the rights of women's rights defenders, the Iranian authorities use vaguely worded laws, allow or facilitate excessive force by police and other security forces against demonstrators, and turn a blind eye to their ill-treatment in detention. Human rights defenders are effectively denied the protection of the law and are targeted and penalized for standing up for women's rights." **[9aah]**

23.91 The Foreign and Commonwealth Office's (FCO) *Human Rights Report for 2009* - Iran, published on 26 March 2010, stated that

"In 2009, women's groups have become increasingly active in campaigning for change. Various campaigns have been launched by local activists, such as the One Million Signatures Campaign, and the Maydaan Movement, which campaigns for gender equality and an end to stoning. However, as the popularity of both campaigns has increased, so too has repression and harassment of their members. Throughout the course of 2009, countless women were arrested or prosecuted for non-violent activity to promote women's rights, and women played a courageous and prominent role in the post-election protests. As a result, at least 11 members of the One Million Signatures Campaign were summoned to the Revolutionary Courts for questioning. Many more members of the group have been banned from leaving the country." **[26c] (p116-117)**

23.92 The Amnesty International (AI) report *Election contested, repression compounded*, published 10 December 2009 stated that women activists had been among those particularly targeted in the run-up to the June 2009 Presidential election and during the crack down by the authorities following the disputed election results. **[9t] (p15 and 24)** The AI report continued:

"Women's rights defenders, who have been particularly active in recent years, faced reprisals for their peaceful activities before and during the election, and the pattern of repression persists. The women's movement was named in the general indictment read at the first 'show trial' as being part of the 'velvet revolution' … Among those particularly targeted have been supporters of the Campaign for Equality, a women's rights initiative launched in 2006. Its volunteers are collecting a million signatures demanding an end to legal discrimination against women in Iran, such as exclusion from key areas of the state, including standing for the presidency, and in the areas of marriage, divorce, child custody and inheritance. Even though the Campaign for Equality conducts its activities in full compliance with the law, the authorities have impeded its work and repressed its activists. They have regularly blocked access to the campaign's main website, frequently denied the group permission to hold public meetings, prevented activists from travelling abroad or summoned them for interrogation, and apparently been behind threatening phone calls. Over 60 activists have been arrested and three activists are currently in custody: Alieh Aghdam-Doust, Ronak Safarzadeh and Zeynab Beyezidi." **[9t] (p31-32)**

23.93 The USSD Report 2009 noted that: "The government continued its intense crackdown against members of the OMSC [One Million Signatures Campaign aka Campaign for Equality], which activists launched in 2006 to promote women's rights." **[4c] (Section 6)**

23.94 On 5 January 2010, the ICHRI reported that:

"Numerous women's rights campaigners, female journalists and relatives are being arrested and persecuted as authorities in the Islamic Republic of Iran attempt to repress masses of Iranians from advocating for their civil rights in recent weeks…

"'It is evident that the authorities are singling out women's rights activists and arbitrarily arresting them, as well as female journalists, in the context of recent public demonstrations,' stated Aaron Rhodes, a spokesperson for the Campaign…Some activists have been threatened with execution, while others have disappeared, with no official record of their arrest or whereabouts provided." **[52i]**

23.95 The Freedom House report *Women's rights in the Middle East and North Africa 2010: Iran*, published 3 March 2010 stated that:

"Individual members of women's rights groups are subject to arbitrary arrest and detention as well as smear campaigns in the state-run media, verbal and physical harassment, travel bans, and other forms of suppression. In the last two years alone, 68 women involved in the One Million Signatures Campaign to Change Discriminatory Laws (Change for Equality) have been arrested and imprisoned. Due to domestic and international pressure by human rights activists and organizations, and especially intervention by defense lawyers such as Nobel laureate Shirin Ebadi, most activists have been released on bail after a few days or weeks in prison. The government continues to intimidate some of the released activists by summoning them to court for interrogation under the pretense of due process.

However, authorities have recently broken with the practice of releasing activists on bail. In February 2009, Alieh Eghdamdoust, 57, became the first

women's rights activist in the Islamic Republic to have her prison sentence implemented. According to the International Campaign for Human Rights in Iran, the sentence was based solely on her activities promoting women's rights. Eghdamdoust was arrested in June 2006 with 70 others during a peaceful women's rights protest in Tehran's Hafte Tir Square. After a week in prison, she was charged with violation of national security through participation in an illegal protest and disrupting public order. Eghdamdoust was initially sentenced to 20 lashes and three years and four months in prison, but an appeals court reduced the penalty to three years in prison. On February 1, 2009, she was transferred to the Office of Implementation of Sentences at the Revolutionary Courts, and began serving her sentence. Her lawyer, Nasim Ghanavi, argues that her participation in the peaceful protest was authorized by Article 27 of the constitution, which holds protests to be legal as long as the demonstrators do not carry arms or insult Islam. **[112c] (Nondiscrimination and access to justice)**

23.96 The same ICHRI article included details of 20 women activists and relatives who had been arrested in December 2009 and January 2010. **[52i]** The ICHRI website has a section on women rights which provides detailed information on the situation for women rights activists: http://www.iranhumanrights.org/category/womens/

23.97 In a joint statement dated 20 May 2010, the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT) strongly condemned the prison sentences given to four human rights activists, three of whom were women. The statement noted that:

"On May 17, 2010, Ms. Shadi Sadr, a prominent lawyer, women's rights activist, Director of Raahi (a legal advice centre for women), founder of Zanan-e Iran (a website dedicated to the work of Iranian women's rights activists) and a journalist for Meydaan, an on-line newspaper of the Stop Stoning to Death Campaign, and Ms. Mahbubeh Abbas-Gholizadeh, founding member of Stop Stoning to Death Campaign and Women's Charter, Founder of a civil society training and capacity building centre for non-governmental organisations in Tehran and Editor of the quarterly journal Farzaneh (Sage), were sentenced to respectively six years of imprisonment with 74 lashes and two and a half years of imprisonment with 30 lashes, on charges of 'acting against national security and harming public order' after they participated in a rally within the framework of the 'One Million Signatures Campaign' in March 2007 outside a revolutionary court where four fellow feminists were on trial. Iranian authorities arrested them along with 30 other protesters. The two human rights defenders, who are currently abroad, were tried in absentia on May 16, and will appeal the court's decision…

"Ms. Bahareh Hedayat, also active in the Iranian women's rights movement and a founding member of the One Million Signatures Campaign, who was arrested in December 2009 during a gathering in front of Evin prison to stand in solidarity with the families of recent political detainees, was sentenced by the 28th branch of the Revolutionary Court to nine years of imprisonment on charges of 'propaganda against the regime through interviews with foreign media, insulting the leader and the President, disrupting public order by participation in illegal gatherings, illegal entry and demolition of the entrance gate of Amir Kabir University'. She is detained in the Women's Section of Evin Prison." **[56a]**

23.98 The Women's Learning Partnership for rights, development and peace is an international, non-governmental organization (NGO) in Special Consultative Status with the Economic and Social Council of the United Nations. Their website provides information on the treatment of women activists from March 2007 to the present.

See also Freedom of speech and media and Human rights institutions, organisations and activists.

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HEALTH AND WELFARE

23.99 The United Nations Population Fund (UNFPA) website dated 2010, accessed 20 May 2010, included the following statistics:

"Maternal Mortality Rate (MMR) = 24 in 100,000 live birth…
Skilled Birth Attendance = 97.3%
Infant Mortality Rate (IMR) = 36.93 Deaths/1,000 Live Births
Life Expectancy at Birth =
Total population: 70.86 years
Male: 71.1 years
Female: 73.1 years
Total Fertility Rate (TFR) = 1.78 children born/woman" **[10s]**

Further statistics on women are also included on the UNICEF website. **[10m]**

23.100 The UNFPA website also noted that:

"Iran is known as a family planning success story. The countrys dramatic decline in fertility from an average of 7 lifetime births per woman in 1986 now reached replacement level at 1.96 nationally, with only a minimal gap between urban and rural areas. Many of the strategies put in place two decades ago to address the country's bulging population a strong network of rural health centres, mandatory pre-marital counselling on family planning methods and free family planning services and contraceptives are still contributing to the general well being of Iranian families and promoting the health of mothers and children." **[10s]**

23.101 The Freedom House (FH) report on women's rights, published 3 March 2010, observed that: "Although access to birth control and reproductive care has increased in recent years, women have limited control over their own care as written permission from the husband or father is needed for major surgical operations." **[112c] (Social and cultural rights)**

See also Medical issues

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24. CHILDREN

OVERVIEW

24.01 The Foreign Policy Centre's (FPC) report, *From Cradle to Coffin: A Report on Child Executions in Iran*, published on 30 June 2009 stated that Iran became a state party to the Convention on the Rights of the Child (CRC) on 5 September 1991:

"But when ratifying it on 13 July 1994 Iran reserved the right to ignore any Articles or provisions that are in contradiction to 'Islamic Laws and the internal legislation in effect' and went on to clarify that where 'domestic laws strongly differ' from the Convention Articles, they can be 'revised, provided that they do not contradict the principles of the Shari'a.' Such a reservation undermines the very purpose and spirit of the CRC…Iran's vague reservation has resulted in a growing gap between the country's international commitments and human rights record. Iran has yet to pass legislation calling for the implementation of this Convention in its entirety." **[49a] (p19)**

24.02 Iran has ratified "… the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) (ratified on 8 May 2002)." (UN Secretary-General's Report, 23 September 2009) **[10g] (p16)** When Iran's 2nd Periodic Report was considered by the UN Committee on the Rights of the Child (CRC) on 20 January 2005, the ratification of the ILO Convention was welcomed but:

"… the Committee remains concerned at the large number of children below the age of 15, particularly in rural areas, who are involved in child labour, especially in the informal sector, including carpet weaving and other traditional family businesses. The Committee also notes that although article 79 of the Labour Code sets the minimum age of access to employment at 15, other legislation, including the Agricultural Code, sets that age at 12." **[10ag] (Para 68)**

24.03 Iran ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 26 September 2007 but it has not signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. (United Nations Treaty Collection, accessed 2 December 2009) **[10ah]**

The UNICEF website includes general information on the situation of children in Iran. The UN's State of the World's Children report, dated November 2009, provides a series statistics on children in Iran.

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Basic legal information

24.04 The UN Secretary-General's report dated 1 October 2008 observed that:

"The age for criminal responsibility under Iranian law is set at 14 years and 7 months for boys and 8 years and 9 months for girls, which is not only discriminatory but also low by international standards. Accordingly, children who commit serious crimes can be processed as adults under the Penal Code …Furthermore, there is a possibility of death sentence under *qisas*

(retribution in kind) for juvenile offenders, unless *diyah* is agreed or the offender is forgiven by the victim's family. The sharia jurisprudence considers *qisas* a private right of the family of the victim that cannot be overruled by the decision of a judge or any other authority. In this connection, Iranian officials exclude the State's responsibility for *qisas* cases." **[10a] (p11)**

24.05 The UN 38th session CRC report of March 2005 stated that:

"The Committee reiterates its deep concern that the age of majority is set at pre-defined ages of puberty for boys at 15 and for girls at 9, because it implies that boys from 15 to 18 years and girls from 9 to 18 years are not covered by the provisions and principles of the Convention. The Committee notes the increase in the age of marriage for girls from 9 to 13 years (while that of boys remains at 15) and is seriously concerned at the very low minimum ages and the related practice of forced, early and temporary marriages." **[10ag] (para 22)**

24.06 The USSD 2009 stated that: "The law requires court approval for the marriage of girls younger than 13 and boys younger than 15, but it was reportedly not unusual in rural areas for parents to have their children marry before they became teenagers, often for economic reasons. Sex outside of marriage is illegal." **[4c] (Section 6)**

24.07 Freedom House's report, *Countries at the Crossroads 2007*, Iran, stated that "Suffrage is universal in Iran, unlimited by gender or ethnicity. The minimum voting age rose to 18 in January 2007 after remaining at only 15 for many years". **[112a]**

LEGAL RIGHTS

24.08 The USSD Report 2009 stated:

"The labor code prohibits all forms of forced or compulsory labor, including by children; however, there were reports that such practices occurred. Female citizens were trafficked internally for the purpose of forced prostitution. **[4c] (Section 6c)**

"The law prohibits employment of minors younger than 15 and places restrictions on employment of minors younger than 18. The government did not adequately enforce laws pertaining to child labor, and child labor was a serious problem. The law permits children to work in agriculture, domestic service, and some small businesses, but prohibits employment of minors in hard labor or night work. There was no information regarding enforcement of these regulations.

"According to government sources, three million children were prevented from obtaining education because their families forced them to work. Unofficial sources claimed the figure was closer to five million. There were reportedly significant numbers of children--primarily Afghan but also Iranian--working as street vendors in major urban areas. Traffickers also exploited children for forced commercial sexual exploitation and involuntary servitude as beggars and laborers." **[4c] (Section 6d)**

24.09 The US Library of Congress website, updated on 2 May 2009 stated "The Law Aggravating Punishment for Employing Children under 12 Years of Age in the Carpet Industry of February, 1969 provides for a jail term of six months to one year and a fine of five thousand to fifty thousand rials for violators. Other than the carpet industry, the Labor Law sets age fifteen as the minimum age for employment." **[7b]**

24.10 The Women's News Network on 23 September 2008 noted that:

"According to existing family law, citizenship cannot be passed to children from their mothers. Many Iranian women who have married Afghan and Iraqi men cannot get birth certificates for their children; hence these children cannot go to school. It is estimated that there are 100,000 children today in Iran without birth certificates who are denied their basic human right to education." **[34a]**

Judicial and penal systems

24.11 The UN 38th session CRC report of March 2005 noted that:

"The Committee notes the various legislative measures undertaken by the State party and referred to in its response to the list of issues (CRC/C/RESP/71) and welcomes in particular the information provided by the delegation that the Bill on the Establishment of Juvenile Courts has been approved by the Council of Ministers and has been submitted to the Majlis, a bill which, inter alia, abolishes the death penalty for crimes committed by persons under 18. The Committee also notes that this Bill has yet to be approved by the Council of Guardians before it becomes law." **[10ag] (Para 8)**

24.12 UNICEF's input into the 2010 UN Human Rights Council's Universal Periodic Review of the situation in Iran, advised that the new bill, the "…Act of Formation of Juvenile Courts" – was submitted to the Parliament in 2005 for ratification and is currently going through the review process for adoption. Amendments have also been made to the Penal Code Bill and the Penal Procedure Code to address improvements to the low age of criminal responsibility." **[10w]**

24.13 The UN 38th session CRC report of March 2005 stated that: "The Committee reiterates its serious concern at article 220 of the Penal Code, which provides that fathers who kill their child, or their son's child, are only required to pay one third of the blood money to the mother, and are subjected to a discretionary punishment, in the event that the mother makes a formal complaint." **[10ag] (Para 31)**

24.14 The same report went on to say:

"The Committee deeply regrets that, under existing laws, persons below the age of 18 who have committed a crime can be subjected to corporal punishment and sentenced to various types of torture or other cruel, inhuman or degrading treatment or punishment, such as amputation, flogging or stoning, which are systematically imposed by judicial authorities and which the Committee considers to be totally incompatible with article 37(a) and other provisions of the Convention… **(Para 45)**

24.15 The UN report concluded:

"The Committee welcomes the efforts of the State party to improve the laws with regard to persons below 18 in conflict with the law, in particular the Bill on the Establishment of Juvenile Courts … However, it deplores the information referred to … that, despite the statement of the delegation made during the consideration of the second periodic report that, in view of that Bill, executions, torture and other cruel, inhuman or degrading treatment or punishment of persons for having committed crimes before the age of 18 have been suspended, such executions and ill-treatment have continued since the consideration by the Committee of the State party's initial report. The Committee remains concerned at the existing poor quality of the rules and practices in the juvenile justice system, reflected, inter alia, in the lack of statistical data, the limited use of specialized juvenile courts and judges, the low age of criminal responsibility, the lack of adequate alternatives to custodial sentences, and the imposition of torture and other cruel or inhuman punishment and in particular of the death penalty. "**[10ag] (Para 72)**

24.16 On 27 January 2010, the Foreign and Commonwealth Office (FCO) advised that:

"In general, children who are accused of committing a crime or have been sentenced following judicial processes, are detained in 'Juvenile Correction and Rehabilitation Centres (JCRCs)' or Kanoon-e Eslaah va Tarbiat (in Persian).

"In each province, there is one JCRC which is a sub-department of the Prisons' Organization. The latter is one of the Judiciary's main bodies. The Head of Judiciary appoints the Prisons' Organizations' manager.

"All children and juveniles in conflict with the law are sent to the JCRC through competent courts. The JCRC plays no role in sentencing and/or releasing these juveniles. These offenders are held in the Centre until the time that a decision is made on their cases. This can be enforcement of judgement and/or acquittal…

"The JCRCs collaborate with international organizations e.g. UNICEF, government institutions e.g. Education and Labour Ministries, and NGOs with regards to child rights-related issues.

"Upon entering the Centres and admission, the juveniles are placed in a temporary settlement section and undergo medical checks. Then a judicial file is established for each individual." **[26b]**

24.17 The FCO also stated that:

"The JCRCs are also involved in cases of juveniles condemned to death i.e. on death row. The JCRC staff is very much involved in mediation and resolution of such cases at managerial and/or technical level, with a view to settling these cases through obtaining the pardon of the victim's family and/or collection and payment of dieh (blood money). They also coordinate internally with the Prisons' Organizations in order to refrain from sending former juveniles who have reached the age of 18, to adult prisons." **[26b]**

24.18 The FCO further advised that the JCRCs have a separate section for juveniles suspected or convicted of murder. "However, despite being held in

separate quarters, it should be emphasised that they receive the same support/protection services that other juveniles in conflict with the law receive." **[26b]**

See also Death Penalty for further information on the judicial process in murder cases

24.19 The UN 38th session CRC report of March 2005 recorded that: "The Committee is concerned about the large number of children living in prisons with their mothers, their living conditions and the regulation of their care if they are separated from their mothers in prison." **[10ag] (Para 51)**

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Death penalty for children

24.20 The Foreign Policy Centre's (FPC) report, *From Cradle to Coffin: A Report on Child Executions in Iran*, published on 30 June 2009 stated that worldwide the number of child executions was increasing. Moreover, "Most of these child executions occur in the Islamic Republic of Iran, which for over a decade has had the highest levels of such executions in the world." **[49a] (p13)**

24.21 The Human Rights Watch *World Report 2010*, Iran, released in January 2010, stated that "Iranian law allows death sentences for persons who have reached puberty, defined by Iranian law as age 9 for girls and 15 for boys." **[8k]** The April 2009 report by the International Federation for Human Rights (FIDH) stated that "Despite several legislative proposals to ban execution of juvenile offenders, this practice is not yet banned under domestic law." **[56i] (p46)**

24.22 The Freedom House Report *Freedom in the World: Iran 2010*, published 7 May 2010 stated: "The government had announced in 2008 that it would no longer execute juveniles, but it later clarified that the death penalty remained an option under the parallel 'retribution' system, in which the sentence is imposed by the victim's family rather than the state." **[112h]** Defence for Children International's (DCI) April 2009 Juvenile Justice Newsletter noted that a new law project regarding the death penalty for juvenile offenders was submitted to parliament in February 2009, "…though only time will tell if it will eventually result in Iran's abolishment of the practice." **[17] (p3-4)**

24.23 The Human Rights Watch report *Ending the Juvenile Death Penalty in Iran, Saudi Arabia, Sudan, Pakistan, and Yemen* of 10 September 2008 stated:

"The majority of juvenile executions in Iran are for hadd crimes or for intentional murder. Intentional murder, which includes 'cases where the murderer intentionally makes an action that is inherently lethal, even if he does not intend to kill the victim', is considered to be a crime punishable by retribution in kind (qisas-e-nafs) [Iranian Penal Code, arts. 205, 206]. While the judiciary is responsible for carrying out the trial and implementing the sentence in qisas cases, Iranian law treats these cases as private disputes between two civil parties, where the state facilitates the resolution of the dispute. The victim's survivors retain the right to claim retribution in kind, to

pardon the killer, or to accept compensation in exchange for giving up the right to claim retribution." **[8c] (p8)**

24.24 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 23 September 2009, stated that his earlier report [of 1 October 2008] had highlighted the execution of juveniles in Iran "as a specific area of concern". His September 2009 report stated that "The Islamic Republic of Iran continues to carry out such executions despite efforts by the judiciary to curb the practice." **[10g] (p11)**

24.25 The FCO's Human Rights Report 2009, published in March 2010, stated:

"Use of the death penalty against persons under 18 at the time of the offense is prohibited by the ICCPR [International Covenant on Civil and Political Rights] and the UN Convention on the Rights of the Child. Iran is a party to these treaties, yet it continues to execute minors. Since 1990, Amnesty International has documented at least 46 juvenile executions in Iran. In many cases, juvenile offenders under sentence of death in Iran are kept in prison until they pass their 18th birthday, after which their executions are scheduled. Upon appeal some have their sentence overturned. Others may be reprieved by the family of the victim and asked to pay compensation, under Sharia law. Some, however, do not benefit from such measures and are consequently executed.

"Mola Gol Hassan, executed alongside nine adults on 21 January, was the first of four juvenile offenders to be put to death in 2009. On 1 May, 23 year-old Delara Darabi was hanged after being sentenced to death at the age of 16, and Behnood Shojaee, 17 at the time of his alleged crime, was executed on 10 October, the day recognised by the international community as the World Day against the Death Penalty. Mosleh Zamani was the fourth juvenile offender to be executed in 2009, hanged on 8 December alongside four other unidentified prisoners. At least seven other minors have been granted temporary stays of execution following international intervention. However, they remain at risk, as do the other 130 minors currently thought to be on death row in Iran." **[26c] (p116)**

24.26 The FPC's June 2009 report stated that, as of June 2009, 160 juveniles remained on death row "…for a wide range of 'offences' including homosexuality, sex outside of marriage, apostasy, and involvement in school or street fights that result in a murder." **[49a] (p13)**

24.27 The Amnesty International (AI) Annual Report 2009, released in May 2009, covering events in 2008, stated at least eight people were executed having been sentenced for crimes committed when they were under 18. **[9h]** The AI Report 2010 noted that in 2009, at least five juvenile offenders were executed for crimes committed when they were under 18. **[9a] (p176)** The FIDH's report of April 2009 noted that "Executions of juvenile offenders occur regularly, a widespread practice being to keep a minor convicted of a capital crime in prison until she or he grows older and later execute him or her." **[56i]**

See also Penal Code and Death penalty

VIOLENCE AGAINST CHILDREN

24.28 The UN 38th session CRC report of March 2005 noted that:

> "The Committee continues to be concerned about legislation that provides for corporal punishment within the family. While welcoming the new Law on the Protection of Children and Adolescents (2003), which includes the prohibition of all forms of molestation and abuse of children and the obligation to report cases of child abuse, the exceptions stated therein continue to legally allow various forms of violence against children. More particularly, several articles of the Civil and Penal Code have been excluded, including article 1179 of the Civil Law and article 59 of the Penal Code, which gives parents the right to physically discipline their children within non-defined 'normal limits'. In the Committee's view, such exceptions contribute to the abuse of children inside and outside the family and contravene the principles and provisions of the Convention, in particular article 19. The Committee also notes with concern, that certain forms of sexual abuse of children or grandchildren are not explicitly prohibited." **[10ag] (Para 47)**

24.29 The Iran Human Rights Voice (IHRV) in an article dated 24 September 2008 stated that:

> "Many non-governmental organizations supporting children's rights believe child abuse cases have increased at an alarming rate within the recent years. Experts see increasing poverty and a crisis in the family foundation as the main causes of the increasing trend. According to statistics published by the child protection organization Protecting the Rights of Children, in 1386 (2007), compared to previous year, child abuse increased by 3.5 percent. The statistics have been prepared by the society and are not a true reflection of the actual data on the overall condition of society. According to Saeed Madani, an expert on social issues, "in a study that was done in 1380 (2001) in Tehran, 31 percent of students in middle school had been molested sexually in some shape or form". Similar studies in other cities have shown a larger percentage of various forms of abuses. Nevertheless, people active in this area believe that the collection of reports on all forms of child abuse is overshadowed by cultural and traditional barriers." **[11a]**

For information about child labour see Employment rights

Trafficking

24.30 The USSD's Trafficking in Persons report of 14 June 2010 reported that:

> "Iranian and Afghan children living in Iran are trafficked internally for commercial sexual exploitation – sometimes through forced marriages, in which their new 'husbands' force them into prostitution and involuntary servitude as beggars or laborers to pay debts, provide income, or support drug addiction of their families. Young men and Afghan boys are forced into prostitution in male brothels in southern Iran. Iranian women and girls are also subjected to forced prostitution in Pakistan, Turkey, Qatar, Kuwait, the United Arab Emirates, Iraq, France, Germany, and the United Kingdom. There are reports of women and girls being sold for marriage to men in Pakistan for the purpose of sexual servitude." **[4g] (p179-180)**

24.31 The USSD Report 2009 stated that: "Men, women, and children from Bangladesh, Pakistan, and Afghanistan were trafficked through the country to the Gulf States and sometimes to Europe for purposes of employment. Afghan women and girls were trafficked to the country for sexual exploitation and forced marriages." **[4c] (section 6)**

See also Trafficking

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CHILDCARE AND PROTECTION

24.32 The USSD Report 2009 stated:

"There was little information available to reflect how the government dealt with child abuse, including child labor. Abuse was largely regarded as a private family matter. According a 2005 study by the UN's Integrated Regional Information Network, child sexual abuse was rarely reported… There were reportedly significant numbers of children working as street vendors in Tehran and other cities and not attending school." **[4c] (Section 6)**

24.33 The UN 38th session CRC report of March 2005 stated that:

"The Committee welcomes the information, in paragraphs 95 and 96 of the State party's report, that one of its priorities will be the development of child adoption in its lawful form and the provision of counselling services in that regard, but remains concerned at the lack of a clear legal and policy framework for various forms of alternative care, such as fostering, or kafalah. It is particularly concerned about the large number of orphaned children born out of wedlock, the large number of long-term orphans resulting from the Bam earthquake currently in institutional care, and the temporary placement of the children of drug addicts, who may be obliged to stay in institutional care for long periods, as well as the poor quality of supervision, monitoring and training of the staff of these institutions. It is also concerned about reports that a certain number of girls from these institutions are married off upon reaching the marriageable age (13 years)." **[10ag] (Para 49)**

24.34 Iran's initial report (CRC/C/41/Add.5, July 1998) was considered by the United Nations Committee on the Rights of the Child at its May/June 2000 session. It stated that it

"… should be noted that separation from parents against the will of children rarely takes place in the Islamic Republic of Iran due to cultural and religious attachments. Children have a special attachment to their parents and this attachment is not severed under normal circumstances, except in rare cases such as those involving abuse of the child by parents (for example), narcotics trafficking, immoral activities, or neglect by parents of their children. In such cases parentless children are placed in the institutions managed by the Welfare Organisation, NGOs and charitable bodies. The Judiciary of the Islamic Republic of Iran plans to establish institutions for the care of parentless children." **[10v]**

24.35 The same source observed:

"According to Islamic principles, if a child for whatever reason cannot remain with his or her parents, he or she is given to one of the relatives, and in (a) case (where) there is no paternal relative, there are private places where children can be placed:

"a Nursery. This is a place where parentless children from infancy to five years of age are placed and cared for on a 24-hour basis. In the 10 nurseries operating in provincial centres there are more than 465 infants and children;

"b Day and Night Protection Services Complex. This is a place within the Urban Protection Services Complexes where children above the age of five are cared for, on the basis of separation by gender and 24-hour service, until the time they reach the legal age of maturity and are qualified to be released. The ceiling for the number of children that can be accepted in these units is nine. There are 38 such units nationwide which protect about 500 children;

"c Independent Day and Night Centre. This is an independent institution for children from 12 years to legal age that operates under the direct supervision of the Welfare Organisation for the purpose of providing for the physical, emotional and social needs of children. The ceiling for the number of children in these 24-hour units is 30. The total number of such independent units nationwide is 19 and they cover 561 children." **[10v]**

24.36 Some families in Iran volunteer to raise and care for three to five children under the protection of the Welfare Organisation like other members of their own family. This method of foster parenting is mostly for girls up to 13 years of age who are without parents and relatives. About ten to 14 children without guardians accepted by the Welfare Organisation are placed with a committed family and can acquire their personality development within a family environment. By 1998, five houses for 51 girls had been established. (United Nations Committee on the Rights of the Child at its May/June 2000 session) **[10v]**

24.37 The UN 38th session CRC report of March 2005 stated that:

"The Committee continues to be concerned about the large number of children living and/or working in the streets, particularly in urban centres such as Tehran, Isfahan, Mashhad, and Shiraz. It regrets that the State party could not present studies on the extent and nature of the problem and is concerned that the centres known as 'Khaneh Sabz', 'Khaneh Shoush' and 'Khaneh Reyhane' homes, which were established to assist these children, albeit in a limited capacity, have been closed down. It is equally concerned at reports of the round-up and arrest of Afghan children in the streets despite the fact that they were registered with the authorities, and that as a 'condition' for their release the authorities request that their parents register for repatriation. The Committee welcomes the policy of the State party to reunite children with their families, whenever possible, and notes the State party's assurances that these children are assembled in centres for further assistance and not arrested with police methods." **[10ag] (Para 64)**

24.38 The UN thirty-eighth session CRC Report of March 2005 stated that: "The Committee is concerned at reports that drug abuse is on the increase, that the age of addiction has decreased, that there is a lack of statistical data in this regard and that a programme initiated in 1997 does not seem to be effective." **[10ag] (Para 66)**

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EDUCATION

24.39 The CIA World Factbook, updated on 5 May 2010, stated that in 2002, an estimated 77% of the total population were literate (83.5% of men and 70.4% of women). **[111]**

24.40 The UN 38th session CRC report of March 2005 stated that:

"Although the Committee notes the high level of literacy in Iran and the measures taken by the State party to increase school enrolment and lower dropout rates, it remains concerned that not all children are enrolled in or graduate from primary school. Working children, children living on the streets and children without complete personal documents, particularly refugee children with binational parents, have reduced access to schools. It is also concerned that refugee children are currently only being enrolled in schools if their parents have registered with the authorities, and that the enrolment of refugee children is not currently being offered free of charge. It is further concerned about well-documented information that a large number of Baha'i students were not admitted to university on the grounds of their religious affiliation.

"The Committee is also concerned about the disparity that continues to exist between boys and girls; the high dropout rates of girls in rural schools upon reaching puberty; the lack of female teachers in rural areas; long distances between homes and schools, which keep girls at home, particularly after primary school and the lack of mobile schools for nomadic children, as well as the remarkable differences in the personal and material equipment between schools in urban and rural areas and between the most and least developed provinces, resulting in unequal educational opportunities." **[10ag] (Paras 59-60)**

See also Baha'is.

24.41 The British Council's undated report on education in Iran, accessed on 24 May 2010, stated:

"Primary education in Iran is compulsory under the Iranian constitution. As a general rule, primary, secondary and higher education is free, although private schools and universities do exist and are permitted to charge tuition fees. According to government figures, over 95% of Iranian children currently receive primary and secondary education. All schools are single-sex. There are over 113,000 schools throughout Iran, teaching over 18 million children. It is estimated that there are almost 1 million teachers within the education system.

"More than 50% of the country's 66m population is under the age of 25, which creates huge demand within the education system. In particular, admissions to post-secondary courses are highly competitive and university places are won through the National Entrance Examination (Konkur). There are currently well over 1 million students pursuing courses in Iranian universities, over half of these at private universities. Iran has 52 state universities and 28 medical universities, as well as a significant number of government research institutes. There are 25 private universities, including the Islamic Azad University, which has branches all over the country.

"The academic year runs for 10 months (200 active days) from September to June. There are three terms: September-December, January-March and April-June." **[113]**

24.42 The same report continued:

"School education in Iran is divided into the following cycles. There are qualifying examinations to pass from one educational cycle to the next and national exams are conducted at the end of each grade of the secondary cycle. Special provision is made within the educational system for gifted and special needs children, as well as for minority groups, refuges [sic] and for non-formal education.

1)	Pre-school	(1 year cycle, children aged 5)
2)	Primary	(5 year cycle, children aged 6-10)
3)	Middle (Guidance)	(3 year cycle, children aged 11-13)
4)	Secondary	(3 year cycle, students aged 14-17)
5)	Pre-university	(1 year cycle, students aged 18)

"Pre-school education: This is non-compulsory and children proceed automatically to primary education at the age of 6.

"Primary education: Children begin primary education aged 6 and are given a broad-ranging general education. There is a national exam at the end of the 5 years, which students have to pass to enter into the Guidance cycle.

"Middle/Guidance cycle: This three-year phase also provides students with general education, and encourages them to think about the options for secondary education. Students must sit a regional exam at the end of the Guidance cycle in order to proceed to secondary education level.

"Secondary education: Secondary education is divided into two branches: 'theoretical' studies and technical & vocational studies. The academic or 'theoretical' branch comprises four subject areas: literature & culture, socio-economic studies, maths & physics, experimental sciences. The technical branch is more vocational in structure and is divided into the following three sectors: technical, business & vocational, agriculture. National exams are conducted at the end of each academic year during this secondary cycle. Students complete a number of units during their three years of secondary education, and must obtain 96 units within this time in order to be awarded the High School diploma (Diplom-e Mottevasseteh).

"Pre-University education: Students wishing to enter Higher Education must take a one-year pre-university course, at the end of which they may obtain a 'Pre-University Certificate'. This certificate then qualifies students to sit for

the highly competitive National Entrance Exam (Konkur), success in which is imperative in order to gain a place at university." **[113]**

24.43 Europa, accessed on 30 June 2010, noted that:

"Primary education, beginning at the age of six and lasting for five years, is compulsory for all children and provided free of charge. Secondary education, from the age of 11, lasts for up to seven years, comprising a first cycle of three years and a second of four years. According to the Government, 24,000 schools were built between the 1979 Revolution and 1984. In 2005/06, according to UNESCO estimates, primary enrolment included 93.6% of children in the relevant age-group, while in 2004/05 enrolment at secondary schools included 77.3% of the appropriate age-group." **[1e] (Education)**

24.44 The Freedom House report *Freedom in the World 2010, Iran* noted that: "…94 percent of secondary-school-aged girls attend school, compared with only 80 percent of boys." **[112h]**

24.45 The British Council's undated report, accessed 24 May 2010, noted that "…there are discrepancies between the standard of education provided in urban and rural areas, as well [as] between the different regions of the country." **[113]** The USSD report for 2009 stated that: "Although primary schooling up to age 11 is free and compulsory for all, media and other sources reported lower enrollment in rural areas for girls than for boys." **[4c] (Section 6)** To ease the shortage of teachers in rural areas, "…the Ministry of Education established specific Rural Teacher Training Centres, as well as conscripting teachers to be sent to non-urban areas." (British Council, accessed 24 May 2010) **[113]**

24.46 The Iranian Minorities' Human Rights Organisation (IMHRO) reported on 18 February 2008 that education in Iran is provided only in Farsi. The organisation states that this results in many non-Farsi-speaking children leaving school before they should and the literacy rates of minorities being very low. **[109a]**

24.47 Europa Worldonline, accessed on 30 June 2010, stated that:

"Iran has 39 universities, including 16 in Tehran. Universities were closed by the Government in 1980 but have been reopened gradually since 1983. According to official sources, some 1,538,900 students were enrolled at Iran's public colleges and universities in the 2006/07 academic year, in addition to the 1,289,600 students enrolled at the Islamic Azad University. Apart from Tehran, there are universities in Bakhtaran, Esfahan, Hamadan, Tabriz, Ahwaz, Babolsar, Meshed, Kermanshah, Rasht, Shiraz, Zahedan, Kerman, Shahrekord, Urmia and Yazd. There are c. 50 colleges of higher education, c. 40 technological institutes, c. 80 teacher-training colleges, several colleges of advanced technology, and colleges of agriculture in Hamadan, Zanjan, Sari and Abadan. Vocational training schools also exist in Tehran, Ahwaz, Meshed, Shiraz and other cities." **[1e] (Education)**

See also Academic Freedom

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HEALTH ISSUES

24.48 The World Health Organisation's Report, *World Health Statistics 2009*, recorded that the under five mortality rate was 33 per 1000 live births. The number of live births attended by skilled health personnel had risen to 97% during the period 2000 to 2008. 97% of 1 year old children were immunised against measles in 2007. **[28a]**

24.49 An undated article on the UNICEF website, accessed on 8 December 2009 stated that:

"In recent years, Iran has registered remarkable achievements in the area of child health, with high primary health coverage and lowered child mortality rates. Pre-primary care and education services have increased considerably, with rural children in disadvantaged areas a major target for development.

"Nevertheless, the country faces a number of challenges in meeting the full range of children's needs, particularly those children made vulnerable by poverty either through distance from central services and/or unemployment of caregivers." **[10j]**

See also Medical Issues

DOCUMENTATION

24.50 A comprehensive 2005 UNICEF report, *Birth Registration in Iran*, stated that:

"Iran adopted a Birth Registration Law in 1918, making Birth Registration compulsory. Article 12 of the Registry Act stipulates that the birth of every child born in Iran, regardless of the nationality of his/her parents shall be reported (within 15 days) to the official representative or agent of the Birth Registration Organization and the birth of the children of Iranian nationals residing outside Iran shall be reported to the local Consulate of the Islamic Republic of Iran and in the event that there is no local Iranian consulate, it shall be reported to the nearest Iranian consulate or the Birth Registration Organization of Iran…"The legal grace period for the announcement of the birth of a child is 15 days from the date of birth. After the expiration of the prescribed period, if the fact of birth is not recorded, those who are legally bound are considered violators of the law and will be prosecuted, pursuant to Article 3 of the Law on Contravention, Crimes and Punishments concerning Registration of Personal Status enacted by the Council of Expediency (August 1991). In case of conviction, the violator shall be liable not only for registration of the birth but also for payment of a fine. However, these laws are often not comprehensive enough, are not enforced or do not function." **[10h] (p5)**

This UNICEF report contains detailed information on the birth registration process and should be accessed directly for further information: http://www.unicef.org/iran/IRN_resources_BR_eng-word.pdf

24.51 The Women's News Network on 23 September 2008 noted that "According to existing family law, citizenship cannot be passed to children from their mothers. Many Iranian women who have married Afghan and Iraqi men cannot get birth certificates for their children; hence these children cannot go to school." **[34a]**

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25. TRAFFICKING

25.01 The US State Department's *Trafficking in Persons* report (USSD TiP 2010), covering the period April 2009 to March 2010, published 14 June 2010 noted that Iran is not a party to the 2000 UN TiP Protocol. The report stated:

"A 2004 law prohibits trafficking in persons by means of the threat or use of force, coercion, abuse of power or of a position of vulnerability of the victim for purposes of prostitution, removal of organs, slavery or forced marriage. Reports indicate, however, the law remains unenforced. The Constitution and Labor Code both prohibit forced labor and debt bondage; the prescribed penalty of a fine and up to one year's imprisonment is not sufficient to deter these crimes and is not commensurate with prescribed penalties for serious crimes, such as rape." **[4g] (p180)**

25.02 The US State Department *Report on Human Rights Practices 2009* (USSD 2009), Iran, published on 11 March 2010, stated that, although the law prohibits human trafficking:

"According to publicly available information from NGOs, the media, international organizations, and other governments, trafficking in persons was an extensive problem, and the country was a source, transit, and destination point for trafficking. Women and girls were trafficked from the country to Pakistan, Turkey, Europe, and the Gulf States for sexual exploitation and involuntary servitude. Men, women, and children from Bangladesh, Pakistan, and Afghanistan were trafficked through the country to the Gulf States and sometimes to Europe for purposes of employment. Afghan women and girls were trafficked to the country for sexual exploitation and forced marriages. Internal trafficking for sexual exploitation and forced labor also occurred. Media reports indicated that criminal organizations played a large role in human trafficking to and from the country.

"In some cases authorities reportedly tried and convicted persons involved in trafficking, but aspects of the law and practice - such as punishment of victims for prostitution or adultery - hindered efforts to combat trafficking. There was no evidence that the government took steps to protect trafficking victims or to prevent trafficking during the year." **[4c] (Section 6)**

25.03 The USSD TiP 2010 report noted that:

"The Government of Iran does not fully comply with the minimum standards for the elimination of trafficking, and is not making significant efforts to do so. Lack of access to Iran by U.S. Government officials impedes the collection of information on the country's human trafficking problem and the government's efforts to curb it. The government did not share information on

its anti-trafficking efforts with the international community during the reporting period. Publicly available information from NGOs, the press, international organizations, and other governments nonetheless support two fundamental conclusions: first, trafficking within, to, and from Iran is extensive; and second, the authorities' response is not sufficient to penalize offenders, protect victims, and eliminate trafficking. Indeed, some aspects of Iranian law and policy hinder efforts to combat trafficking. These include punishment of victims and legal obstacles to punishing offenders. In international fora, the Iranian government has objected to the principle that victims of trafficking should not be punished for crimes committed as a result of being trafficked." **[4g] (p180)**

25.04 The same report also noted that:

"No reliable information was available on human trafficking investigations, prosecutions, convictions or punishments during the past year [2009]… Law enforcement data is unknown; there were reports of some prosecutions for traffickers who forced Iranian girls into prostitution in the Gulf. Investigations, prosecutions, and convictions of trafficking offenders were not priorities in the country. It was extremely difficult for women forcibly held in commercial sexual exploitation to obtain justice; first, because the testimony of two women is equal to that of one man, and second, because women who are victims of sexual abuse are vulnerable to being executed for adultery, defined as sexual relations outside of marriage. Official complicity may be a problem; human traffickers were reported to have very close links to some authorities and security agencies." **[4g] (p180)**

See also Children and Women

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26. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

26.01 The World Health Organisation's April 2009 Country Cooperation Strategy for Iran stated:

"Health status has improved over four decades. The Ministry of Health and Medical Education (MOHME) finances and delivers primary health care (PHC). Recent remarkable developments in the health sector, such as establishing health networks to ensure provision of PHC services, resulted in improvement in various health indicators. However, considerable disparities remain; over 8-10% of the population is not covered by any insurance scheme and has to pay directly. Restricted access and low service availability in the less developed provinces (Sistan and Baluchistan) result in poor health indices compared to the rest of the country." **[28d]**

26.02 The World Bank Country Brief, updated April 2010, stated that:

"Health outcomes in Iran have improved greatly over the past twenty years and now generally exceed regional averages. Key to this success has been

the Government of Iran's strong commitment to and effective delivery of primary health care. Iran's 'Master Health Plan', adopted in the 1980s for the period of 1983-2000 accorded priority to basic curative and preventive services as opposed to sophisticated hospital-based tertiary care, and focused strictly on the population groups at highest risk, particularly in deprived areas. Moreover, as a result of the prioritization and effective delivery of quality primary health care, health outcomes in rural areas are almost equal to those in urban areas, with outcomes in terms of infant and maternal mortality nearly identical between urban and rural areas." **[36a] (p1)**

26.03 The United Nations Population Fund (UNFPA) Country Profile 2010, accessed 20 May 2010, stated:

"The Ministry of Health and Medical Education (MOHME) has executive responsibility for health and medical education within the Iranian government. The Ministry has the legal authority to oversee, license and regulate the activities of the private health sector.

"An elaborate system of health care network provides Primary Health Care (PHC) to the vast majority of the Iranian public. MOHME owns and runs Iran's largest health care delivery network and medical schools. MOHME is in charge of provision of healthcare services through its network, medical insurance, medical education, supervision and regulation of the healthcare system in the country, policymaking, production and distribution of pharmaceuticals, and research and development." **[10s]**

26.04 Information from the UK Foreign and Commonwealth Office (FCO) dated January 2002 advised that there are two types of hospitals in Iran, private and governmental. To receive treatment in the governmental hospitals, one must belong to the social security scheme whereby the employer pays the subscriptions for the employee, which then entitles them to subsidised medical treatment and medication. In Tehran and other larger cities such as Shiraz and Isfahan there are many well-reputed hospitals. These are staffed by physicians and specialists, most of whom are very experienced and internationally trained. There is an extensive range of specialist care found in Tehran, both in the private and governmental sector. For complex medical conditions where treatment is not available locally, the patients can apply to the Supreme Medical Council for financial assistance towards payment of medical expenses overseas. The Supreme Medical Council consists of a group of specialist doctors who assess and examine each case to determine whether such assistance in funding should be allocated. **[26a]**

26.05 An International Organisation for Migration (IOM) Country Brief on Iran updated on 30 November 2009 stated that:

"According to the last census that the Statistical Centre of Iran undertook in 2003, there are 730 medical establishments (e.g. hospitals, clinics) in Iran, of which 488 are directly affiliated and run by the Ministry of Health and Medical Education, 120 owned by the private sector and the rest are managed by other organizations such as the Social Security Organization of Iran (SSO). About 73% of all Iranians have SSO coverage according to the same source.

"Iran has been very successful in training/educating the necessary human resources for its health system. The system of almost 30 years ago where

the country was facing a shortage of all kinds of skilled personnel in the health and medical sector has been completely changed. Today, there is enough trained adequate medical staff to meet the country's needs. An elaborate system of health network has been established which has ensured provision of Primary Health Care (PHC) to the vast majority of the public. However, access and availability of health care continues to be somewhat limited in lesser developed provinces where the health indicators are also lower compared to the national averages." **[48] (p3)**

26.06 The UNFPA Country Profile 2010 stated that: "Since the 1979 revolution, Iran has adopted a full generic-based National Drug Policy (NDP), with local production of essential drugs and vaccines as one of the main goals. MOHME has a mission to provide access to sufficient quantities of safe, effective and high quality medicines that are affordable for the entire population." **[10s]**

26.07 The World Health Organisation reported that in 2002 most medications were available locally under various generic and company labels. **[28b]** A national therapeutic drug policy/essential list of drugs is present, formulated in 1988. The essential drugs list was last updated in 2001. (WHO, 2005) **[28e]** According to the FCO in January 2002, those medicines not available, which are approved by the US Food and Drug Administration, can be ordered through the Red Crescent Society by presenting a doctor's prescription. The prices for medications bought in Iran are much cheaper than UK prescription and dispensing charges. There has also been considerable development in the pharmaceutical industry in Iran during the last decade. The essential raw material for the majority of medicines is imported from overseas and then the medicine produced and packaged locally. This is again subsidised by the Government. There is also a black market for certain types of foreign medications and the cost of such medications is quite high in comparison to those readily available at pharmacies. **[26a]**

26.08 The IOM Country Brief updated on 30 November 2009 observed that:

"Iran has a rather developed pharmaceutical production capability but the country still relies on importations of raw materials and many specialized drugs. The Ministry of Health has the mission to provide access to sufficient quantities of safe, effective and high quality medicines at an affordable price for the entire population. Since the 1979 revolution, Iran has adopted a full generic-based National Drug Policy, with the local production of essential drugs and vaccines.

"Therefore, apart from very rare and special medicines, all medications are available in Iran. There are many private pharmacies all over the country. There are also four major governmental pharmacies that would provide any kind of prescribed medicine, but in small quantities to avoid the creation of [a] black market. There are thousands of pharmaceutical facilities in Tehran and hundreds more around the country." **[48] (p5)**

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

26.09 The UN AIDS/WHO/UNICEF Epidemiological Fact Sheet on HIV and AIDS in Iran, updated in October 2008, noted that approximately 86,000 adults were living with HIV, of whom approximately 24,000 were women. **[28c]**

26.10 The UNAIDS 2008 Global report stated that "The Islamic Republic of Iran is home to a serious drug-related epidemic, with HIV prevalence of between 15% and 23% documented among male injecting drug users who make use of drop-in or drug-treatment services in Tehran… " **[10ai]** The UNAIDS/WHO 2009 AIDS epidemic update, released on 24 November 2009, stated that, according to the Iranian National Centre for Addiction Studies of 2008, "There are estimated to be between 70 000 and 300 000 injecting drug users in the Islamic Republic of Iran…" **[10i] (p35)**

26.11 A UNAIDS news article dated 13 May 2008 noted that "The major factor which is fuelling the epidemic in Iran is the use of contaminated injecting equipment among injecting drug users, as well as sexual transmission of the disease. Therefore, the work of the Joint UN Team on AIDS is primarily focused on the issue of injecting drug use…" **[10n]**

26.12 UNAIDS also reported that:

"This work has been successful and the Iranian government has one of the most progressive harm reduction policies on record in a developing country. There are more than 20,000 drug users on the government methadone maintenance programme, which began three years ago. Important legal reforms have facilitated the success of this programme: although drug use is a crime, people who are having treatment for drug use are not considered criminals. 'Even needle and syringe programmes can be considered treatment, which is a very big achievement and an important step to de-stigmatise and make services available to people who inject drugs,' says Setayesh [UNAIDS Country Coordinator]. Based on the most recent available studies, more than 90 percent of drug users have used clean needles for their last injection in Tehran.

"Two years ago the drug treatment programme was extended to prisons where the United Nations Office on Drugs and Crime (UNODC) is the main partner. 'A lot has been done but there is room for improvement,' says Setayesh. 'Prison systems are trying to introduce needle exchange and condoms, but it is a challenge to encourage the prisoners to use them. This requires reform to expand services in prisons.'

"Nonetheless, Iran is moving from having a concentrated HIV epidemic among injecting drug users to a more generalized situation, mainly affecting partners and wives of people who inject drugs and people formerly in prison. Although the response among these particular key populations has been remarkable and progressive, other groups who engage in risky behaviour such as sex workers and men who have sex with men are not sufficiently addressed in the country's response. Homosexuality is a sensitive issue in Iran and providing services for men who have sex with men presents many challenges for UNAIDS, which is the leading UN programme in this area." **[10n]**

26.13 A January 2008 report by the National AIDS Committee Secretariat, Ministry of Health and Medical Education, Iran, stated that:

"Provision and distribution of antiretroviral drugs became part of the country's healthcare system in 1997 when antiretroviral drugs incling lamivudine, zidovudine and indinavir made it into Iran's pharmacopoeia. Subsequently, indinavir was removed from the list of Iranian generic drugs

and nelfinavir and abacavir were added onto the list. In 2004 the go-ahead to bring in didanozine, stavudine and nevirapine was secured. In 2005 stavudine and nevirapine became available to patients. After a while didanozine also became available. In 2006 as part of a project initiated by the Global Fund to Fight AIDS, Tuberculosis, and Malaria, efavirnez was introduced into the country's drug system. Later in the same year, the global fund tried to bring in kaletra, tenofovir and atazanavir which are now available to patients. Except for the last three items, government has paid for all other antiretroviral drugs available in Iran…Prescription of antiretroviral drugs on the basis of the guideline in question is free and conducted by counselling centers for behavioral diseases (triangular clinics) which operate under the supervision of Universities of Medical Sciences. There have been no limits as far as the number of patients is concerned. Besides, no one has been given any priority on the basis of gender, age or social background when it comes to availability to drugs. A small percentage of diagnosed patients buy their own antiretroviral drugs…In the past years, the government has made efforts to increase the availability of centers which offer antiretroviral therapy services. So far (September 2007) 62 cities across 30 provinces have at least one center capable of rendering such services. In other words, all those who are identified to need treatment, meet the requirements mentioned in the country guideline for the launch of the treatment, and of course are willing to undergo treatment receive antiretroviral therapy free of charge." **[85a]**

26.14 The USSD Report 2009 stated that: "Persons with HIV/AIDS reportedly faced discrimination in schools and workplaces. The government supported programs for HIV/AIDS awareness and generally did not interfere with private HIV/AIDS-related NGOs. Government hospitals diagnosed and treated AIDS patients free of charge." **[4c] (Section 6)**

26.15 The UNAIDS/WHO 2009 report noted that "In the Islamic Republic of Iran, injecting drug use accounts for more than two thirds (67.5%) of reported HIV cases (Iranian National Center for Addiction Studies, 2008)." **[10i] (p44)**

26.16 A UNODC press release dated 20 March 2009 announced the launching of

"…two projects to provide HIV/AIDS prevention and care services to Afghan refugees and female drug users in Iran.

"The goal of the first project is to support national efforts to provide comprehensive HIV prevention and care services to Afghan refugees in Iran who are drug users…This group has been identified as being high-risk, yet has thus far not fully benefited from Iran's large-scale comprehensive HIV prevention, treatment, care and support services to injecting drug users - including opioid substitution treatment.

"The second project targets another vulnerable group; Iranian women who are either drug dependent and/or affected by HIV. The aim of the project is to increase access to quality services tailored to the specific needs of these women, including in prison settings. This will complement the significant resources that the Government of Iran already devotes to prevention and treatment of HIV as well as drug demand reduction measures." **[10o]**

MENTAL HEALTH

26.17 A report in the *Psychiatric Times* in January 2002, stated that a village based primary care system serves over 60 regions of the country, with village centres linked to surrounding hospitals and medical schools. The national health programme supports training in mental health care. The Government has also established four regional centres for the prevention of mental disorders. **[27]**

26.18 The WHO Mental Health Atlas of 2005 stated that a mental health policy was formulated in 1986 along with the national mental health programme which was evaluated in 1995 and 1997 with changes made based on suggestions. In 1995, it was evaluated jointly by the WHO and the Teheran Psychiatric Institute. Other related programmes are Integration of Substance Abuse Prevention within the Primary Health Care and a Harm Reduction Programme. Mental health is a part of the primary health care system. **[28e]**

26.19 The WHO report continued:

"The country spends 3% of the total health budget on mental health. The primary sources of mental health financing in descending order are tax based, out of pocket expenditure by the patient or family, social insurance and private insurances. … The country has disability benefits for persons with mental disorders. Since 2001, the disabled mentally ill patients are entitled to a stipend of about $30 per month if they do not receive other free services. Already, about 10 000 disabled patients are receiving disability benefits and the number is increasing. Institutional care is free of charge for the disabled mentally ill." **[28e]**

26.20 The WHO Country Cooperation Strategy dated April 2009 stated that:

"Mental health disorders and substance abuse are highly prevalent (21.9%), particularly in females (25.9% versus 14.9% in males); this is reflected in the numbers seeking professional assistance and the amount of psychotropic drugs used. Major depression and generalized anxiety are common morbidity causes. Drug-related deaths increased by 70% in 2003 compared to 2002. Suicides represent 1.61% of deaths and homicide and violent deaths 0.98%." **[28d]**

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27. FREEDOM OF MOVEMENT

For more information about movement into and out of Iran, see Exit and Return

27.01 The US State Department *Country Report on Human Rights Practices 2009*, Iran, released on 11 March 2010, (USSD Report 2009) stated:

"The constitution provides for freedom of movement within the country, foreign travel, and emigration, and repatriation. The government placed some restrictions on these rights…

"The government required exit permits for foreign travel for all citizens. Some citizens, particularly those whose skills were in demand and who were educated at government expense, had to post bond to obtain an exit permit.

The government restricted foreign travel of some religious leaders and individual members of religious minorities and scientists in sensitive fields, and it increasingly targeted journalists, academics, and activists--including women's rights activists--for travel bans and passport confiscation during the year. The government banned travel to Israel, but this ban was reportedly not enforced…A woman must have the permission of her husband, father, or other male relative to obtain a passport. A married woman must receive written permission from her husband before she leaves the country.

"The government did not use forced external exile, but it used internal exile as a punishment. Many dissidents practiced self-imposed exile to be able to express their beliefs freely." **[4c] (Section 2d)**

27.02 The Freedom House report *Freedom in the World 2010: Iran* published on 7 May 2010, stated that: "Freedom of movement is routinely restricted in Iran. Political activists are often banned from leaving the country after completing prison sentences or being released on suspended sentences. Security services have been known to confiscate passports or interrogate travelers on their return from conferences abroad." **[112h]**

27.03 A CIRB information request dated 3 April 2006 noted that counterfeit Iranian passports can be purchased easily on the black market with prices fluctuating according to quality, but authorities are generally adept at identifying these documents via a 'double check' mechanism in the law enforcement database which tracks passport issuance. **[2x]**

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28. FOREIGN REFUGEES

28.01 The US State Department *Report on Human Rights Practices 2009*, released on 11 March 2010, (USSD Report 2009) stated:

"The country was a party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol. The law provides means for granting asylum or refugee status to qualified applicants, and the government reportedly had a system for providing protection to refugees, but the UNHCR did not have any information as to how the country made asylum determinations. The government did not consistently provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion." **[4c] (Section 2d)**

28.02 The 2010 UNHCR country operations profile on Iran, undated, accessed 26 April 2010, stated that:

"The Islamic Republic of Iran hosts one of the largest and longest-staying refugee populations in the world. As of June 2009, the Bureau for Aliens, Foreigners and Immigrant Affairs (BAFIA) had registered some 976,500 refugees, of whom 933,500 were Afghans and 43,000 were Iraqis. The Government recognizes an estimated 4,200 Iraqi refugees on a prima facie basis, and UNHCR has registered an additional 100 mandate refugees and

1,900 asylum-seekers. The majority of refugees in the country reside in urban areas, while approximately 3 per cent live in settlements." **[10r]**

28.03 The United States Committee for Refugees and Immigrants *World Refugee Survey* on Iran 2009 (USCRI 2009), released on 17 June 2009, stated that:

"Iran deported over 406,000 Afghans in 2008 and over 720,000 over the past two years. Although both the Government and UNHCR characterized the deportees as illegally present economic migrants, in the Chamany Babrak reception camps in Kabul, most could produce refugee documentation. Iranian soldiers also reportedly evicted entire refugee settlements without checking for status. Authorities deported many without warning, separating them from their families, with little time to collect belongings and wages. Others claimed that authorities beat, detained, or required them work unpaid for days before deportation.

"Authorities postponed negotiations to renew the Tripartite agreement, declared Sistan and Balouchistan provinces to be off limits to all foreigners, regardless of status.

"BAFIA re-registered over the internet the Afghan refugees it recognized and issued them six-month, renewable residence permits if they paid registration fees and local taxes. Authorities compelled refugee men under 60 to apply and pay for temporary work permits but for women this was optional." **[35a]**

28.04 The USSD Report 2009 stated that: "Afghan workers, especially those working illegally, often were paid less than the minimum wage. During the year [2009] the government continued to deport illegal Afghan migrant workers, some of whom may have been unregistered refugees." **[4c] (Section 7e)**

28.05 The USCRI 2009 survey further stated that: "Iran issues Special Identity Cards (SIDs) with greater privileges to Afghan refugees who are religious students, disabled in the Iran-Iraq war, relatives of martyrs, or married to Iranians. Children of registered refugees receive refugee cards upon reaching school age. Law-enforcement officials, judiciary, and local authorities all recognize the residence cards issued in the 2008 registration." **[35a]**

28.06 A report by the Afghanistan Research and Evaluation Unit on second-generation Afghans in Iran, published in April 2008, explained the different identity cards issued by the Bureau for Aliens and Foreign Immigrants Affairs (BAFIA):

"The identification (ID) card constitutes the external layer of an individual's identity and records the individual's personal characteristics. Since the arrival of Afghans in the late 1970s, BAFIA has issued several identification cards in a variety of colours. For example, from 1979–92, most Afghans entering Iran were issued with 'blue cards' which indicated their status as involuntary migrants or mohajerin. Blue card holders were granted indefinite permission to stay in Iran legally. Until 1995, blue card holders had access to subsidised health care and food, and free primary and secondary education, but were barred from owning their own businesses or working as street vendors, and their employment was limited to low-wage, manual labour. … ID cards are required to register children at school and to travel

outside of the place of residence registered on the card. Respondents had been issued with various coloured ID cards from BAFIA (pink, red, green, gold), each colour representing a certain year of issue and period of validity. … Characteristics of the cards listed as being held by respondents follow:

"• Amayesh identification (pink card): issued by BAFIA since 2003, the majority of Afghans in Iran are said to hold Amayesh identification.

"• Amayesh identification (gold card): issued by BAFIA, these cards accord additional rights such as the right to have a bank account in Iran, and are issued to high-ranking figures such as Afghan clergy, and those with government positions.

"• Educational passport: issued by universities and religious schools to Afghan students to indicate full-time enrolment as students.

"• Iranian identification (shenasnameh): issued by BAFIA to children aged 18 years and above, born of mixed marriages whose Afghan parent has a passport from Afghanistan." **[110] (p49)**

28.07 The 2010 UNHCR country operations profile on Iran stated that:

"The Government of the Islamic Republic of Iran is calling on the international community to increase its support for voluntary repatriation and invest more in Afghanistan to sustain reintegration. Meanwhile, it has taken steps to improve the lives of Afghan refugees in the country. Of particular importance was the issuance of temporary work permits to eligible registered Afghan refugees during the re-registration exercise in 2008. All male refugees between the ages of 18 and 60 were invited to apply for a permit, while it was optional for females.

"In the context of the re-registration exercise in 2009, the Government granted exemption from municipality taxes which are otherwise mandatory for urban refugees, to registered refugees deemed vulnerable or financially destitute.

"In July 2009, as registered Afghan refugees in Khuzestan province, which was declared a no-go area for foreigners, were not availing themselves of relocation or repatriation options, BAFIA and UNHCR issued a statement reiterating the options while granting registered refugees a one-year extension of stay, until July 2010, provided they agree to move before the deadline expires. The refugees may remain in the Islamic Republic of Iran as refugees if they relocate to designated areas. A similar statement was issued for registered Afghan refugees in Hormozgan province after it was declared a no-go area for foreigners in July 2009." **[10r]**

28.08 On 13 May 2010, Radio Free Europe reported that, in Afghanistan, around 1000 Afghans had demonstrated against the "…alleged ill-treatment and executions of some Afghan refugees by Iranian authorities on charges of drug-smuggling." Iran had confirmed that some Afghan refugees had been executed recently on drug smuggling charges; hundreds more are reported to be on death row. "**[42c]**

28.09 Amnesty International reported on 9 May 2010 that:

"More than 4,000 Afghans are thought to be in Iranian jails. The number of those facing the death penalty may be as high as 3,000, mostly for drug-related offences. According to Afghan news reports, Afghan MP Gul Ahmad Amini said on 12 April that 45 people had been executed in the preceding days and their bodies sent back to Afghanistan. Iranian officials deny such numbers of executions and are refusing to confirm how many Afghans are at risk of execution." **[9p]**

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29. CITIZENSHIP AND NATIONALITY

29.01 The US Office of Personnel Management (USOPM) 2001 report *Citizenship Laws of the World* stated that citizenship is based upon the Iranian Civil Code as follows:

"BY BIRTH: In general, birth within the territory of Iran does not automatically confer citizenship. The following are instances where birth within the territory of Iran does confer citizenship:
Child born to unknown parents;
Child born to non-citizens, one of whom was born within Iran;
Child born to non-citizens, who, after reaching the age of 18, continues to reside within Iran for at least one year.

"BY DESCENT: Child born to an Iranian father regardless of the child's country of birth.
MARRIAGE: Foreign woman who marries an Iranian man is entitled to citizenship.

"BY NATURALIZATION: Iranian citizenship may be acquired upon fulfillment of the following conditions: Person must be at least 18 years of age, have resided in Iran for five years, not be a military service escapee, and not have been convicted of a major crime in any country. The wives and minor children (under 18) of naturalized Iranian citizens are also considered Iranian citizens." **[32]**

29.02 The same source stated that dual citizenship is not recognised, with the following exceptions: "Child of an Iranian father, who acquires citizenship due to birth in a foreign country. A foreign woman who marries an Iranian is automatically granted Iranian citizenship, whether it is requested or not. **[32]**

29.03 Regarding loss of citizenship, the USOPM report referred to voluntary and involuntary losses as follows:

"VOLUNTARY: Person seeking to voluntarily renounce Iranian citizenship must have reached the age of 25, have performed military service, have settled all affairs in the country, and acquired the permission of the Council of Ministers. Though the rules for renunciation of citizenship are stated in Iranian Law, practical experiences have shown that Council permission is difficult to obtain, thus hindering legal renunciation of Iranian citizenship.

"INVOLUNTARY: Voluntary acquisition of a foreign citizenship does not lead to automatic loss of Iranian citizenship. According to Iranian law, any Iranian

national who acquires foreign citizenship without due observance of legal procedures will not have a renunciation of citizenship recognized by the government of Iran. In the eyes of the government, a male (and, in some cases, his wife and children) is still considered a citizen of Iran, regardless of the individual's status in the new country of citizenship." **[32]**

29.04 On 24 September 2006 Iran's parliament passed a law allowing children with an Iranian mother and a foreign father to acquire Iranian nationality after they reach 18. (Gulfnews.com, 25 September 2006) **[20a]**

29.05 The USSD Report 2009 stated that:

"Citizenship is derived by descent when a child is born to a citizen father regardless of the child's country of birth. In general, birth within the country's borders does not confer citizenship, except when a child is born to unknown parents; when both parents are noncitizens, but at least one parent was born in the country; or when a child born to noncitizens continues to reside in the country for at least one year after age 18." **[4c] (Section 6)**

29.06 The UNICEF report, *Birth Registration in Iran*, dated July 2005 set out the relevant laws regarding Iranian nationality:

"Article 976 of the Civil Code provides that the following persons are regarded as Iranian nationals:

"1. All residents of Iran except those whose foreign nationality is proven; the foreign nationality of those whose documents of nationality are not objected by the Government of the Islamic Republic of Iran is indisputable;
2. A person whose father is an Iranian national regardless of his/her place of birth;
3. A person born in Iran and whose parents are not known;
4. A person born in Iran whose parents are not Iranian nationals but one of whom was born in Iran;
5. A person born in Iran whose father is a non-Iranian national but who has resided in Iran for at least one year before reaching the age of 18;
6. Any non-Iranian woman who marries an Iranian national;
7. Any previously non-Iranian national who has legally adopted Iranian nationality.

"Note: Children whose parents are diplomats and consular agents are not subject to paragraphs 4 & 5 of this article.

"Article 977 of the Civil Law states: Whenever the persons specified in Paragraph 4 of Article 976 reach 18 years of age and desire to adopt their father's nationality, they must forward their written request and enclose to it the approval of the government of the country their father is a national of, stating that they shall recognize their status of nationality, to the Ministry of Foreign Affairs within one year.

"If the persons specified in Paragraph 5 of Article 976 reach 18 years of age and desire to preserve the nationality of their father, they must forward their written request and enclose to it the approval of the government of the country their father is a national of, stating that they shall recognize their status of nationality, to the Ministry of Foreign Affairs.

"Granting nationality… Most states confer nationality according to the principle of jus soli (which translates literally as 'law of the soil') or jus sanguinis ('law of blood') or a combination of the two. By civil law, Iranian nationality is conferred mostly by jus sanguinis on the paternal side; children cannot acquire the nationality of their mothers.

"Iran has not ratified the 1961 Convention on the Reduction of Statelessness, which provides that children should acquire the nationality of the State in which they were born if they are not granted nationality by any other State, or if such children fail to make the proper applications to obtain this right, then they should be entitled to the nationality of one of their parents. So far, no measures have been adopted by Iranian Registry Law to ensure the child's right to acquire a nationality, in particular where the child would otherwise be stateless. Those born of Iranian mothers married to foreign men who have abandoned them are often left without a nationality or a birth certificate because of prevailing laws.

"According to Article 1060 of Civil Law, the marriage of an Iranian woman to a foreign national—provided there is no legal prohibition—is allowed only if the Government issues special permission." **[10h] (p7-8)**

29.07 The Freedom House report *Women's Rights in the Middle East and North* Africa 2010, published 3 March 2010, noted that:

"Women cannot pass on nationality and citizenship to their children or their husbands. Children's nationality and citizenship are determined through their fathers only. A Muslim man can marry non-Muslim women with no legal problem or state intervention, as it is assumed that the wife's religion and citizenship are determined through her husband. A Muslim woman can marry a previously non-Muslim man only if it is proved that he has converted to Islam, and even in this case, a non-Iranian man cannot earn citizenship through his Iranian wife. These citizenship restrictions have affected thousands of Iranian women, particularly those married to Afghan or Iraqi refugees, as well as expatriate Iranian women married to non-Iranians. As Iran has pushed millions of such refugees to return to their homelands in recent years, many Iranian women have been forced to choose between their native country and their noncitizen husbands and children." **[112c] (Nondiscrimination and access to justice)**

ID CARDS

29.08 The Danish Immigration Services Report of April 2009 on their fact finding mission to Iran from 24 August to 2 September 2008 advised that:

"According to the Attorney at Law, Iran presently operates with two kinds of ID cards. One ID card is called 'Shenasnameh'. It is, at present time, the most used ID card and is issued after registration of birth. During the last years, Iran has issued a new national ID card. This ID card has a unique ID number for every Iranian citizen. The previous ID card did not have any unique number since it was issued in different towns and the numbers often repeated themselves. Not all Iranians are in possession of this new ID card yet, though it is the aim of the government that this ID card will replace the 'Shenasnameh' and become the only accepted ID card in Iran. Iranian citizens who have been issued with the new national ID card often carry both this ID card and the 'Shenasnameh' on them." **[86b] (paragraph 8.1)**

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30. FORGED AND FRAUDULENTLY OBTAINED DOCUMENTS

30.01 A Canadian Immigration and Refugee Board (CIRB) report of 3 April 2006 provided the following on fraudulent or counterfeit passports:

"Based on consultations with UNHCR personnel in Tehran, a UNHCR official stated that, while counterfeit Iranian passports can be purchased rather easily on the black market with prices fluctuating 'according to the quality of the counterfeit work,'authorities are generally adept at identifying these documents via a 'double check' mechanism in the law enforcement database which tracks passport issuance (UN 31 Mar. 2006). Under Article 15(1) of the 1988 amended Passport Act, individuals found guilty of making fraudulent or counterfeit passports face 18 months in prison (ibid.). However, the UNHCR official also added that the 'Islamic Penal Code prescribes other punishments for those who are involved in forgery activities' (ibid.). For example, under Article 525(2) of the Islamic Penal Code, anyone caught using a 'fake stamp' in a passport can be 'subject to one to ten years of imprisonment' (ibid.). **[2x] (p2)**

30.02 The Danish Immigration Service's April 2009 report on their fact finding mission to Iran from 24 August to 2 September 2008 stated that:

"According to the airline liaison officer and document advisor at the embassy (3), some Iranians manage to leave through the airport on forged documents. The embassy has recently come across three false Schengen visas. In such cases bribery might also be involved. People caught by the airport authorities attempting to leave Iran on forged documents face serious questioning at the airport. The person may be fined. It was added that it is unclear whether the person may also be detained or imprisoned for trying to leave the country on false documents. Sajdrabi explained that if a person is caught trying to leave Iran on a forged document he or she will not be allowed to board the plane. The person will be held back in the airport and the authorities will try to find information on how the forged document has been obtained. It was added that anyone trying to leave on forged documents might receive a fine. This will be for the court to decide. Sajdrabi was unable to confirm whether a person would be detained or imprisoned for using false documents." **[86b] (paragraph 7.5.2)**

30.03 A response by the CIRB dated 6 May 2009 included the following information on forged court documents in Iran:

"AI [Amnesty International] AI has no information on the relative difficulty in obtaining forged or false court documents in Iran. Anecdotal evidence suggests that within Iran forgeries are rarely used since the provenance of a document can be easily checked by reference to court or office registers. It is impossible to determine whether forged court documents found outside Iran are produced within or outside the country." **[2a]**

30.04 Two other sources consulted by the CIRB for the same response of 6 May 2009, the International Campaign for Human Rights in Iran and an attorney with a legal firm in London, said that they had no reliable information on forged documents in Iran. **[2a]**

See also Exit and return procedures and Corruption.

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31. EXIT AND RETURN

This section should be read in conjunction with Freedom of movement

31.01 A Canadian Immigration and Refugee Board report of 3 April 2006 provided the following information:

"**Passport features and procedures**

"In a 2 February 2006 telephone interview, an official at the Embassy for Iran in Ottawa provided the following information about Iranian passports. Depending upon the volume of demand, it takes approximately one month to obtain a passport after the application has been made. Passports are valid for five years. In order to obtain a passport, it is important for the applicant to have a birth certificate. The applicant must apply for and pick up their passport in person… **(p1)** The Iranian police force, the Law Enforcement Forces (LEF), is the passport issuing authority in Iran and has nine passport offices in Tehran as well as forty-nine others in cities across the country (ibid.). To apply for a passport, individuals over the age of 18 years old must appear in person at the LEF passport office, complete and submit an application form and present the required identification documentation (ibid.). While obtaining a passport was more complicated for certain individuals, namely those who had 'matters to settle with the Iranian authorities' or married women who must first obtain permission from their husbands in order to apply for a passport, the 2000 report stated that individuals of religious and ethnic minorities did not face any difficulties in obtaining a passport (ibid.)…." **[2x] (p2)**

31.02 Another report from the CIRB, dated 3 April 2006, reported the following:

"**Difference between exit permit and exit stamp**

"In a 1 March 2006 telephone interview, an official at the Embassy for Iran in Ottawa provided the following information about the difference between exit permits and exit stamps. Iranians who wish to travel abroad must apply for an exit permit. After verification of the applicant's background, an exit permit is stamped in the applicant's passport indicating that the applicant is permitted to leave the country. However, the entry/exit stamp, which indicates the date of entry into and exit from Iran, is different from the exit permit stamp. This entry/exit stamp is similar to what is used in other countries to indicate the date of departure or return of a passport holder.

"Corroborating information could not be found among the sources consulted by the Research Directorate.

"**Exit permits**

"According to the March 2006 Travel Information Manual (TIM) published by the International Air Transport Association (IATA), exit permits are required for:

"1. non-nationals of Iran whose entry visa – issued abroad – is not provided with a combined entry/exit permit. They must obtain an exit permit from the Foreigners Service of the Ministry of Interior. Foreigners must have registered within 48 hours after entry [into] Iran.

"2. nationals of Iran, who must obtain a passport endorsed with an exit permit from the police department. There are 3 types of exit permits: a) Green exit stamp: valid as long as passport validity; b) Blue exit stamp: valid for the period mentioned; c) Red exit stamp: valid for one exit only (TIM Mar. 2006, 228)." **[2y] (p1)**

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

"… In the past, namely prior to approximately December 2006, a separate, green stamp was physically included to the passport at the time of issue to authorise the general right to travel, leading to some confusion in terminology, calling it an 'exit authorisation/stamp'; the current procedure of making this a precondition for the very issuance of the passport reflects more accurately the nature of this process." **[6a] (p72)**

31.04 The US State Department Consular Information Sheet updated 6 October 2009 stated that:

"All Iranian nationals, including U.S.-Iranian dual nationals, must have an exit permit stamped in their Iranian passports in order to depart Iran. The stamp is affixed to the Iranian passport when it is issued and remains valid until the expiration date of the passport. All Iranian nationals residing abroad, including U.S.-Iranian dual nationals, are no longer required to pay an exit tax regardless of the duration of their stay in Iran." **[4t]**

31.05 The CIRB report, dated 3 April 2006, went on to outline:

"**Restrictions to certain applicants**

"With regard to restrictions applied to certain categories of applicants, Country Reports 2005 claimed that '[t]he Government required exit permits for foreign travel for draft-age men and citizens who were politically suspect' (8 Mar. 2006, Sec. 2.d). Moreover, the same report added that '[s]ome citizens, particularly those whose skills were in short supply and who were educated at government expense, must post bonds to obtain exit permits' (Country Reports 2005 8 Mar. 2006, Sec. 2.d)." **[2y] (p2)**

31.06 The APCI Report 2008 stated that:

"… a check is carried out, at the time of passport issue, in relation to any other outstanding security issues, such as outstanding warrants, which could prevent either a male or a female from being issued the passport. This takes place at the time of the general passport application rather than when issuing any particular 'exit stamp', as explained above. This is done using a specialised database, which is also the same system used at the airport when conducting the final verification of eligibility to travel at the security checkpoint, as will be explained below. Where women are concerned, this is done in addition to the marital-consent check for married women." **[6a] (p73)**

31.07 The same report continued:

"However, it must be clarified that, in reality, only those individuals who have been the subject of a specific Exit Ban order are 'flagged' on this system, rather than those who are being investigated, released on bail, summonsed to court or indeed any other stage prior to the issuing of the actual Exit Ban. …Exit Bans are only rarely issued unless there is a very specific reason to believe the individual would attempt to depart from the country." **[6a] (p74)**

31.08 The Danish Immigration Service's report of April 2009 on their fact finding mission to Iran from 24 August to 2 September 2008 noted that:

"Mirfakhar [Director General, Consular Affairs, Ministry of Foreign Affairs] and Sajdrabi [who is in charge of passport border control at Imam Khomeini International Airport] explained that Mehrebad Airport, which used to be the only airport in Tehran, is no longer being used for international departures and arrivals. The airport is mainly used for domestic flights; the only exceptions being international VIP flights and flights for pilgrims travelling on pilgrimage." **[86b] (paragraph 7.9.1)**

31.09 The Danish Immigration Service's April 2009 report provided comprehensive information on the security procedures for leaving Iran from Imam Khomeini International Airport:

"Sajdrabi introduced the delegation to the security procedures in Imam Khomeini International Airport and explained the various security checks. The first security check takes place upon entry from the public area into the terminal area for travellers only. The passenger's luggage will be checked at this point. The luggage goes through a scanner and if anything looks suspicious, the Immigration Police will take the person aside and open the suitcase. The passport of the person travelling is checked and the person passes through a detector (women and men go through separate detectors). This check is the responsibility of the Immigration Police. After passing through the luggage check the passenger goes to the check-in counter. At the check-in counter, flight personnel will check in the passenger's luggage, check the visa and issue a boarding pass. If anything is wrong in terms of visa or passport, the flight personnel will contact the Immigration Police.

"After check-in, the passenger goes to a counter where Immigration Police conducts a third security check. The Immigration Officer sits inside a booth behind a glass window. He checks the passport and personal information on a computer system. The passport and the exit visa are verified. The data of the passport holder appears on the screen, together with a photograph of the traveller. If the person is married and has children, the photos and names of his wife and children will also appear on the screen. If the passport

holder is registered on a list of individuals who have an outstanding issue with the government or for other reasons are not allowed to leave Iran, this information will appear on the screen. When the security check is completed, and if the person is allowed to leave Iran, an exit stamp will be stamped in the passport. The person travelling now enters the duty free zone. Before entering the area with flight gates, yet another security check is conducted. This is a physical check where the hand luggage is scanned and the passenger goes through a metal detector. This security check is conducted by the Revolutionary Guards. The Immigration Police and airline personnel conducted the previous checks. The very last check is done just before boarding, where the traveller shows his or her boarding pass. Airport personnel conduct this check.

"On the tour through the checks, Sajdrabi pointed to the fact that a staircase guarded by an airport official separates the airport's arrival and departure areas. However, the delegation noticed upon departure from Iran, that no one was guarding the staircase. Which means that a person who may, for whatever reason not want to travel or enter the last check done by the Iranian Revolutionary Guards Corps, can enter the arrival area if the staircase is not guarded at the time." **[86b] (paragraph 7.9.2)**

31.10 The same report also reported on the security procedures in Imam Khomeini International Airport on arrival:

"After leaving the aircraft the person enters an area with counters for passport checks. There are separate counters for foreigners and Iranians. The Immigration Police who are sitting inside a booth behind a glass window conduct this security check. The Immigration Officer scans the passport and registers all the personal data from the passport of the arriving passenger in the computer system. The personal information is already registered in the computer system. The information includes a photograph of the passport holder and this photograph appears on the screen. The Immigration Officer checks the validity of the passport and if the person is entering Iran on illegal grounds or has outstanding issues with the authorities he will be held responsible in accordance to Iranian law, rules and regulations…According to Sajdrabi, the computer system is a few years old and has been able to identify forged visas, passports and other documents." **[86b] (paragraph 7.9.3)**

31.11 The US State Department *Country Report on Human Rights Practices 2009*, Iran, released on 11 March 2010, (USSD Report 2009) stated: "A woman must have the permission of her husband, father, or other male relative to obtain a passport. A married woman must receive written permission from her husband before she leaves the country." **[4c] (Section 2d)**

31.12 UNHCR stated in their *Comments on the Iran Country Report of April 2005* of August 2005 that:

"There are no specific provisions relating to the exit of a mother with minor children from the country without the consent of the father or paternal grandfather. According to the Law on Passports, authorization in writing of the guardian is required for issuance of a passport for a minor or inclusion of a minor's name in a relative's passport. According to an ACCORD report, 'if a woman has managed to obtain travel documents for her minor children, she has probably resorted to an illegal act based on which she can be sentenced upon return. For example she may have forged her husband's

authorization and submitted it to the Passport Bureau and could therefore be sentenced to imprisonment from two months to up to two years' (ACCORD, June 2001, p104)." **[3h] (p5)**

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

"The authorisation which permits a woman to receive a passport and, by default, travel outside Iran unless otherwise specified by the husband, is referred to as the Consent for International Travel. However, it is a common misconception that this Consent is itself some form of visual attribute, such as a stamp, present in the passport and verifiable. In fact, as the Consent for Travel is a prerequisite for the issuance of the passport itself, the very fact of a woman's possession of such a passport serves as an indicator to the relevant inspecting official, at the border, that she is in fact authorised to travel, without the need for a discrete 'stamp' as provided following a husband's consent. The only indicator of this fact, common to both men and women, is a pre-printed notice containing a box with text ("Date of issue… The holder of this passport is authorised, to cross the national border, on a multiple-entry basis, subject to the payment of the exit fee on each occasion") on page 6 of the new-format passports. " **[6a] (p72)**

31.14 In a report dated 17 November 2005, the CIRB reported that:

"In 10 and 16 November 2005 telephone interviews with the Research Directorate, the first counsellor of the Embassy of the Islamic Republic of Iran in Ottawa provided the following information:

"'A minor child can leave Iran only with the consent of his or her father. A mother cannot bring a child out of the country without the consent of her husband. If the father decides to bring the child out of the country, no further consent is required. The fathers consent must be provided at the time the child obtains a passport. In order to obtain a child's passport, the father must apply in person, in which case he can grant permission to his wife to take the child out of the country. The childs passport is stamped to indicate the valid period (often five years) in which the mother can take her child out of the country. There are generally no further steps required, even at the airport, for a mother to take her child out of the country. However, the father can decide to cancel the validity of the passport stamp at any time, thereby forbidding the mother to leave Iran with her minor child.' The counsellor could not provide further details on the procedure that must be followed by a father who wishes to cancel the validity of the passport stamp.

"…the counsellor added that minor children (under 18) of Iranian citizens require their father's permission to leave Iran, 'even if the mother has been granted full custody by an Iranian court,' and further added that since non-Iranian women who marry Iranian nationals must convert to Islam and acquire Iranian citizenship, they too require their husbands permission to depart the country." **[2ab] (p1)**

31.15 The APCI Report 2008 stated that there was:

"(a) "…requirement for an administrative fee that must be paid in order to be enabled to leave the country. This step applies to both for men and for women regardless of marital status, is an administrative rather than a security step.

"… the contemporary procedure, in place by the end of 2006, requires the official to issue a separate receipt, on a discrete piece of paper unattached to the passport, indicating confirmation—as this is more consistent with the fact that the stamp is not a security/immigration measure but rather a levy-collection one. The individual who left legally and in compliance with this procedure would not have evidence of this payment as the receipt/confirmation is handed over to the border official to prove that payment has occurred. The payment procedure is still often mistakenly referred to as 'stamping' the passport for exit." **[6a] (p73)**

31.16 The CIRB, in a report dated 3 April 2006, commented on:

"**Illegal entry and exit**

"The UNHCR official in Tehran provided the following information with regard to illegal entry and exit:

"It is easier to enter into Pakistan and Afghanistan, due to the fact that Afghans and Pakistanis living in the border regions cross the border easily and continuously. The majority of the population living in the poverty-stricken regions of the South East of Iran resort to lucrative activities such as the smuggling of goods and human beings.

"Kurds living on both sides of the border between Iran and Turkey help people to pass across the border. In this case, the fact that Kurds have always been passing through the border and also the difficulty of controlling borders in the mountainous regions of Kurdistan makes the smuggling of goods and people easier for smugglers.

"UNHCR has not received any information about moving to and from Azerbaijan, perhaps because such moves are not so prevalent.

"As to Oman and the United Arab Emirates, moving from the southern regions of Iran to those countries by using local boats is a long standing tradition. People living on both sides of the Gulf construct their own boats with minimum instruments and use them for their own shipping activities, (31 Mar. 2006).

"Apparently due to the volatility of the region, travel information websites strongly advise against overland travel between Iran and Pakistan (Canada 27 Jan. 2006; UK 9 Mar. 2006; Yahoo! Travel Guide n.d.). In addition, the website of the Lonely Planet travel guide reported that in Iran, '[r]oad travel can be interrupted by roadblocks at any time of year, most frequently on either side of a main city, but occasionally dotted through remote areas near the Pakistan and Afghanistan borders' (n.d.).

"For travel by sea, ferries reportedly cross the Persian Gulf to and from the United Arab Emirates, Bahrain, Kuwait, and Qatar (Yahoo! Travel Guide n.d.). In addition, it is 'also possible to travel across the Caspian Sea on an

irregular cargo boat between the Azerbaijan capital of Baku and Bandar-é Anzali' (ibid.).

"Much of the information about illegal entry and exit from various land and sea borders is drawn from reports about illegal migrant workers (UN 23 Dec. 2004, Para. 12; BBC 8 Sept. 2005) and human trafficking (USSD Trafficking in Persons Report 3 June 2005; *Iran Daily* 29 Jan. 2006). The 2004 United Nations (UN) Special Rapporteur's report on the human rights of migrant workers noted that,

"[o]wing to its geographical location, a number of persons, mainly from Bangladesh, Afghanistan and Pakistan, cross the border to try to settle irregularly in Iran or to transit irregularly through Iran, the main entry points being Baloushistan Province or the Oman sea for those wishing to go to neighbouring Arab States. If caught at the border, the irregular migrants are initially detained by the police in 'special camps' or 'closed camps' prior to being deported and handed over to the authorities of the country of origin. If caught within Iran, they are brought before a judge and might face a fine prior to being deported, (23 Dec. 2004, Para. 12, 7)." **[2x] (p3)**

See also Corruption and Forged and fraudulently obtained official documents.

31.17 The APCI Report 2008 stated that::

"According to Article 34, any Iranian who leaves the country illegally, without a valid passport or similar travel documents, will be sentenced to between one and three years imprisonment, or will receive a fine between 100,000 and 500,000 Rials. In order to proceed the cases relating to illegal departure, a special court is located in Mehrabad Airport in Tehran. Its branch number is given as 1610. If an Iranian arrives in the country, without a passport or any valid travel documents, the official will arrest them and take them to this court. The court assesses the background of the individual, the date of their departure from the country, the reason for their illegal departure, their connection with any organisations or groups and any other circumstances. The judge will decide the severity of the punishment within the parameters of Article 34. This procedure also applies to people who are deported back to Iran, not in the possession of a passport containing an exit visa; in this case the Iranian Embassy will issue them with a document confirming their nationality….illegal departure is often prosecuted in conjunction with other, unrelated offences. Such a methodology appears to suggest that it is the investigation into the facts surrounding the easily observable and provable offence of illegal departure, namely the motive for such an act (as a decision to depart illegally suggests a desire to escape prosecutorial/police detection for past illegal deeds), that eventually results in the discovery of the underlying offence, leading to a combined prosecution." **[6a] (p76)**

31.18 The Danish Immigration Service's Report dated April 2009 reported on their fact finding mission to Iran from 24 August to 2 September 2008. Referring to legal exit from Iran, the report stated that:

"A western embassy (3) explained that Iranian male citizens have permission to leave the country until reaching the age of military service. When reaching the age of military service, a person has to apply for

permission to travel outside Iran. The permission can be obtained through a bank or at the airport. It was added that when a person obtains a passport and permission to leave, the person can also return to Iran. When a person has completed his military service, he is free to travel, if he does not have any issues with the authorities.

"The embassy further stated that members of minority groups may face difficulties in obtaining the permission to leave, which indicates that not all Iranian citizens may be granted the permission even though they may qualify for this according to law. Minorities may be discriminated against, and it may be more difficult for them to obtain a passport or permission to leave Iran." **[86b] (paragraph 7.1)**

31.19 The same report continued:

"Sajdrabi [who is in charge of passport border control at Imam Khomeini International Airport] informed that permission to leave Iran might be revoked in cases where the authorities find it necessary. This may be because a person has outstanding issues with the government or other reasons that may lead to the authorities revoking the permission. When asked, Sajdrabi did not specify the 'other reasons'. Hence, a person may not be allowed to leave even though he or she has permission to do so. The Immigration Police may revoke the permission to leave anywhere in the airport, since the airport is under the jurisdiction of the Immigration Police." **[86b] (Paragraph 7.2)**

31.20 Furthermore:

"Sajdrabi stated that if a person has a case pending before the court, the person cannot leave Iran. The person will be registered on a list of people who are not allowed to leave the country. The list appears in the computer system used by the airport personnel. Hence, an immigration officer sitting at one of the counters, examining the passport of the travelling person will see the list and will then prevent the person from travelling.

"Mirfakhar [Director General, Consular Affairs, Ministry of Foreign Affairs] confirmed that there is a list in the airport with names of people who cannot leave Iran. The people on the list have committed crimes and for this or other relevant reasons they are not allowed to leave the country. The other relevant reasons vary depending on the specific case. If a person on the list has already left Iran, the person may face problems on return. The seriousness of the problems depends on the crime that caused the person to appear on the list." **[86b] (Paragraph 7.3)**

31.21 The Danish Immigration Service's report also commented on illegal exit from Iran:

"The sources were consulted on the matter of return to Iran of Iranians who have left the country illegally. Mirfakhar informed that a person who has left Iran illegally and who is not registered on the list of people, who cannot leave Iran, will not face problems with the authorities upon return, though the person may be fined. It was added, that a person who has committed a crime and has left Iran illegally will only be prosecuted for the crime previously committed and not for leaving the country illegally. However, a western embassy (3) stated that a fine is given for leaving the country

illegally. The fine for illegal exit can run up to 50 million Iranian Rial which amounts to approximately 5,000 USD. To the knowledge of the embassy, people who have left Iran illegally are not detained upon return. The embassy did not know what happens if a person is unable to pay the fine. The Attorney at Law confirmed that there is a fine for leaving Iran illegally. However, he believed the fine to be around 200-300 US dollars.

"It was added that if a person has outstanding issues with the authorities (other than leaving illegally) he or she may very likely be punished for these upon return. The punishment will be according to law. However, it may also come to a stricter punishment since the person has left Iran illegally. It was further explained that if a person continues to leave Iran illegally the penalty might rise accordingly. Hence, continuous illegal departures from Iran will result in harsher criminal punishment. A western embassy (1) informed that an Iranian citizen can return even if he or she has left the country illegally. The embassy explained that the punishment a person might face upon return depends on the acts committed before leaving Iran. A fine may be given for illegal exit. The embassy did not know the size of the fine. Mahdavi stated that only a small number of Iranians leave the country illegally. The fine for leaving Iran illegally is a few hundred dollars and there is no other punishment. This statement is in contrast to the information given by a western embassy (1) and the Attorney at Law. Both sources knew of high numbers of Iranians who have left Iran illegally. According to Sajdrabi, a person who has left Iran illegally will be subjected to the laws and regulations that cover these issues. When asked to specify this, Sajdrabi repeated that Iranian laws and regulations will be applied in accordance." **[86b] (Paragraph 7.4.)**

See also Political dissidents outside Iran regarding the treatment of those who have criticised the regime whilst abroad.

31.22 The Danish Immigration Service's report also reported on the possibility of being able to bribe officials when leaving Iran:

"A western embassy (3) stated that Iranians abroad might be misinforming foreign authorities by saying that they have left Iran illegally through an airport, as this is very difficult due to thorough security checks. However, it was elaborated that it may be possible to bribe airport personnel, which makes it possible to leave through the airport illegally. This, though, will include bribing of a lot of airport staff members since there are several check points in the airport. Sajdrabi at first rejected that it is possible for anyone to bribe his or her way through the airport. It was explained how the Immigration Police does not have influence on who can exit Iran, as it is the information in the computer system that will provide information as to who is prohibited from leaving Iran. However, it was later stated that in cases where a person does manage to leave Iran illegally this is not due to flaws within the computer system but rather a human error – i.e. a person has been bribed." **[86b] (Paragraph 7.5.1.)**

The Danish Immigration Service's April 2009 report contains further information on exit and entry procedures, including documentation and may be accessed directly:
http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf

31.23 A Christian Science Monitor (CSM) article dated 7 January 2010 commented on security procedures at Tehran's Imam Khomeini International Airport (IKIA) which reopened in 2007 under the auspices of the Revolutionary Guards. The article noted that although

"…several prominent journalists and human rights activists have been detained at the airport, a surprisingly large number believed to be on government watchlists have slipped through, thanks to bureaucratic delays and also because Tehran's new airport may not be integrated into the country's security network…Passengers entering and leaving the country are checked against two watchlists issued by the Ministry of Intelligence and Security (MOIS) and the Revolutionary Guard. Those flagged are either arrested on the spot, allowed to pass through and surveilled while in the country, or have their passports confiscated and enter Iran on the condition they attend interrogation sessions at MOIS offices.

"Those on the list are normally allowed entry, only to have their movements inside the country monitored and [later] be arrested at the airport when they are leaving Iran," said Nader Uskowi, a Washington-based Iran expert and consultant to the US government on Afghanistan." **[68a]**

31.24 The same CSM article also stated that:

"Nicola Pedde, the director of the Rome-based Institute for Global Studies and a frequent visitor to Iran, said that the Turkish-constructed IKIA is a 'middle-level security standard international airport like a Turkish or Egyptian one.' Although cameras are fitted, it is unknown whether they are equipped with facial recognition technology or the equipment to machine-read passports. Officers tap names and passport codes manually into their computers.

"The authorities may also be alerted to Individuals of interest when their tracked cellphones enter the airport cellphone towers' coverage area…

"Ultimately, one of the simplest ways to identify persons of interest is also one of the most time-tested. Spotters keep watch for up to 200 suspects whose pictures they memorize." **[68a]**

See also Forged and fraudulently obtained documents and Corruption

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32. EMPLOYMENT RIGHTS

32.01 Freedom House's report *Freedom of Association Under Threat – Iran*, dated 21 November 2008, stated that:

"Free trade unions do not exist in Iran, despite the country's membership in the International Labor Organization (ILO) and ratification of ILO Convention 87, which calls for freedom of association and the right to organize. The right to collective bargaining is denied, and workers are not protected by the right to mediation and arbitration. Authorities rarely enforce child-labor laws, and

children are forced to work in unsafe conditions. Unions that do exist are closely monitored by the state, including Workers' House, the official state union. Ahmadinejad's administration has increased surveillance of unions and has become involved in their elections. In August 2006, for example, the Ministry of Labor banned polls for the Trade Union of Journalists, though the group had conducted such elections six times previously.

"Strikes and work stoppages – most notably by transport workers, teachers, and factory employees – are common but illegal and typically suppressed. Demonstrations by Workers' House are also controlled, and the group was prohibited from holding a gathering to mark International Labor Day in 2003. The Teachers' Union has organized strikes and rallies protesting low wages for years, and a series of rallies in 2007 resulted in the arrest of the union's secretary general and numerous teachers throughout the country. Mansur Osanlu, head of the Vahed bus drivers' union, spent most of 2006 and 2007 in prison for organizing a bus drivers' strike in December 2005 that resulted in the imprisonment of hundreds of bus drivers, union organizers, and their families." **[112e]**

32.02 The US State Department *Report on Human Rights Practices 2009*, released on 11 March 2010 (USSD Report 2009):

"The law provides workers the right to establish unions; in practice 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 in industrial, agricultural, and service organizations comprising more than 35 employees. According to the ICHRI, these councils, which consisted of representatives of workers and a representative of management, were essentially management-run unions that undermined workers' efforts to maintain independent unions, but they nonetheless frequently blocked layoffs and dismissals in support of workers' demands. During the year the government pressured workers to join the government-sponsored councils.

"The 1990 labor code stipulates that workers may establish an Islamic labor council or a guild at any workplace, or that workers may appoint an official representative. The law strongly favors Islamic labor councils; no other form of representation is allowed in a workplace where such a council has been established. Although Workers' House oversees Islamic labor councils, the Interior Ministry, the Ministry of Labor, and the Islamic Information Organization draft councils' constitutions, operational rules, and election procedures.

Restrictions on the ability of workers to associate continued during the year as the government and the judiciary regularly abused the justice system to imprison and silence labor activists…

"The law prohibits public sector strikes, and the government considered unlawful any strike deemed contrary to government economic and labor policies, including strikes in the private sector, but strikes occurred. According to an October 2008 UNGA report, security forces continued to respond with arbitrary arrests and violence to workers' attempts to create associations or conduct labor strikes over wages." **[4c] (Section 7a)**

32.03 The same report noted "Workers did not have the right to organize independently or to negotiate collective bargaining agreements freely. According to the International Trade Union Confederation, labor legislation did not apply in export processing zones." **[4c] (Section 7c)**

32.04 The USSD Report 2009 also stated: "The labor code prohibits all forms of forced or compulsory labor, including by children; however, there were reports that such practices occurred. Female citizens were trafficked internally for the purpose of forced prostitution." **[4c] (Section 7c)**

32.05 Furthermore:

"The law empowers the Supreme Labor Council to establish annual minimum wage levels for each industrial sector and region. On March 18, media reported that the government increased the minimum monthly wage by 20 percent to 2.6 million rials ($260), which labor groups stated did not provide a decent standard of living for workers and their families. International media reported that government wages returned to their previous monthly minimum in July after the election. There was no information regarding mechanisms to set wages, and it was not known whether minimum wages were enforced.

"The labor law does not cover an estimated 700,000 legal workers, as it applies in full only to workplaces with 10 or more workers. Workplaces with fewer than five workers or in export processing zones are exempt from all labor laws." **[4c] (Section 7e)**

32.06 On 1 May 2009, Amnesty International (AI) reported that "Independent trade unions are banned in Iran. Under Iranian labour legislation, workers are allowed to form Islamic Labour Councils (ILCs) – which cannot defend the terms and conditions of their members - in companies with more than 50 workers. They are not, however, permitted to set up any other labour organization." **[9n]**

32.07 The Freedom House 2010 *Freedom in the World Report: Iran*, published on 7 May 2010 stated that:

"Iranian law does not allow independent labor unions, though workers' councils are represented in the Workers' House, the only legal labor federation. In 2009, union members throughout the country were attacked and arrested by security forces for participating in May Day celebrations. At least five labor leaders were jailed in 2009 for their efforts on behalf of sugar refinery workers, with one remaining behind bars at year's end. Teachers unions have been banned since 2007, but have not yet been dissolved by courts. Three arrests were made at a Tehran rally to celebrate National Teachers' Day on May 4, and multiple union members were arrested in the wake of the June presidential elections. In October, security forces broke up a strike by workers at a pipe manufacturing company in Ahwaz who were seeking 10 months of unpaid wages; the crackdown resulted in 50 arrests and a number of injuries." **[112h]**

See Political affiliation, Economy and Children

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Annex A: Chronology of events

This chronology is taken from the BBC News, Timeline: Iran, accessed 20 May 2010. **[21p]**

1925 Reza Khan seized power in Persia by military coup. Subsequently elected Shah.

1935 Persia renamed Iran.

1941 British and Soviet forces occupied Iran; Shah forced to abdicate in favour of his son.

1946 Following end of war, occupying forces left.

1963 Shah launched 'White Revolution'. Reforms opposed by landlords and conservative clergy.

1964 Ayatollah Khomeini deported to Iraq for opposition activities.

1965 Prime Minister Mansur assassinated, reportedly by a follower of Khomeini.

1977 Anti-government strikes and demonstrations.

1978 September: The Shah's policies alienate the clergy and his authoritarian rule leads to riots, strikes and mass demonstrations. Martial law is imposed.

1979 January: Shah forced to leave country.
February: Khomeini returned and took power.
April: Iran declared an Islamic republic. Supreme authority given to Walih Faqih appointed by clergy, initially Khomeini.
November: Students seized hostages in US Embassy in Tehran.

1980 February: Bani-Sadr elected President.
September: Iraq invaded Iran. Strongly resisted by Iran; outbreak of hostilities.

1981 January: US hostages released.
June: Fighting between MEK supporting Bani-Sadr and Revolutionary Guard Corps led to Bani-Sadr's dismissal and his departure at the end of July 1981, after several weeks of hiding, for France.
July: Muhammad Ali Rajaei voted President. Muhammad Javad Bahonar became Prime Minister.
August: President and Prime Minister killed in bomb attack; MEK blamed.
October: Hojatoleslam Ali Khamenei elected President; Mir Hussein Moussavi appointed Prime Minister.

1985 After the US and Soviet Union halted arms supplies, the US attempted to win the release of hostages in Lebanon by offering secret arms deals, this would later become known as the Iran-Contra affair.

1987 Islamic Republican Party dissolved.
20 July: UN Security Council adopted Resolution 598.

1988 Ceasefire declared in Iran/Iraq war.

1989 3 June: Death of Ayatollah Khomeini. Replaced by Ayatollah Khamenei formerly President Khamenei.
July: Rafsanjani became President. Post of Prime Minister abolished.

1993 Rafsanjani re-elected with reduced margin.

1994 February: Rafsanjani survived assassination by BKO.

1997 May: Rafsanjani stood down. Seyed Mohammad Khatami won Presidential election by landslide.
June: Closure of the Iranian Embassy in Kabul, followed by a trade embargo with Afghanistan initiated by Iran.
August: Khatami inaugurated.
October: Khatami appointed former Prime Minister Moussavi as his senior adviser.
American vessels were present in the Persian Gulf to calm tension between Iran and Iraq over the September bombings in southern Iraq.
December: The Conference of the Organisation of the Islamic Conference was held in Tehran.

1998 March: The Iranian gas and oil industry was opened up to foreign investors for the first time.
June: The impeachment of the Interior Minister by the Majlis was followed by his immediate re-appointment by Khatami in a newly created Vice-President Cabinet post.
July: The former mayor of Tehran, Gholamhossein Karbaschi, was found guilty on charges of corruption and embezzlement. He was sentenced to five years imprisonment and other punishments.
The Solidarity Party of Islamic Iran was recognised and registered as a new political party.
An amnesty was issued for 1,041 prisoners sentenced by the revolutionary and public courts.
August: Iranians were permitted to visit Shi'a Muslim shrines in Iraq for the first time in 18 years.
British Airways resumed direct flights to Tehran.
Iranians, including diplomats, were captured by the Taleban in northern Afghanistan.
September: The Government of Iran gave the United Kingdom assurances that it had no intention, nor would it take any action to threaten the life of Salman Rushdie or those associated with his work, nor would it encourage or assist others to do so. They also disassociated themselves from the bounty offered to carry out the fatwa and stated that they did not support it.
October: The deaths of Iranians captured in August by the Taleban led to Iranian troops amassing at the border with Afghanistan. Exchange of mortar and artillery fire resulted.

1999 February: State and local elections held for the first time since the revolution.
July: A student demonstration for press reform resulted in a police raid on Tehran University dormitory complex. Six days of street riots followed the worst since the revolution.

2000 February: Khatami and his liberal/reformist supporters win 170 of 290 seats in the Majlis. Conservatives lose control of parliament for the first time since the revolution.
April: New Press Law adopted. Sixteen reformist newspapers banned.
August: Fatwa religious decree issued allowing women to lead religious congregations of female worshippers.

2001 June: Khatami re-elected for a second term after winning just under 77 per cent of the vote.
August: Khatami sworn in.

2002 January: US President describes Iraq, Iran and North Korea as an "axis of evil" in his State of the Union address. This is a reference to the proliferation of long-range missiles said to be under development and a perceived threat considered to be as dangerous to the US as terrorism. This statement causes offence across the Iranian political spectrum.
February: Iran rejects the proposed new UK ambassador to Tehran.
September: Russian technicians begin construction of Iran's first nuclear reactor at Bushehr, despite strong objections from the United States.
Iran accepts Britain's nomination for a new ambassador, ending a diplomatic spat over the previous candidate's rejection.
UK Foreign Secretary, Jack Straw, is in Iran at the end of a Middle East tour for talks that are expected to focus on the Iraq crisis.
December: Richard Dalton, the new UK ambassador took up his post on 1 December 2002.
Iran and Iraq consider resuming trade.

2003 February: A military aircraft crashes in the south-east of the country, killing all 302 people on board. It is Iran's worst air disaster.
March: Local elections in Iran appear to have swung in favour of conservative candidates, in a blow to reformist President Khatami.
Iran's Revolutionary Guards renew the death sentence on British author Salman Rushdie, passed 14 years ago by the late Ayatollah Khomeini.
Iranian Foreign Minister Kamal Kharrazi says his country is not taking sides in the war in Iraq.
June: Thousands attend student-led protests in Tehran against the clerical establishment.
August: Diplomatic crisis with UK over arrest of former Iranian ambassador to Argentina, sought by Buenos Aires on warrant alleging complicity in 1994 Jewish centre bombing.
September: UN nuclear watchdog gives Tehran weeks to prove that it is not pursuing atomic weapons programme.
October: Shirin Ebadi becomes Iran's first Nobel Peace Prize winner. The lawyer and human rights campaigner became Iran's first female judge in 1975 but was forced to resign after the 1979 revolution.
November: Iran says it is suspending its uranium enrichment programme and will allow tougher UN inspections of its nuclear facilities.
International Atomic Energy Agency (IAEA) report says Iran has admitted producing high-grade plutonium for peaceful purposes, but concludes there is no evidence of a nuclear weapons programme.
December: 40,000 people are killed in an earthquake in south-east Iran; the city of Bam is devastated.

2004 February: Conservatives gain control of parliament in controversial elections. Thousands of reformist candidates were disqualified by the hardline Council of Guardians ahead of the polls.
June: Iran is rebuked by the IAEA for failing to fully cooperate with an inquiry into its nuclear activities.
Three British naval craft and their crews are impounded after allegedly straying into Iranian waters. The eight servicemen are released four days later.
November: Iran agrees to suspend most of its uranium enrichment as part of a deal with the EU.

2005 February: Amid tension with Washington over its nuclear programme, Iran forms a common "front" with Syria, another state which is under pressure from the US.
More than 400 people are killed in an earthquake in the southern province of Kerman.
June: Mahmoud Ahmadinejad, Tehran's ultra-conservative mayor, wins a run-off vote in presidential elections, defeating cleric and former president, Akbar Hashemi Rafsanjani.
August: Tehran says it has resumed the conversion of uranium and insists the programme is for peaceful purposes. An IAEA resolution finds Iran in violation of the nuclear Non-Proliferation Treaty.
December: A military aircraft crashes in a Tehran suburb. More than 100 people are killed.

2006 January: Iran breaks IAEA seals at its Natanz nuclear research facility.
Bomb attacks in the southern city of Ahvaz the scene of sporadic unrest in recent months kill eight people and injure more than 40.
February: IAEA votes to report Iran to the UN Security Council over its nuclear activities. Iran says it has resumed uranium enrichment at Natanz.
March: Earthquakes kill scores of people and render thousands homeless in Lorestan province.
April: Iran says it has succeeded in enriching uranium at its Natanz facility.
31 August: A UN Security Council deadline for Iran to halt its work on nuclear fuel passes. The IAEA says Tehran has failed to suspend the programme.
December: Iran hosts a controversial conference on the Holocaust; delegates include Holocaust deniers.
UN Security Council votes to impose sanctions on Iran's trade in sensitive nuclear materials and technology. Iran condemns the resolution and vows to speed up uranium enrichment work.

2007 February: IAEA says Iran failed to meet a deadline to suspend uranium enrichment, exposing Tehran to possible new sanctions.
March-April: Iran detains 15 British sailors and marines who were patrolling the mouth of the Shatt al-Arab waterway that separates Iran and Iraq. A diplomatic stand-off ends with their release two weeks later.
April: President Ahmadinejad says Iran can produce nuclear fuel on an industrial scale.
June: Protests erupt after government imposes petrol rationing amid fears of possible UN sanctions.
July: Iran agrees to allow inspectors to visit the Arak nuclear plant following talks with the IAEA.
August: The former president, Akbar Hashemi Rafsanjani, is elected head of the Assembly of Experts (the body which appoints, supervises and can

dismiss the supreme leader), a position which further solidifies the veteran politician's role within the Iranian establishment, one that is increasingly at odds with the incumbent president.
October: US announces sweeping new sanctions against Iran, the toughest since it first imposed sanctions almost 30 years ago.
December: A new US intelligence report plays down the perceived nuclear threat posed by Iran.

2008 February: Iran launches a research rocket to inaugurate a newly built space centre. Washington describes the launch as "unfortunate".
March: President Ahmadinejad makes unprecedented official visit to Iraq, where he calls on foreign troops to leave. He also stresses his government's desire to help rebuild Iraq and signs a number of cooperation agreements.
Conservatives win over two-thirds of seats in parliamentary elections in which many pro-reform candidates were disbarred from standing. The conservatives include supporters of President Ahmadinejad as well as more pragmatic conservatives who oppose his confrontational foreign policy.
May: IAEA says Iran is still withholding information on its nuclear programme.
Iran's new parliament elects former nuclear negotiator Ali Larijani as its speaker.
June: EU foreign policy chief Javier Solana presents an offer of trade benefits, which Tehran says it will look at, but will reject if it demands suspension of uranium enrichment.
July: Iran test-fires a new version of the Shahab-3, a long-range missile it says is capable of hitting targets in Israel.
August: Informal deadline set by Western officials for Iran to respond to package of incentives in return for halt in nuclear activities passes without reply.
Iran says it has successfully launched a test rocket capable of carrying a satellite into space.
September: UN Security Council passes unanimously a new resolution reaffirming demands that Iran stop enriching uranium, but imposes no new sanctions. The text was agreed after Russia said it would not support further sanctions.
November: Parliament votes to dismiss the interior minister, Ali Kordan, who admitted that a degree he said he held from Oxford University was fake. The move is a blow to President Ahmadinejad ahead of next year's presidential election.
In an unprecedented move, President Ahmadinejad congratulates US president-elect Barack Obama on his election win. Mr Obama has offered to open unconditional dialogue with Iran about its nuclear programme.
December: Police raid and close the office of a human rights group led by the Nobel Peace Prize winner, Shirin Ebadi. Officials say the centre is acting as an illegal political organisation.

2009 February: Speaking on the 30th anniversary of the Islamic revolution in Iran, President Mahmoud Ahmadinejad says he would welcome talks with the US as long as they are based on "mutual respect".
March: Supreme Leader Ali Khamenei tells anti-Israel rally that US President Obama is following the "same misguided track" in Middle East as President Bush.
April: An Iranian court finds Iranian-American journalist Roxana Saberi guilty of spying for the US. She is sentenced to eight years in prison.

May: Iran rejects a US state department report saying it remains the "most active state sponsor of terrorism" in the world.
Jailed Iranian-American journalist Roxana Saberi is freed and returns to US.
June: Mr Ahmadinejad is declared to have won a resounding victory in the 12 June presidential election. The rival candidates challenge the result, alleging vote-rigging. Their supporters take to the streets, and at least 30 people are killed and more than 1,000 arrested in the wave of protests that follow. The Iranian authorities claim foreign interference is stoking the unrest, and single out Britain for criticism.
July - President Ahmadinejad dismisses his most senior vice-president, Esfandiar Rahim Mashaie, under pressure to do so by Supreme Leader Ayatollah Ali Khamenei.
August - Mahmoud Ahmadinejad sworn in for second term as president presents cabinet - the first since the founding of the Islamic Republic in 1979 to include women.
A number of senior opposition figures are accused of conspiring with foreign powers to organise unrest and are put on trial.
Supreme Leader Ayatollah Ali Khamenei says there is no proof that opposition leaders blamed for the post-election unrest were agents of foreign powers.
September - Iran admits that it is building a uranium enrichment plant near Qom, but insists it is for peaceful purposes.
The country test-fires a series of medium- and longer-range missiles that put Israel and US bases in the Gulf within potential striking range.
October - Five permanent UN Security Council members plus Germany offer Iran proposal to enrich its uranium abroad.
November - Iran refuses to accept the international proposal to end the dispute over its nuclear programme. UN nuclear watchdog IAEA passes a resolution condemning Iran for developing a second uranium enrichment site in secret. Iran denounces the move as "political" and announces plans to create 10 more uranium enrichment facilities.
December - Death of influential dissident cleric Grand Ayatollah Hoseyn Ali Montazeri triggers further clashes between opposition supporters and security forces. At least 8 people die in what is the worst violence since the contested presidential election.

2010 January - Iran executes two men arrested during the period of unrest that followed the disputed presidential election of June 2009. It also puts 16 people on trial over the Ashura Day opposition protests in December, when eight people were killed.
Iranian physics professor Masoud Ali-Mohammadi is killed in a bomb attack in Tehran. No group claims responsibility. The government accuses the US and Israel of his death, while Iranian opposition groups say Mr Mohammadi supported one of their candidates in last year's presidential election.
February - Iran says it is ready to send enriched uranium abroad for further enrichment under a deal agreed with the West. The US calls on Tehran to match its words with actions. Opposition leader Mir Hossein Mousavi says the opposition will continue its peaceful struggle against the government.
May - Iran reaches a deal to send uranium abroad for enrichment after mediation talks with Turkey and Brazil; Western states respond with scepticism, saying the agreement will not stop Iran from continuing to enrich uranium.

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Annex B: Political organisations

Europe World Online, accessed on 17 December 2009, noted:

"In the mid-2000s there were estimated to be more than 100 registered political organizations, some of which are listed below:

"Etelaf-e Abadgaran-e Iran-e Islami (Islamic Iran Developers' Council)
Hezb-e Etedal va Toseh (Moderation and Development Party)
Hezb-e Iran-e Sarfaraz (Proud Iran Party)
Hezb-e Islami-ye Kar (Islamic Labour Party)
Hezb-e Kargozaran-e Sazandegi (Servants of Construction Party)
Hezb-e Motalefeh-e Islami (Islamic Coalition Party)
Jamiyat-e Isargaran-e Inqilab-e Islami (Islamic Revolution Devotees' Society)
Khaneh-ye Kargar (Workers' House)
Majma'-e Ruhaniyun-e Mobarez (Militant Clergy Association)

Most of the following are either registered political parties which have boycotted elections to the Majlis-e-Shura-e Islami (Islamic Consultative Assembly) in the 2000s, or are unregistered organizations or guerrilla groups:

Ansar-e Hezbollah (Helpers of the Party of God)
Daftar-e Tahkim-e Vahdat (Office for Strengthening Unity)
Democratic Party of Iranian Kurdistan
Fedayin-e-Khalq (Organization of the Iranian People's Fedayeen—Majority)
Fraksion-e Hezbollah
Free Life Party of Kurdistan (PJAK)
Hezb-e Etemad-e Melli (National Confidence Party—NCP)
Hezb-e Hambastegi-ye Iran-e Islami (Islamic Iran Solidarity Party)
Hezb-e-Komunist Iran (Communist Party of Iran)
Iran National Front (Jebhe Melli Iran)
Jame'e-ye Eslaami-e Mohandesin (Islamic Society of Engineers)
Jebbeh-ye Mosharekat-e Iran-e Islami (Islamic Iran Participation Front)
Komala Party of Iranian Kurdistan
Marze Por Gohar (Glorious Frontiers Party)
Mujahidin-e-Khalq (Holy Warriors of the People)
National Democratic Front
Nehzat-e Azadi-ye Iran (Liberation Movement of Iran)
Pan-Iranist Party
Sazeman-e Mujahidin-e Enqelab-e Islami (Organization of the Mujahidin of the Islamic Revolution)
Sazmane Peykar dar Rahe Azadieh Tabaqe Kargar (Organization Struggling for the Freedom of the Working Class)
Tudeh Party of Iran (Party of the Masses) **[1f] (Political Organisations)**

The following is a short description of some political parties. The source of this information is Europe World Online **[1f]**, unless otherwise stated:

al-Ahwaz Arab People's Democratic Front (APDF) also known as Al-Ahwaz Arab Popular Democratic Front, Arab People's Democratic Front, Democratic Popular Front for the Arab People of Ahwaz
Formed 12 June 2005; London-based separatist group dedicated to the independence of Iran's Khuzestan region in southwestern Iran which is home to many of Iran's ethnic Arab minority. The group aims to establish an independent,

Marxist Arab state for the people of Khuzestan. (US Department of Homeland Security, 1 March 2008) **[74a]**

Ansar-e Hezbollah (Helpers of the Party of God)
Founded 1995; militant, ultra-conservative youth movement; pledges allegiance to the Wali Faqih (supreme religious leader)

Daftar-e Tahkim-e Vahdat (Office for Strengthening Unity)
Tehran. Organisation of Islamist university students who supported Khatami in the presidential election of 1997 and reformist candidates in the Majlis elections of 2000.
Spokesman: Ali Nikunesbati.

See Student Activists

Etelaf-e Abadgaran-e Iran-e Islami (Islamic Iran Developers' Council)
Founded 2003 to contest that year's municipal elections; influential conservative grouping; includes members of Jame'e-ye Eslaami-e Mohandesin (Islamic Society of Engineers) and former officers of the Revolutionary Guards.
Leader: Gholam-Ali Haddad-Adel.

Fedayin-e-Khalq (Organization of the Iranian People's Fedayeen—Majority)
Founded 1971; Marxist; Sec. of Int. Dept: Farrokh Negahdar.

Fraksion-e Hezbollah
Founded 1996 by deputies in the Majlis who had contested the 1996 legislative elections as a loose coalition known as the Society of Combatant Clergy;
Leader: Ali Akbar Hossaini.

Free Life Party of Kurdistan (PJAK)
Founded 2004; militant organisation which operates in mountainous areas of Iran and northern Iraq; apparently has close links with the Partiya Karkeren Kurdistan (PKK) (Kurdistan Workers' Party) of Turkey; seeks a federal, secular system of govt in Iran, in order to secure the national rights of the Kurdish people.
Sec.-Gen: Rahman Haji Ahmadi.

Hezb-e Etedal va Toseh (Moderation and Development Party)
First congress held 2002; moderate, centrist.
Sec.-Gen: Muhammad Baqir Nobakht.

Hezb-e Etemad-e Melli (National Confidence Party—NCP)
Tehran. Founded 2005 by Mahdi Karrubi, formerly of the Militant Clergy Association, shortly after his defeat in the presidential election of June; reformist, centrist.
Sec.-Gen. Mahdi Karrubi.

Hezb-e Hambastegi-ye Iran-e Islami (Islamic Iran Solidarity Party)
Founded 1998; reformist. Sec.-Gen: Ebrahim Asgharzadeh.

Hezb-e Iran-e Sarfaraz (Proud Iran Party)
Reformist; Sec.-Gen: Ruzbeh Meshkin.

Hezb-e Islami-ye Kar (Islamic Labour Party)
Founded 1999 as splinter group of Khaneh-ye Kargar (Workers' House); reformist.
Sec.-Gen: Abolqasem Sarhadizadeh.

Hezb-e Kargozaran-e Sazandegi (Servants of Construction Party)

Founded 1996 as Servants of Iran's Construction; authorized as political party in 1998; reformist.
Sec.-Gen: Gholam Hossein Karbaschi.

Hezb-e-Komunist Iran (Communist Party of Iran)
Founded 1979 by dissident members of Tudeh Party; Sec.-Gen. 'Azaryun'.

Hezb-e Motalefeh-e Islami (Islamic Coalition Party)
Founded 1963; also known as Jam'iyat-e Motalefeh-e Islami (Islamic Coalition Society); traditionalist conservative, includes clerics and merchants; opposed to political reforms, but some members favour economic reforms.
Sec.-Gen: Muhammad Nabi Habibi.

Iran National Front (Jebhe Melli Iran)
Founded late 1940s by the late Dr Muhammad Mussadeq; secular pro-democracy opposition group, which also seeks to further religious freedom within Iran.

Iran Paad
Monarchist; "…claims to have been founded in London about 19 years ago, with the aim of providing an umbrella organisation that would invite all other Monarchist groups to be part of their network. Iran Paad claims to have thousands of members both inside and outside of Iran. They also organise demonstrations which take place outside Iranian Embassies in other countries of the world, to keep their campaign in the public's eye." (APCI Report 2008) **[6a] (p24)**

Jame'e-ye Eslaami-e Mohandesin (Islamic Society of Engineers)
Founded 1988; conservative; members incl. President Mahmoud Ahmadinejad.
Sec.-Gen: Muhammad Reza Bahonar.

Jamiyat-e Isargaran-e Inqilab-e Islami (Islamic Revolution Devotees' Society)
Tehran. Hardline conservative; includes former officers of the Revolutionary Guards.
Co-Founder: Mahmoud Ahmadinejad

Jebbeh-ye Mosharekat-e Iran-e Islami (Islamic Iran Participation Front)
Founded 1998; reformist, leftist. Sec.-Gen: Mohsen Mirdamadi.

Jundullah (Soldiers of God) aka People's Resistance Movement
Founded in 2002 to defend the Sunni Muslim Baluchi minority in south-east Iran **[21h]**; its leader was Abdolmalek Rigi until 20 June 2010 when he was executed for "terrorist" activites (BBC News, 20 June 2010). **[21s]** The organisation was accused of carrying out the suicide bombing on 18 October 2009 which killed members of the Revolutionary Guards. (BBC News, 19 October 2009) **[21h]** Jundullah has also claimed responsibility for other high profile attacks in Sistan-Baluchistan province. **[21s]**

See People's Resistance Movement of Iran (PMRI) aka Jondallah or Jundullah

Khaneh-ye Kargar (Workers' House)
Reformist, leftist. Sec.-Gen: Alireza Mahjub

Komala Party of Iranian Kurdistan, or Komaleh or, the Revolutionary Organisation of the Toilers of Iran
Founded 1969; Kurdish wing of the Communist Party of Iran; Marxist-Leninist.
Sec.-Gen: Abdullah Mohtadi. (Europa World Online, 30 June 2010) **[1f]** An earlier party, also called Komala, was formed by left-leaning Kurdish activists in Mahabad in

the 1940s. In July 1945, this Komala Party changed its name to the Kurdistan Democratic Party of Iran (KDPI) [also known as the Democratic Party of Iranian Kurdistan]. (Human Rights Watch, 9 January 2009) **[8h]**

Kurdistan Democratic Party of Iran (KDPI) or, Democratic Party of Iranian Kurdistan (DPIK)
Founded 1945; seeks a federal system of government in Iran, in order to secure the national rights of the Kurdish people; member of the Socialist International; 95,000 members Sec.-Gen: Mustafa Hijri [Moustapha Hedjri]. (Europe World Online) **[1f] (Political Organisations)** Mustafa Hijri was elected leader in July 2004. (Jane's, 23 January 2009) **[61b] (Non-state Armed Groups)** Formerly known as Komala; based in Iraq since 1984; called off armed activities in 1991. (Human Rights Watch, 9 January 2009) **[8h]** KDPI leader, Dr Abd al-Rahman Qasemlu was assassinated in Vienna in 1989. Another leader, Dr Sadeq Sharafkandi was also assassinated in Berlin in 1992. (Chatham House, December 2007) **[73a] (p6)**

KDPI (Revolutionary Leadership) (KDPI RL)
Formed as a result of the KDPI leadership split in 1988. (Chatham House, December 2007) **[73a] (p6)**

Majma'-e Ruhaniyun-e Mobarez (Militant Clergy Association)
Founded 1988 as splinter group of the Jam'-ye Ruhaniyat-e Mobarez-i Tehran (Tehran Militant Clergy Association); reformist.
Sec.-Gen: Hojatoleslam Muhammad Asqar Musavi-Khoeniha.

Marze Por Gohar (Glorious Frontiers Party)
Founded 1998 in Tehran; nationalist party advocating a secular republic in Iran. Chair. Roozbeh Farahanipour.

Mujahidin-e-Khalq (MEK) (Holy Warriors of the People) or, People's Mojahedin Organisation of Iran (PMOI)
The Mojahedin-E Khalq (MEK) is also known as the MKO and is an Islamist/Socialist organisation formed in 1965. Its leaders are Masud and Maryam Rajavi. The organisation has been classified as a terrorist organisation by several countries; it was removed from the UK's list of alleged terrorist groups in June 2008. (Danish Immigration Service, April 2009) **[86b](p16)** Member of the National Council of Resistance; based in Paris 1981–86 and in Iraq since 1986. Leaders: Maryam Rajavi, Massoud Rajavi. (Europe World Online, accessed on 17 December 2009) **[1f] (Political Organisations)**

National Council of Resistance (NCR)
"The National Council of Resistance was formed in Paris, France, in October 1981 by former President Abolhasan Bani-Sadr and Massoud Rajavi, the leader of the Mujahidin-e-Khalq in Iran. In 1984 the Council comprised 15 opposition groups, operating either clandestinely in Iran or from exile abroad. Bani-Sadr left the Council in that year because of his objection to Rajavi's growing links with the Iraqi Government. The French Government asked Rajavi to leave Paris in June 1986 and he moved his base of operations to Baghdad. In June 1987 Rajavi, Secretary of the NCR, announced the formation of a 10,000–15,000-strong National Liberation Army as the military wing of the Mujahidin-e-Khalq. However, the status of the Mujahidin was initially uncertain following the invasion of Iraq by the US-led coalition in March 2003 … and firmer measures being taken against the activities of the organization by the authorities in Paris in mid-2003. In July 2004 the USA declared a group of 3,800 members of the Mujahidin-e-Khalq interned in Iraq to have 'protected status' under the Geneva Convention. There is also a National Movement of Iranian Resistance,

based in Paris." (Europe World Online, accessed on 17 December 2009) **[1f] (Political Organisations)**

National Democratic Front
Founded March 1979; Leader Hedayatollah Matine-Daftari (based in Paris, January 1982–)

Nehzat-e Azadi-ye Iran (Liberation Movement of Iran)
Founded 1961; emphasis on basic human rights as defined by Islam.
Sec.-Gen. Dr Ibrahim Yazdi.

Pan-Iranist Party
Calls for a Greater Persia; Gen. Sec. Zahra Gholamipour

Sazeman-e Mujahidin-e Enqelab-e Islami (Organization of the Mujahidin of the Islamic Revolution)
Reformist; Sec.-Gen: Muhammad Salamati.

Sazmane Peykar dar Rahe Azadieh Tabaqe Kargar (Organization Struggling for the Freedom of the Working Class)
Marxist-Leninist

Tudeh Party of Iran (Party of the Masses)
Founded 1941; declared illegal 1949; came into open 1979; banned again April 1983.
First Sec. Central Committee Ali Khavari.

See also Political system and Political affiliation

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Annex C: Prominent people: past and present

The list below is a selection of prominent figures in Iran; it is not intended to be a comprehensive list of all Iranians of political, social, economic or cultural significance.

POLITICAL LEADERSHIP

Supreme Religious Leader (Wali Faqih): Ayatollah Sayed Ali Khamenei
President: Mahmoud Ahmadinejad (assumed office 6 August 2005; re-elected 12 June 2009).
First Vice-President: Muhammad Reza Rahimi.
Vice-President in charge of Legal and Parliamentary Affairs: Hojatoleslam Sayed Muhammad Reza Mir Taj al-Diny.
Vice-President and Head of the Iranian Atomic Energy Organization: Ali Akbar Salehi.
Vice-President and Head of the Organization for the Protection of the Environment: Muhammad Javad Muhammadi Zadeh.
Vice-President for Strategic Planning and Supervision Affairs: Ebrahim Azizi.
Vice-President and Head of the National Youth Organization: Mehrdad Bazrpash.
Vice-President and Head of the Martyrs' and Self-Sacrificers' Affairs Foundation: Masoud Zaribafan.
Vice-President and Head of the Cultural Heritage, Handicrafts and Tourism Organization: Hamid Baghaei.
Vice-President for Physical Training and Head of the Physical Education Organization: Ali Saidloo.
Vice-President for Science and Technology: Nasrin Soltankhah.

COUNCIL OF MINISTERS:

Minister of Foreign Affairs: Manouchehr Mottaki.
Minister of Defence and Armed Forces Logistics: Brig.-Gen. Ahmad Vahidi.
Minister of the Interior: Mostafa Muhammad Najjar.
Minister of Intelligence and Security: Heydar Moslehi.
Minister of Petroleum: Masoud Mir-Kazemi.
Minister of Energy: Majid Namjou.
Minister of Education: Hamidreza Hajbabaii.
Minister of Communications and Information Technology: Reza Taqipour.
Minister of Economic Affairs and Finance: Shamseddin Hosseini.
Minister of Commerce: Mahdi Ghazanfari.
Minister of Health and Medical Education: Marzieh Vahid Dastjerdi.
Minister of Co-operatives: Muhammad Abbasi.
Minister of Agricultural Jihad: Sadeq Khalilian.
Minister of Justice: Morteza Bakhtiari.
Minister of Roads and Transport: Hamid Behbahani.
Minister of Welfare and Social Security: Sadeq Mahsouli.
Minister of Industries and Mines: Ali Akbar Mehrabian.
Minister of Science, Research and Technology: Kamran Daneshjou.
Minister of Culture and Islamic Guidance: Sayed Muhammad Hosseini.
Minister of Labour and Social Affairs: Abdolreza Sheikholeslami.
Minister of Housing and Urban Development: Ali Nikzad.
(Europa World Online, April 2010) **[1g]**

Prominent people

AGHAJARI, Hashem
A university professor twice sentenced to death for blasphemy, who was finally released from prison on 31 July 2004 following two years of legal battles and mass demonstrations by students supporting him. (Network for Education and Academic Rights (NEAR), 2009) **[67a]**

AHMADINEJAD, Mahmoud
President of Iran, assumed office 6 August 2005; re-elected 12 June 2009. (Europa World Online, June 2010) **[1g]** Former Revolutionary Guard; Mayor of Tehran from 2003 until he became president in 2005. **[21j]**

BANI-SADR, Abolhasan
"Iranian economist and politician who in 1980 was elected the first president of the Islamic Republic of Iran. He was dismissed from office in 1981 after being impeached for incompetence." (Encyclopaedia Britannica.com, 2009) **[69a]**

Batebi Ahmad
Iranian student leader who shot to prominence during the Tehran University uprising of 1999. After being pictured on the front cover of the Economist waving the bloodied clothing of an injured contemporary, the 21-year-old undergraduate was sentenced to death in camera by a Revolutionary Court for sullying the name of the Islamic Republic. The tariff was subsequently commuted to 15 years in prison. Given temporary release in early 2005 following an outcry from human rights groups, Batebi skipped bail and went on the run. He was reportedly re-arrested on 27 July 2006 and taken to an undisclosed place of detention, believed to be Evin Prison in Tehran.

In 2007, Batebi was released from prison for medical treatment. When ordered to return in March 2008, he escaped to Iraq with the help of Kurdish guides and now has humanitarian parole status in the US. (New York Times, 13 July 2008) **[77c]**

BAZARGAN, Dr Mehdi
Dr Bazargan was a pro-democracy activist who was imprisoned several times in the 1960s and 70s due to his non-violent opposition to the Shah. Co-founder of the Liberation Movement of Iran in 1961 and the Iranian Human Rights Association in 1977; briefly appointed Provisional Prime Minister by Ayatollah Khomeini when the Shah was forced out of Iran in 1979 "…but he resigned within a year, complaining that radical clerics were undermining his government." Died in early 1995. (Iran Chamber Society, 2009) **[58c]**

EBADI, Shirin
"Shirin Ebadi, an Iranian lawyer and former judge, won the Nobel Peace Prize in 2003 for her pioneering efforts to promote democracy and human rights, particularly for women and children. She was the first person from Iran and the first Muslim woman to receive the award. Ms Ebadi's outspoken campaigns have often brought her into conflict with the Iranian government and the country's conservative clerics, particularly since the disputed presidential election in June 2009. Though she has not been arrested since becoming a Nobel laureate, many of her close associates have been targeted, and last year the authorities closed the Human Rights Defenders Centre in Tehran, a leading non-governmental organisation she founded in 2001.

Ms Ebadi left Iran for a conference the day before President Mahmoud Ahmadinejad's re-election and has not returned since. She says she has been sent 'threatening messages' warning her to stop working for human rights and calling for reform, while her husband was recently arrested in Tehran and 'severely beaten'. She has nevertheless criticised the authorities for their suppression of opposition

protests, and urged the international community to reject the outcome and called for a new election monitored by the UN." (BBC News, 27 November 2009) **[21l]**

KARBASCHI, Gholamhossein
Former mayor of Tehran from 1988 to 1998, instrumental in Mohammad Khatami's presidential victory in 1997; tried on corruption charges in 1998, sentenced to two years in prison and banned from holding office for ten years. Mr Karbaschi supported Mehdi Karrubi in the June 2009 presidential election. **[77b]**

KARRUBI (KAROUBI), Mehdi
Reformist candidate in the June 2009 presidential elections. He polled 0.85% of the vote. (Congressional Research Service, 2 July 2009) **[78b]**

KHAMENEI, Sayed Ali
"Ayatollah Ali Khamenei is Iran's spiritual leader and highest authority. His veto is final in Iranian political affairs." He was also President from 1981 to 1989 when he succeeded Ayatollah Khomeini as Supreme Leader. "As Supreme Leader, Ayatollah Khamenei has the power to select directly and indirectly members of the Guardian Council. The council is in charge of elections, both the supervision of the polls and the confirming of candidates." (BBC News, 17 June 2009) **[21m]**

KHATAMI, Mohammed
President 1997-2005. "He has been a lifelong supporter of the [Islamic] revolution, but he represents the more liberal wing, espousing greater political and intellectual openness and a strengthening of Iran's democratic institutions within the context of the state's Islamist constitution." (Economist Intelligence Unit, 1 October 2008) **[24c]** He initially said that he would stand as a candidate in the June 2009 presidential election against President Ahmadinejad; however, he reversed this decision and supported another moderate candidate, Mir Hossein Mousavi. (CNN.com, 16 March 2009) **[60b]**

KHOMEINI, Ruhollah (Ayatollah)
The Shi'ite cleric who led the revolution that overthrew the Shah in 1979. He was Iran's ultimate political and religious authority for the next 10 years. Died 3 June 1989. (Encyclopaedia Britannica.com, 2009) **[69b]**

LARIJANI, Ali
Former chairman of the Iranian Supreme National Security Council "…which directs the defence and security policy of the country. Following a falling-out with Mr Ahmadinejad over Iran's nuclear negotiation strategy with the West, however, Mr Larijani resigned in October 2007. His focus shifted to challenging the president on wider political and economic policy, as a result of which he stood in the Majlis election in March 2008, winning a seat in the Shia holy city of Qom. Mr Larijani's strong domestic standing and credibility among the conservative establishment enabled him to win the position of Majlis speaker at the beginning of the new session of parliament in May [2008]." (Economist Intelligence Unit, 1 October 2008) **[24c]**

LARIJANI, Sadeq (Ayatollah)
A member of the Guardian Council, appointed by Ayatollah Khamenei to be the new head of the judiciary in August 2009 to replace Ayatollah Mahmoud Hashemi Shahroudi. **[53b]** Sadeq Larijani is the younger brother of Majlis speaker, Ali Larijani. (Payvand News, 16 August 2009) **[53b]**

MONTAZERI, Hussein Ali

Grand Ayatollah Montazeri was Ayatollah Khomeini's "heir apparent" until he was cast aside by Khomeini, the founder of the Islamic Republic, in 1989 for criticising human rights abuses by the Iranian regime. "Since then, despite official harassment of his aides and a six-year period of house arrest, Grand Ayatollah Montazeri has remained the outspoken conscience of Iran's religious community, an advocate of democratic pluralism and foreign policy moderation…Grand Ayatollah Montazeri was put under house arrest in 1997 after questioning the unaccountable authority exercised by Ayatollah Khamenei… Despite his defiance, Grand Ayatollah Montazeri was released from house arrest, unbowed, in January 2003 to a rapturous welcome by hundreds of supporters. It was believed the authorities were worried that the ageing cleric could become a focus for opposition groups in Iran if he died while under house arrest." In June 2009, he questioned the validity of President Amadinejad's re-election, stating that "…'no one in their right mind' could believe the official results of the presidential elections." (The National, 21 September 2009) **[64]** Montazeri died on 20 December 2009 aged 87 and was buried at the Masoumeh shrine, one of the holiest in Shia Islam. (The Guardian, 21 December 2009) **[16i]**

MOUSAVI, Mir Hossein
Prime Minister from 1981 to 1989 when the post was abolished. He and his wife, Zahra Rahnavard, were active in the Islamic Revolution that overthrew the Shah. Both were advisers to President Khatami during his eight years as president (1997-2005). Mousavi stood as a moderate in the 2009 presidential election and was the main challenger to President Ahmadinejad. (BBC News, 16 June 2009) **[21q]**
He was fired from his post as head of the Arts Institution on in December 2009 but retained his post on the Expediency Council. (BBC News, 22 December 2010) **[21c]**

QALIBAF, Muhammad Baqer
Replaced Mahmoud Ahmadinejad as Mayor of Tehran in 2005; former Chief of police; he resigned to run in the 2005 presidential elections. (Jane's Sentinel, 30 April 2009) **[61c]**

PAHLAVI, Mohammad Reza Shah
Born in 1919 in Tehran; King (Shah) of Iran 1941-1979. The Shah's government collapsed following widespread uprisings in 1978 -1979, prior to the establishment of the Islamic Republic. He left Iran in January 1979 and died in exile in Egypt on 27 July 1980. (Iran Chamber Society, 2009) **[58b]**

RAFSANJANI, Ali Akbar Hashemi
"Mr Rafsanjani was president for eight years from 1987 and ran again in 2005. He lost to Mahmoud Ahmadinejad in the second round. He has been openly critical of the president since then. He is still a powerful figure in Iranian politics as he heads two of the regime's most powerful bodies: the Expediency Council (which adjudicates disputes over legislation) and the Assembly of Experts (which appoints, and can theoretically replace, the Supreme Leader)." (BBC News, 19 June 2009) **[21n]**

RAJAVI, Massoud
Leader of the Mojahedin-E Khalq (MEK), also known as the MKO. The MEK has been classified as a terrorist organisation by several countries; removed from the UK's lost of alleged terrorist groups in June 2008. (Danish Immigration Service, April 2009) **[86b] (p16)**

See Mujahidin-e-Khalq (Holy Warriors of the People) above.

RAJAVI, Maryam
Wife of Massoud Rajavi; leader of the MEK with her husband.

See Mujahidin-e-Khalq (Holy Warriors of the People) above.

REZA'I, Mohsen
A conservative candidate in the June 2009 presidential elections. He came third with 1.73% of the vote. (Congressional Research Service, 2 July 2009) **[78b]**

SHAHRUDI [SHAROUDI], Mahmoud Hashemi (Ayatollah)
Former head of the judiciary until August 2009 when Sadeq Larijani took over the role. **[53b]**

SOLTAN, Neda
Neda Soltan was "…the student who became a symbol of the opposition after she was shot dead during an anti-goverment demonstration on June 20 [2009]." (The Times) **[15a]**

Soltani Abdolfattah
"Abdolfattah Soltani is a well-known Iranian human rights lawyer, and spokesman for the Defenders of Human Rights Center, which was co-founded by the Nobel Peace-Prize-winner Shirin Ebadi. He has twice been incarcerated in Iran for political offences, in 2005 and 2009." Mr. Soltani is one of the lead lawyers representing the imprisoned seven leaders of the Baha'i community of Iran. (Iran Press Watch, 22 October 2009) **[65]**

YAZDI, Mohammad (Ayatollah)
Former head of the judiciary. (Payvand News, 16 August 2009) **[53b]** He resigned this post in August 1999 and was replaced by Ayatollah Mahmoud Hashemi Shahrudi. (Global Security.org, 26 April 2005) **[70a]**

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Annex D: List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICHRI	International Campaign for Human Rights in Iran
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
RSF	Reporteurs sans Frontières
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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