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Iran

COI Compilation

September 2013

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This report serves the specific purpose of collating legally relevant information on conditions in countries of origin pertinent to the assessment of claims for asylum. It is not intended to be a general report on human rights conditions. The report is prepared on the basis of publicly available information, studies and commentaries within a specified time frame. All sources are cited and fully referenced.

This report is not, and does not purport to be, either exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. Every effort has been made to compile information from reliable sources; users should refer to the full text of documents cited and assess the credibility, relevance and timeliness of source material with reference to the specific research concerns arising from individual applications.

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List of Abbreviations

CDRE - Committee to Defend the Right to Education
CHRR - Committee of Human Rights Reporters
COG - Council of Guardians
DHRC - Defenders of Human Rights Center
HAI - Harekat-e Ansar-e Iran (Movement of Iran's Ansar)
HROK - Human Rights Organization of Kurdistan
IRGC - Islamic Revolutionary Guard Corps (Sepah-e Pasdaran-e Enqelab-e Eslami)
IRGC-QF - Islamic Revolutionary Guard Corps - Qods Force
KDPI - Kurdistan Democratic Party of Iran
LEF - Law Enforcement Forces of the Islamic Republic of Iran (aka NAJA)
MEK/MKO/PMOI - Mojahedin-e Khalq Organization/People's Mojahedin Organisation of Iran
MODAFL - Ministry of Defense and Armed Forces Logistics
MOIS - Ministry of Intelligence and Security (aka VEVAK)
NAJA - Niruha-ye Entezami-ye Jomhuri-ye Eslamiyih Iran (aka LEF)
NCRI - National Council of Resistance of Iran
NCR - National Council of Resistance
NLA - National Liberation Army of Iran
PFLPGC - Popular Front for the Liberation of Palestine
PIA - Parallel Intelligence Apparatus
PJAK - Party of Free Life of Iranian Kurdistan
PRMI - People's Resistance Movement of Iran (aka Jundallah)
SAVAK - Sazeman-e Ettela'at va Amniyat-e Keshvar (National Intelligence and Security Organisation)
SAVAMA - Sazman-e Ettela'at va Amniat-e Melli-e Iran (Ministry of Intelligence and National Security)
VEVAK - Vezerat-e Etela'at va Amniat-e Keshvar (aka MOIS)

1 Background information

1.1 Geographical information

1.1.1 Map of Iran

Source: UN Cartographic Section: Islamic Republic of Iran, January 2004
http://www.un.org/depts/Cartographic/map/profile/iran.pdf

1.1.2 Map of Tehran

Source: National Cartographic Center of Iran: Pocket Map of Tehran, 1998 (available at Iran Traveling Center)
http://www.irantravelingcenter.com/tehran_map.htm

1.2 Brief overview of political institutions

BBC News calls Iran's political system "complex and unusual" as it "combines elements of a modern Islamic theocracy with democracy". In Iran, "[a] network of unelected institutions controlled by the highly powerful conservative Supreme Leader is countered by a president and parliament elected by the people" (BBC News, undated (a)). Reuters describes the Iranian political system as "a complex mix of Shi'ite Muslim clerical authority and an elected president and parliament, overseen by numerous appointed regulatory councils" (Reuters, 23 August 2013).

The Supreme Leader "appoints the head of the judiciary, six of the members of the powerful Guardian Council, the commanders of all the armed forces, Friday prayer leaders and the head of radio and TV. He also confirms the president's election" (BBC News, 9 June 2009). He "[w]ields control over every major decision either directly or through a network of hand-picked loyalists and institutions, including the powerful Revolutionary Guard, the judiciary and intelligence services" (AP, 14 June 2013) and "holds the ultimate political and religious

authority" (Euronews, 6 June 2013). The Supreme Leader is chosen by the Assembly of Experts which is made up of clerics (BBC News, 9 June 2009). In 1990, Ayatollah Ali Khamenei became Iran's Supreme Leader after Imam Khomeini's demise (Office of the Supreme Leader Sayyid Ali Khamenei, official website, undated). Reuters notes in an August 2013 analysis that Khamenei is "perhaps better described as a final arbiter than leader". Reuters elaborates that "all roads lead to the leader" but he also has to satisfy various interests, "especially those of the Revolutionary Guards" (Reuters, 23 August 2013).

The President is elected for a four-year term by the direct vote of the people. His consecutive re-election is allowed only for one term (Constitution, Article 114). The constitution further defines the President as the highest official in the country after the Supreme Leader; he is responsible for "the implementation of the Constitution" and for "acting as the head of the executive powers, except in matters directly concerned with the office of the Leadership" (Constitution, Article 113). BBC News notes that in practice, presidential powers are "circumscribed by the clerics and conservatives in Iran's power structure, and by the authority of the Supreme Leader". Not the president, but the Supreme Leader "controls the armed forces and makes decisions on security, defence and major foreign policy issues" (BBC News, 9 June 2009). Likewise, Associated Press (AP) describes the president's powers as "limited by the ruling clerics". Although the president "helps direct economic policies, domestic social programs, education plans and some public works" and "also has some voice in the level of freedoms such as media and political openness", he "can be overruled by the clerics using the judiciary or Revolutionary Guard" (AP, 14 June 2013). Euronews calls the president's role "more administrative than executive" and notes that the president "does not have full authority over foreign policy, the armed forces or national security matters including the nuclear issue" (Euronews, 6 June 2013). Reuters notes in its analysis on the political system in Iran that the power of the president "is founded on the fact that he is elected by popular ballot, albeit one in which only approved candidates are allowed to stand". As such, the president "represents the republican half of the Islamic Republic equation." Reuters adds that Supreme Leader Khamenei "allowed each of the two previous presidents, the reformist Mohammad Khatami and the populist hardliner Mahmoud Ahmadinejad, a period of grace in which they pursued policies he disliked before he blocked them and rendered them ineffective" (Reuters, 23 August 2013). The current president, Hassan Rouhani, who won the elections on 14 June 2013, was endorsed by the Supreme Leader on 3 August and sworn in as president on 4 August (Al Jazeera, 4 August 2013).

The Parliament, or Majlis, consists of 290 members who are elected by popular vote every four years. It has the power "to introduce and pass laws, as well as to summon and impeach ministers or the president. However, all Majlis bills have to be approved by the conservative Guardian Council" (BBC News, 9 June 2009). The next parliamentary elections are due in 2016 (AP, 14 June 2013).

The Guardian Council is a "group of 12 experts in Islamic law who approve all candidates for high elected office and can veto parliamentary bills considered to be in violation of Iran's Islamic constitution" (AP, 14 June 2013). The Guardian Council "consists of six theologians appointed by the Supreme Leader and six jurists nominated by the judiciary and approved by

parliament. Members are elected for six years on a phased basis, so that half the membership changes every three years" (BBC News, 9 June 2009). BBC News describes the Guardian Council as Iran's "most influential body" which is "currently controlled by conservatives" (BBC News, 9 June 2009).

The Expediency Council "is an advisory body for the Leader with an ultimate adjudicating power in disputes over legislation between the parliament and the Guardian Council" (BBC News, 9 June 2009). It "mediates between the parliament and Guardian Council, but often favors the supreme leader's views" (AP, 14 June 2013). The members of the Expediency Council are "prominent religious, social and political figures"; they are appointed by the Supreme Leader (BBC News, 9 June 2009).

The Assembly of Experts is "an elected body of 86 clerics that has the official role of overseeing the supreme leader's performance", however, its "main job is to select a successor after his death" (AP, 14 June 2013). Euronews adds that it belongs to the assembly's task to remove the Supreme Leader "if he is deemed incapable or corrupted" but this "has been proven to be very unlikely as their half-yearly meetings are more ceremonial than anything else" (Euronews, 6 June 2013). Members are directly elected every eight years, with the next elections due in 2014. Members must be clerics; the assembly is dominated by conservatives (BBC News, 9 June 2009).

The Head of Judiciary, who is appointed by the Supreme Leader (BBC News, 9 June 2009), and the Armed Forces comprising the Revolutionary Guards and the regular forces are also important political institutions. For details, please see chapter 4 on security forces and chapter 6 on the judicial system.

For a graphic illustration of Iran's political system, please see the BBC News' guide on how Iran is ruled (BBC News, 9 June 2009).

1.3 Brief overview of socio-economic situation

1.3.1 Economic impact of international sanctions

An overview of sanctions imposed against Iran by the United States, the European Union and the UN Security Council is provided by the US Council on Foreign Relations, a US think tank specializing in foreign policy and international affairs:

> "The long list of U.S. economic and political sanctions against Iran has roots in the 1979 Tehran hostage crisis. [...] Concern over Iran's nuclear program surfaced later, and the following areas are targeted by significant U.S. sanctions
>
> - Weapons development. The Iran-Iraq Arms Nonproliferation Act (October 23, 1992) calls for sanctioning any person or entity that assists Tehran in weapons development or acquisition of 'chemical, biological, nuclear, or destabilizing numbers and types of advanced conventional weapons.' [...]

- Trade and investment. [...] In March 2010, President Barack Obama, like George W. Bush, renewed Clinton's executive order banning U.S. trade and investment with Iran. In a series of new steps taken in late spring 2013, the Obama administration added to the growing list of sanctioned dealings, expanding its blacklist of Iranian petrochemical companies and targeting Iran's automotive industry for the first time [...].

- Nuclear materials. The Iran and Libya Sanctions Act of 1996 (ISA) was aimed at denying Iran access to materials to further its nuclear program by sanctioning non-U.S. business investment in Iran's energy sector. [...]

- Financial dealings. The U.S. Treasury Department administers a vast array of financial sanctions against Iran, from bans on the importation of gifts over $100 to laws barring financial dealings with Iranian entities. [...] In March 2012, in a move required by Congress to implement the new sanctions, the president certified that the global oil market was strong enough to support the loss of Iranian oil. [...] Meanwhile, among the administration's June 2013 steps was an executive order that seeks to devalue the rial even more by penalizing foreign banks that trade or hold the currency.

- Assets. Following the terrorist attacks in New York and Washington in 2001, President Bush authored Executive Order 13224, freezing the assets of entities determined to be supporting international terrorism. This list includes dozens of individuals, organizations, and financial institutions in Iran. Over the years, Washington has sanctioned dozens more individuals and Iranian institutions, including banks, defense contractors, and the Revolutionary Guard Corps. [...]

- Refined gasoline. In July 2010, President Obama signed into law a measure aimed at penalizing domestic and foreign companies for selling refined gasoline to Iran, or for supplying equipment in Iran's bid to increase its refining capacity. [...]

The EU has imposed a number of tough sanctions. The EU began embargoing exports of oil from Iran on July 1, 2012 [...]. In June 2010, the European Union enacted measures similar to those approved by the U.S. Congress that ban investment and assistance to Iran's energy sector, and a series of prohibitions was placed on European firms doing business in the country. The EU also added to its list of designated individuals, companies, banks, and organizations targeted for asset freezes. [...]

The UN Security Council has wrestled with imposing sanctions on Iran since 2006 due to Iran's failures to comply with International Atomic Energy Agency requirements and its continuing uranium-enrichment activities. In December of that year, the council approved the first of four binding resolutions authorizing bans on exports of nuclear, missile, and dual-use technologies; limiting travel by dozens of Iranian officials; and freezing the assets of forty individuals and entities, including Bank Sepah and various front companies. The measures also call on states to refrain from business with Iran, and authorize the inspection of cargo carried by Iranian shippers. In June of 2010, the Security Council issued

> a fourth round of sanctions under Resolution 1929 – putting the squeeze on Iran's Revolutionary Guards-owned businesses, its shipping industry, and the country's commercial and financial service sector." (CFR, 6 June 2013)

A February 2013 report by the International Crisis Group (ICG) points to challenges in evaluating the impacts of the sanctions reliably. The effects of the sanctions are described as being complex. The report states that the effects have not been felt by all actors and sectors equally, and that "[c]ircumstances have been in constant flux as sanctions evolve and expand" and as the government makes adjustments to them. Moreover, the report points to [d]ifficulties in disaggregating the consequences of sanctions from the self-inflicted wounds of Iranian mismanagement and structural problems" as well as scarcity of information (ICG, 25 February 2013, p. 19).

Economic developments in the country in the light of sanctions and the government's economic policies are outlined by the ICG as follows:

> "[T]he dramatic ramp-up in sanctions during President Mahmoud Ahmadinejad's second term in office (2009-2013) unquestionably surprised the regime. The economy, already mired in an inflationary spiral prompted by government spending, low interest rates and reckless lending, was hit hard. Partly in response, Ahmadinejad implemented a daring reform plan in December 2010 that abolished subsidies on basic staples and energy products. To cushion the blow, the government doled out monthly cash payments approximating $45 per month to 64 million citizens. Although the policy provided numerous households vital relief, it simultaneously undercut the industrial sector. [...] Iran's currency suffered two precipitous plunges, in January and October 2012, losing nearly 80 per cent of its value against the dollar. [...] Anxiety over potential sanctions-induced shortages pushed both government and households to stockpile staples, which in turn compounded inflationary pressures; annual inflation rose from 12 per cent in October 2010 to 27.4 per cent in December 2012, with peaks in the housing and stock markets. Other indicators followed. According to parliament's research centre, between October 2011 and October 2012, production fell 40 per cent and unemployment grew by 36 per cent, while the price of consumer and primary goods rose by 87 and 112 per cent, respectively. [...] [T]he government introduced a system of tiered exchange rates; restricted access to preferential rates to ten priority import lists; opened an official exchange centre for licensed importers; cracked down on speculators; and banned the re-export of goods imported under preferential rates. Though criticism of its implementation of such policies has been rife, markets eventually stabilised to some extent as 2012 drew to a close." (ICG, 25 February 2013, pp. 24-27)

The Congressional Research Service (CRS), in a report updated in June 2013, lists the following information regarding the economy:

> "GDP Decline. Sanctions have caused Iran to suffer its first gross domestic product contraction in two decades [...]

> Currency Collapse. The regime has been working to contain the effects of a currency collapse. The value of the rial fell on unofficial markets from about 28,000 to one U.S. dollar to nearly 40,000 to one dollar in early October 2012. [...]
>
> Inflation. The drop in value of the currency has caused inflation to accelerate. [...] The Iranian Central Bank acknowledged an inflation rate of 31% rate in April 2013 – the highest rate ever acknowledged by the Bank. Many economists assert that these official figures understate the actual inflation rate substantially, and that is between 50% and 70%." (CRS, 13 June 2013, pp. 54-55)

The International Campaign for Human Rights in Iran, a US-based human rights group, states in a report published in April 2013:

> "Since 2012, the number of bankruptcies, layoffs, and plant closures has substantially increased. [...] Indeed, some two-thirds of the nation's manufacturing units are on the verge of closure, and employed workers are now being paid in an irregular and infrequent manner. Millions of Iranians from the lower and middle echelons of society are struggling to meet the rising costs of rent and food; the growing ranks of the unemployed now face dispossession and hunger. The crisis in the country's healthcare system has become particularly severe. Iran is critically dependent on imports in this sector: its stock of medical equipment is almost entirely imported, and its pharmaceutical industry depends on imports for 80 percent of the raw materials they utilize to manufacture their products. Advanced drugs used to treat life-threatening diseases (which afflict some six million Iranians) are all imported. Yet due to the banking sanctions and Iran's expulsion from SWIFT, there are no viable channels to make payments to Western suppliers. The Iranian government has greatly exacerbated the situation by not allocating the requisite hard currency to the medical sector. As a result, there are acute shortfalls in medicines and equipment, and long delays in transporting medicine to Iran. The most vital drugs for cancer and other severe diseases are now unavailable. Shortages, and the devaluation of the rial, have produced a 350 percent inflation rate in medical costs, making what is available increasingly out of reach for most Iranians. The nutritional value and balance of the consumption basket of the majority of Iranians has also plummeted. The nation is dependent on imports for about a quarter of its food requirements. With the plunge in the value of the Iranian currency, the rise in the cost of imports, and the growing ranks of the unemployed, increasing numbers of Iranians are no longer able to afford meat, poultry, fruits, vegetables, and dairy, relying instead on a diet largely comprised of carbohydrates. Significant increases in the rate of poverty, hunger, and malnutrition engender other negative repercussions, especially for women and children. The most pernicious of these are the withdrawal of children from schools and child labor, with the brunt of these practices being borne by young girls. Women are more likely to lose their jobs, and economic and social dislocations may well lead to increased domestic violence." (International Campaign for Human Rights in Iran, 29 April 2013, pp. 13-15)

An article by the German international broadcaster Deutsche Welle (DW), published in May 2013, states:

> "Unemployment, poverty, and inflation have fundamentally changed the lives of many Iranians in the past few years. The country is struggling with a drastic inflation rate, and is hurtling ever deeper into crisis. Prices for basic foods and consumer goods are rising almost every day. [...] At the end of March, the Iranian statistics bureau announced that inflation had climbed to over 30 percent - a new record in Iranian history. According to official figures, the food prices have climbed by over 60 percent within a year. But economic experts believe the real figures are much higher. Since the EU and US oil embargo came into force in mid-2012, the Iranian national currency, the rial, has lost much of its value. At the moment, one US dollar costs 35,000 rials - nine months ago the rate was at 20,000 rials - and traders in Tehran report drastically reduced buying power among the population. [...] Although medication is theoretically exempt from western sanctions, many international pharmaceutical companies are avoiding business with the Islamic Republic. That is because of international sanctions against Iran's central bank, making money transfers more difficult. For several months, there has been an acute shortage of medication for illnesses including cancer, multiple sclerosis, or diabetes. [...] Because of the economic crisis, several factories are unable to pay their workers' wages, often resulting in strikes. [...] There's no doubt that the tougher sanctions have put more pressure on the Iranian economy, but experts underline that there was already a deep economic crisis before the sanctions. [...] While members of the government and millionaires are barely affected by massive sanctions and hyper-inflation, the bottom layers of society, getting poorer all the time, are left with nothing - and this in a country that owns the third-biggest oil reserves in the world." (DW, 27 May 2013a)

1.3.2 Levels of unemployment

The Statistical Centre of Iran indicates the unemployment rate for autumn of the year 1391 (20 March 2012 through 20 March 2013) as 11.2 per cent, preceded by 12.4 in the summer and 12.9 per cent in the spring of the same year (Statistical Centre of Iran, 2013).

As noted in a report published by the International Federation for Human Rights (FIDH) in June 2013, Iranian official statistics on unemployment are unreliable because "[d]ifferent official sources publish varying estimates, with the overwhelming majority of independent experts including some MPs and other officials, rejecting these estimates and asserting their own quantifications, which can diverge by up to 30 per cent." (FIDH, June 2013, p. 46)

The Congressional Research Service (CRS) report of June 2013 notes that "[t]he recession has elevated the unemployment rate to about 20%, although the Iranian government reports that the rate is 13%" (CRS, 13 June 2013, p. 54).

BBC News reports in a June 2013 article:

> "Unemployment has remained above 10% since 1997, but unofficially the rate is thought to be much higher, and the unemployment rate for women is almost double that of the men. Iran has a young population - the mean age of the population was 30 in 2011 - and youth unemployment among those aged 15-29 has remained stubbornly high at above 20% since 2006. Critics of Mr Ahmadinejad say his populist policies have won him support

> among the poorer classes, but he has failed to invest in industry. During his time in power, an average of just 14,200 jobs a year have been created, whereas during his predecessor's tenure around 695,400 jobs were being created every year." (BBC News, 7 June 2013)

The above-mentioned ICG report of February 2013 notes:

> "The 2012 inflation rate was the highest official one in the past seventeen years. According to the central bank, the consumer price index increased nearly four-fold since 2005. Government agencies and economists argue over the accuracy of official economic data. Most experts believe the inflation and unemployment rates to be far higher than those announced by the bank." (ICG, 25 February 2013, p. 26, footnote 150)

> "Unemployment, arguably the country's most chronic economic problem, skyrocketed as manufacturing firms shut down or downsized." (ICG, 25 February 2013, p. 26, footnote 151)

The US Department of State (USDOS) notes that "the unemployment rate for women was nearly twice that of their male counterparts" (USDOS, 19 April 2013, section 6).

2 Main political developments

2.1 Presidential elections 2009 and developments in their aftermath until 2011

An overview of the 12 June 2009 presidential election and its aftermath is provided in a report by the UN Secretary-General to the UN General Assembly (UNGA), published in September 2009:

> "On 12 June 2009, after a vigorous campaign featuring open and critical debates, the Iranian electorate went to the polls to elect a new president. The public debates before and after the election were a positive sign of vitality and dynamism in the civil and political life of the Islamic Republic of Iran, but the handling by authorities of the protests that followed has raised concerns about respect for freedom of expression, assembly and association, the use of force in policing demonstrations and the treatment of and due process afforded to detainees." (UNGA, 23 September 2009, p. 6)

As reported by the Iran Human Rights Documentation Center (IHRDC), a non-profit organisation specialised in documenting human rights issues in Iran, Iran's Guardian Council had allowed four men to campaign: incumbent president Mahmoud Ahmadinejad, Mohsen Rezai (a former head of the Islamic Revolutionary Guard Corps), Mir-Hossein Mousavi (who is considered a reformist), and Mehdi Karroubi (a former speaker of the Majlis and also a reformist) (IHRDC, February 2010, p. 1).

The IHRDC further reports:

> "Mousavi [...] declared himself the winner late on Election Day. The government immediately announced that Ahmadinejad had won by 62 percent of the vote." (IHRDC, February 2010, p. 1)

According to the Interior Ministry, as reported by the BBC, the election turnout was indicated as 85 per cent. Official election results released by the same ministry stated that Mahmoud Ahmadinejad had won 62.6 per cent of the votes, while his closest challenger, Mir Hossein Mousavi, had gained 33.8 per cent. Mohsen Rezai received 1.7 per cent and Mehdi Karroubi 0.9 per cent (BBC News, 15 June 2009). These Interior Ministry figures are also listed in a slightly later report by the US Congressional Research Service (CRS) (CRS, 10 July 2009, p. 8).

2.1.1 Demonstrations and aftermath of the election

As noted by Radio Free Europe/Radio Liberty (RFE/RL), "[t]he mass protests that followed Ahmadinejad's hotly disputed victory were the largest seen since the establishment of the Islamic regime in 1979." (RFE/RL, 24 May 2011)

An overview of developments in 2009 following the announcement of president Ahmadinejad's reelection on 13 June 2009 is given in the US Department of State (USDOS) annual report on human rights in 2009, published in March 2010:

> "Following the June 13 announcement of President Ahmadi-Nejad's reelection, hundreds of thousands of citizens took to the streets to protest. Police and the paramilitary Basij violently suppressed demonstrations. The official death count was 37, but opposition

groups reported approximately 70 individuals died, and human rights organizations suggested as many as 200. In August the judiciary estimated that authorities detained approximately 4,000 persons. Authorities continued to arrest numerous political activists throughout the rest of the year. On August 5, with many of those arrested charged with fomenting a 'velvet revolution,' the head of the national security forces, Esmail Ahmadi-Moghaddam, said in an interview that the government was holding individuals it considered the most dangerous offenders in Kahrizak Prison, and the rest were taken to Tehran's Evin Prison. The Green Movement, the opposition that formed from many disparate groups to protest the election results, organized demonstrations throughout the country on various dates after the election, including Qods Day (September 18), the anniversary of the U.S. Embassy seizure (November 4), Students' Day (December 7), Grand Ayatollah Montazeri's funeral (December 21), and Ashura (December 27). During the December 27 protests, at least eight civilians, including the nephew of presidential candidate Mir Hossein Mousavi, died in confrontations with authorities. Authorities responded to all the demonstrations with raids on opposition activists' offices. Police reportedly arrested approximately 300 protesters and 10 opposition leaders in relation to the December 27 demonstrations alone." (USDOS, 11 March 2010, introduction)

A more detailed account of events following the June 2009 presidential elections is given in a report by the UN Secretary-General to the UN General Assembly (UNGA), published in September 2010:

"Despite the intensified crackdown during the post-election period, the opposition movement continued to sporadically use official rallies as a platform to protest the outcome of the presidential election. The authorities continuously issued warnings that street protests would be dealt with harshly, and security forces were routinely heavily deployed to confront demonstrators. For instance, on 22 October 2009, at least 60 people, including renowned cartoonist Hadi Heidari, were reportedly arrested while performing prayer services in support of Shahabuddin Tabatabai, a prominent supporter of presidential candidate Mir Hussein Mousavi, who was arrested in relation to the post-election unrest. Members of the 'Mourning Mothers' were also arrested for staging weekly protests at Laleh Park in Tehran. On 4 November 2009, thousands of opposition supporters attending a peaceful rally to mark the thirtieth anniversary of the storming of the embassy of the United States of America in Tehran were met by security forces using batons and tear gas. More than 100 people were arrested, including journalists and human rights activists. On 8 December, more than 200 students who participated in anti-Government rallies during the commemoration of the country's annual student day were arrested. [...] On 27 December 2009, a mass demonstration to mark the religious festival of Ashoura was marred by violence after fierce clashes broke out between protestors and security forces, claiming the lives of at least seven persons, including the nephew of opposition leader Mir Hussein Mousavi. Many others were injured and, according to chief Ismail Ahmadi Moghaddam, 500 were arrested. Numerous sources indicated that security forces and the paramilitary Basij militia resorted to excessive use of force in confronting the protestors." (UNGA, 15 September 2010, pp. 12-13)

An Amnesty International (AI) report of December 2009 states with regard to post-election arrests and detentions:

> "At least 4,000 people were arrested during the post-election unrest, possibly many more. The majority were detained in Tehran, but arrests were recorded in other cities, such as Shiraz, Mashhad, Esfahan and Babol, as well as Ahvaz, Tabriz and Zahedan which have large minority populations. Most of those detained were released within days but many hundreds were held incommunicado for weeks, effectively victims of enforced disappearances." (AI, 10 December 2009, p. 10)

The issue of arrests and detention is taken up by the Iran Human Rights Documentation Center (IHRDC):

> "The exact number of arrests remains unknown, but circumstantial evidence indicates that hundreds were arrested and detained merely for exercising their rights of association. The arrests captured broad segments of civil society, including leaders and members of political opposition and minority groups, members of the political establishment, lawyers, students, and academics. The arrests continued through the winter. Many arrestees were threatened but released after a few days. However, many others faced torture, rape and sometimes death while in custody. Detainees were, and continue to be, subject to solitary confinement, lengthy interrogations, beatings, rape and other forms of torture." (IHRDC, February 2010, p. 1)

The September 2010 report by the UN Secretary-General contains the following observations on judicial prosecutions of protesters in 2009 and 2010:

> "In November, the Ministry of Justice issued a list of verdicts on 89 cases involving post-election incidents. Five persons were given death sentences while 81 were sentenced to prison terms ranging from six months to 15 years. Further verdicts against 22 people mainly involving jail terms were finalized in December. Following the Ashoura protests on 27 December, senior clerics and high-ranking Government officials repeatedly called for protestors to be dealt with harshly on charges of mohareb, which carries the death penalty. [...]
>
> On 30 January 2010, 16 defendants linked to the Ashoura unrest went on trial in Tehran. Five of the defendants were charged with mohareb offences, while the others were accused of taking part in illegal protests, threatening national security and spreading propaganda against the establishment. A day before the trial, Ayatollah Ahmad Jannati, the Secretary of the Guardian Council, urged the judiciary to impose harsh penalties for mohareb offences. In March 2010, authorities confirmed that six persons had been sentenced to death for their role in the Ashoura unrest and were awaiting execution confirmation from the Appeals Court. In April 2010, the Appeals Court upheld death sentences for two persons for their role in the anti-Government protest. Court verdicts for a further 217 people arrested in connection with the post-election unrest were reportedly finalized during the period under review. [...]

> In February 2010, 20-year-old university student Mohammad Amin Valian was sentenced to death on mohareb charges related to the protests, although that verdict was later overturned by the Appeals Court. Mohammad Raza Ali Zamani and Arash Rahmanipoor were executed on 28 January 2010 in cases allegedly related to the post-election unrest. They were among those tried in the mass trials of August and were subsequently convicted of mohareb by Tehran's Revolutionary Court in October 2009 for their alleged membership in Anjoman-e-Padeshahie Iran, a group that advocates the restoration of a monarchy in the Islamic Republic of Iran, and of harming national security." (UNGA, 15 September 2010, pp. 12-13)

More detailed information on events and developments during the post-election period, can be found in specialized reports on this topic by Amnesty International (AI, 10 December 2009), the Iran Human Rights Documentation Center (IHRDC, February 2010) and Human Rights Watch (HRW, 11 February 2010).

2.1.2 Government crackdown of 2010

Freedom House notes that "over the course of 2010 [...] the government effectively crippled the opposition's ability to mount large-scale demonstrations" (Freedom House, January 2013). As stated in the Human Rights Watch (HRW) World Report 2011 (which covers the year 2010), "[a]uthorities announced that security forces had arrested more than 6,000 individuals after June 2009" (HRW, 24 January 2011).

Amnesty International (AI) states in its annual report for the year 2010:

> "Security officials, generally in plain clothes and without showing identification or arrest warrants, continued to arrest arbitrarily government opponents and people seen to be dissenting from officially approved values on account of their views or lifestyle. Among those arrested were human rights activists, independent trade unionists, students and political dissidents. Those arrested were often held for long periods during which they were denied contact with their lawyers or families, tortured or otherwise ill-treated, and denied access to medical care. Some were sentenced to prison terms after unfair trials. Others sentenced after unfair trials in previous years remained in jail." (AI, 13 May 2011a)

The Human Rights Watch (HRW) World Report covering the year 2010 states:

> "Iran's human rights crisis deepened as the government sought to consolidate its power following 2009's disputed presidential election. Public demonstrations waned after security forces used live ammunition to suppress protesters in late 2009, resulting in the death of at least seven protesters. Authorities announced that security forces had arrested more than 6,000 individuals after June 2009. Hundreds-including lawyers, rights defenders, journalists, civil society activists, and opposition leaders-remain in detention without charge. Since the election crackdown last year, well over a thousand people have fled Iran to seek asylum in neighboring countries. Interrogators used torture to extract confessions, on which the judiciary relied on to sentence people to long prison terms and even death. Restrictions on freedom of expression and association, as well as religious and gender-based discrimination, continued unabated.

> Authorities systematically used torture to coerce confessions. Student activist Abdullah Momeni wrote to Supreme Leader Ayatollah Seyed Ali Khamenei in September describing the torture he suffered at the hands of jailers. At this writing no high-level official has been prosecuted for the torture, ill-treatment, and deaths of three detainees held at Kahrizak detention center after June 2009.
>
> On August 2, 2010, 17 political prisoners issued a statement demanding the rights guaranteed to prisoners by law, including an end to their solitary confinement and access to medical facilities. They also complained of severely overcrowded conditions. Reports by international human rights groups indicate that prison authorities are systematically denying needed medical care to political prisoners at Tehran's Evin Prison and other facilities." (HRW, 24 January 2011)

The Guardian newspaper reports in June 2010:

> "The green tide has been reversed by a crackdown that has seen an estimated 5,000 people arrested since last June and 115 executed this year alone. Opposition groups say at least 80 have died in street clashes and in detention, although the real death toll may be far higher. At least six political detainees are on death row after being convicted of mohareb (waging war against God) for their alleged role in the demonstrations. Activists capable of organising protests have been detained or intimidated into silence and passivity. Leading reformists – such as Karroubi's former aide, Mohammad Ali Abtahi – have been given lengthy prison sentences after televised show trials before being released on onerous bail conditions. Many activists have fled to neighbouring countries such as Turkey." (Guardian, 9 June 2010)

Another article by the Guardian, published in January 2010, reports on increased restrictions on contact with foreigners and foreign organisations:

> "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. [...] Iranians were also banned from unspecified 'irregular contact' with foreign embassies or foreign citizens." (Guardian, 5 January 2010)

The US Department of State (USDOS) annual report on human rights covering the year 2010 notes:

> "The government severely limited citizens' right to peacefully change their government through free and fair elections, and it continued a campaign of postelection violence and intimidation." (USDOS, 8 April 2011, introduction)
>
> "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." (USDOS, 8 April 2011, section 2a)

Iran Focus, a media source referring to itself as "an independent non-profit news service provider that focuses on events in Iran, Iraq and the Middle East" with alleged ties to the exiled opposition movement Mojahedin-e Khalq Organization (MKO), reports on 13 June 2010, referring to a report by the state-run Iranian news agency ISNA:

> "Ninety-one people were arrested in Tehran in protests Saturday marking the anniversary of last year's uprising, according to Tehran Police Commander Brig. Gen. Hossein Sajedi-Nia." (Iran Focus, 13 June 2010)

The US Department of State (USDOS) human rights report for 2010 states:

> "On December 7 [2010], students held peaceful demonstrations at various universities in the country, including Qazvin Azad University, Tehran Polytechnic University, Gilan University, and the Tehran School of Art, to protest the restrictions on humanities studies [...], as well as the imprisonment of students. Paramilitary Basij forces responded by breaking up gatherings and detaining dozens of students." (USDOS, 8 April 2011, section 2a)

2.1.3 Further crackdown following the uprisings in Tunisia and Egypt

The US Congressional Research Service (CRS) notes in a December 2011 report:

> "A major question was whether the opposition uprisings in Tunisia and Egypt, which toppled leaders there in January and February 2011, would reinvigorate the Green Movement, which has used similar social media techniques and has similar grievances. [...] The question was answered when Musavi and Karrubi called for protests on February 14, 2011, and there were numerous clashes with tear-gas-wielding riot police in Tehran and other cities." (CRS, 15 December 2011, p. 15)

Human Rights Watch (HRW) reports on the 14 February 2011 demonstrations as follows:

> "Thousands of demonstrators gathered on February 14 throughout Tehran and several other large cities, including Isfahan, Shiraz, Mashhad, Kermanshah, and Rasht, following calls by Mousavi and Karroubi to march peacefully in support of the popular movements in Egypt and Tunisia." (HRW, 14 February 2011)

> "On February 14, 2011, demonstrations took place throughout Iran after authorities conducted a wave of arrests against opposition activists, placed the opposition leaders Mir Hossein Mousavi and Mehdi Karroubi under house arrest, and clamped down telephone and satellite communications and the internet. Initial reports from Tehran and other cities indicate that police, anti-riot police, and plainclothes officers attacked demonstrators, including physical assaults and the use of teargas and batons, to break up crowds, silence people chanting anti-government slogans, and prevent protesters from taking photos. Numerous demonstrators were injured, witnesses told Human Rights Watch. There are also reports of numerous arrests." (HRW, 14 February 2011)

The BBC reports in an article published on 14 February 2011:

> "Thousands of opposition supporters have clashed with security forces in the centre of the Iranian capital, Tehran. Police used tear gas and detained dozens rallying in solidarity with uprisings in Egypt and Tunisia. There was one report of a death in Tehran. The BBC also received reports of similar protests being held in the cities of Isfahan, Mashhad and Shiraz. Earlier, the police placed opposition leader Mir Hossein Mousavi under house arrest, according to his website. [...] Although Iran's establishment officially supports the Egyptian protests, it says the rallies in Iran are a 'political move' by opposition leaders. In anticipation of the rally, the authorities stepped up security in the capital, blocked access to internet sites, and started jamming satellite news channels. Police helicopters also hovered overhead. Analysts say Tehran is trying to stop opposition groups from using the Egypt rally as a means to re-ignite anti-government protests of 2009. Both the Iranian government and the opposition have claimed credit for the recent popular uprisings in Tunisia and Egypt. The government says the mass protests were inspired by Iran's 1979 revolution, while the opposition says its 2009 protests encouraged the unrest." (BBC News, 14 February 2011)

The Congressional Research Service (CRS) mentions the following protests held after those of 14 February 2011:

> "Further protests, which reportedly drew large numbers of protesters but were ultimately suppressed by the Basij were held on February 20 and weekly from March 1 until Nowruz (March 21, 2011)." (CRS, 15 December 2011, p. 15)

BBC reports on arrests of protesters conducted on 1 March 2011:

> "Iran's opposition says more than 200 people were arrested on Tuesday while trying to protest in Tehran. Opposition websites said security services rounded up protesters in several locations in the capital and were helped by police in plain clothes. Another 40 people were said to have been detained in the city of Isfahan. Opposition groups had called for rallies over the reported imprisonment of their leaders - Mir Hossein Mousavi and Mehdi Karroubi. The two men had been placed under house arrest several weeks ago as authorities cracked down on protests staged in solidarity with the uprisings in Tunisia, Egypt and elsewhere. Their families say that on Monday they were taken to prison, although the government denies this." (BBC News, 2 March 2011)

2.2 Parliamentary elections of March and May 2012

A report by the UN Secretary-General to the UN General Assembly, published in August 2012, gives the following brief summary of election results of both the 2 March and 4 May 2012 parliamentary election rounds:

> "On 27 May 2012, the ninth Parliament was sworn in, following two rounds of elections, in which 290 members, including nine women, were elected. In the first round of elections, held on 2 March, 225 candidates won parliamentary seats. A total of 5,395 individuals, including 428 women, had registered as candidates, 3,467 of whom were qualified to run for election. The run-off vote for the remaining 65 seats was held in 33 constituencies across the country on 4 May." (UNGA, 22 August 2012, p. 10)

Freedom House states with regard to the March 2012 election round:

> "The March 2012 parliamentary elections, from which the reformist opposition was excluded, highlighted the deep divisions among conservative forces. Though there were no claims of systematic election fraud, several sitting lawmakers accused the IRGC of vote rigging. The official results were seen as favoring Khamenei's supporters rather than Ahmadinejad's. Later in March, for the first time in the history of the Islamic Republic, the parliament summoned the president to answer questions on his mismanagement of the economy, cabinet appointments, squandering of state resources, and disobedience of the supreme leader." (Freedom House, January 2013)

The US Department of State (USDOS) annual report on human rights in 2012 notes that "[t]he March 2 [2012] legislative elections for the 290-seat Islamic Consultative Assembly were generally considered neither free nor fair" (USDOS, 19 April 2013, executive summary).

The run-up to the parliamentary elections of 2 March 2012 is reported by Human Rights Watch (HRW) as follows:

> "The voting for 290 parliamentary seats follows the disqualification of hundreds of candidates based on vague and ill-defined criteria, and opposition leaders are either barred from participating, serving unjust prison sentences, or refusing to participate in what they consider sham elections. On February 21, the Guardian Council, an unelected body of 12 religious jurists, announced that fewer than 3,500 of the approximately 5,400 candidates running for seats in the majlis, Iran's parliament, had been approved to run. The Interior Ministry had earlier disqualified about 750 candidates. At least 35 of those disqualified by the Guardian Council are current members of parliament. In response to these and other state actions, Iran's opposition and reformist movement have called for an election boycott. [...] On January 10, the Interior Ministry's election commission disqualified several dozen candidates because of their 'lack of adherence to Islam and the Constitution.' The disqualified candidates include several incumbents who were critical of President Mahmoud Ahmadinejad's government." (HRW, 1 March 2012)

Amnesty International (AI) notes in its annual report for the year 2012 that "[t]housands of prospective candidates for parliamentary election in March were disqualified" (AI, 23 May 2013).

The Guardian provides the following early coverage of the 2 March 2012 election results and voter turnout:

> "The authorities in Tehran attempted to portray a country united amid threats of war and western economic sanctions as Iranians went to the polls on Friday for the first time since the bitterly contested elections of 2009. [...] The opposition leaders Mir Hossein Mousavi and Mehdi Karroubi were placed under house arrest in February 2011. Despite the boycott, reports from Iran suggested many people, especially those in small and conservative cities, participated in the vote. [...] In the absence of the opposition, Friday's parliamentary vote was a battlefield for factions within the establishment, fighting each other for a greater share of power." (Guardian, 3 March 2012)

The May 2012 runoff election and the preceding election round of March 2012 are reported in the following article by the BBC:

> "Mr Ahmadinejad's supporters won only 13 of the 65 seats up for election in Friday's vote, further reducing his power base in the 290-seat parliament. Conservative supporters of the Supreme Leader had already won an outright majority in March's first round. Iran's parliament lacks executive power but plays a part in choosing next year's presidential contenders. Mr Ahmadinejad's influence has been falling since he fell out of favour with the Supreme Leader, Ayatollah Khamenei, last year. [...] According to final results announced on state TV, Mr Ahmadinejad's main conservative rivals won 41 seats of those contested, while independents won 11. The president's supporters appeared to have fared best in the capital Tehran, where nine seats were won out of a total of 25. Iranian media is reporting a high turn-out, which the government describes as a sign of trust in the political system and in Iran's approach to Western pressure over the nuclear issue. Speaking to reporters after casting his vote on Friday, Ayatollah Khamenei called for a high turnout. Officially, it was 64% in March. [...] All of the candidates had to be pre-approved by Iran's Guardian Council, which means the contests are effectively between different conservative factions - supporters of the Supreme Leader and Mr Ahmadinejad. The leaders of the opposition Green Movement have been under house arrest for more than a year and were barred from taking part in the elections. Other reformist politicians also asked their supporters to stay at home." (BBC News, 5 May 2012)

For information regarding human rights issues in connection with the March and May 2012 parliamentary elections, please refer to section 5.1 of this compilation.

2.3 Presidential and municipal elections of June 2013

Information regarding the run-up to the presidential elections of 14 June 2013 is provided in the US Congressional Research Service (CRS) report of June 2013:

> "In January 2013, the Majles enacted an election law for the June 14, 2013, presidential election, setting up a 11-member independent election body to run the election. This reduces the role of the Interior Ministry, part of the executive branch - and therefore drew strong opposition from Ahmadinejad. Municipal elections are being held concurrently; this is likely to improve turnout as some voters disillusioned with the presidential race might still be mobilized to vote by local issues. Candidate registration took place during May 7-11, 2013, and the COG [Council of Guardians] finalized the presidential candidate field on May 22. A runoff was to be held on June 21 if no candidate received more than 50% of the votes. The winner takes office on August 3, 2013." (CRS, 17 June 2013, p. 11)

The same report gives an overview of the main candidates and the Council of Guardians' (COG) decisions on their candidacy:

> "• Four figures close to the Supreme Leader - Tehran mayor Qalibaf, former Majles Speaker Haddad Adel, former foreign minister and top Khamene'i foreign policy advisor Ali Akbar Velayati, and Iran's chief nuclear negotiator, Seyed Jalilli - all filed and were approved by the COG. Haddad Adel dropped out in early June.

• Former Revolutionary Guard Commander-in-Chief, Mohsen Reza'i, filed and was approved, although his constituency likely has not broadened since the 2009 contest.

• Former chief nuclear negotiator Hassan Rouhani, a moderate and a Rafsanjani loyalist, applied and was approved by the COG. Also approved was another moderate, Mohammad Reza Aref, a former Vice President, but he reluctantly dropped out in early June so that Rouhani could consolidate the reformist vote. Also approved was little know former Oil Minister Seyed Mohammad Qarazi, although experts were unclear why his candidacy was approved when those of more prominent figures were not.

• Rafsanjani filed his candidacy very close to the deadline, and was immediately hailed by reformists and attacked by conservatives for supporting the 2009 reform protests. Conservatives also argued that he was too old at 78 to be president again. The COG did not approve his candidacy, reportedly shocking many Iranians because of Rafsanjani's prominent place in the history of the regime. Rafsanjani did not forcefully object to his disqualification and his supporters did not protest the decision in the streets.

• As expected, Ahmadinejad's close ally, Mashai, applied to run and, as was widely expected by experts, was disapproved by the COG. Ahmadinejad had threatened to release derogatory information on allies of the Supreme Leader if Mashai's candidacy was denied but, thus far, there has not been substantial political fallout from Mashai's disqualification." (CRS, 17 June 2013, p. 11)

A press release published by the UN Office of the High Commissioner for Human Rights (OHCHR) in May 2013 states with regard to the run-up to the presidential elections:

> "On 21 May, the Guardian Council, a 12-member body of theologians and jurists, which vets presidential candidates, approved only 8 individuals out of the 686 people registered as candidates for the June 14 presidential elections. Several key political figures and all the 30 female candidates were disqualified, raising serious concerns about the fairness and transparency of the vetting procedures. Several candidates were apparently excluded on the basis of their affiliation with the 2009 post-election protests and their exercise of fundamental human rights, including the rights to freedom of expression, assembly and association." (OHCHR, 29 May 2013)

A BBC article of 11 June 2013 notes that two of the eight presidential candidates approved by the country's Guardian Council (out of a list of more than 600), the reformist candidate Mohammad Reza Aref and the conservative Gholam Ali Haddad Adel, have dropped out of the race (BBC News, 11 June 2013).

A Human Rights Watch (HRW) press release reports on the registration process of candidates for both the presidential elections and the city and village council elections which were to be held concurrently on 14 June 2013:

> "The June 14 elections for Iran's next president will take place alongside voting to fill more than 200,000 seats on city and village councils, with only officially approved candidates on the ballot in all cases. The registration period for presidential candidates closed on May 11.

On May 21 Iranian state television announced that the Guardian Council had finished vetting more than 680 registered presidential candidates and accepted a final list of eight men. Well-known and prominent figures disqualified by the Guardian Council included a former president, Ali Akbar Hashemi Rafsanjani; President Mahmoud Ahmadinejad's adviser Rahim Mashaei, former Intelligence Minister Ali Fallahian, and former Foreign Affairs Minister Manouchehr Mottaki.

The week before, authorities had disqualified several hundred candidates who had registered to run as city and village council election candidates. Some local council candidates have appealed their exclusion, but Iran's electoral law makes no provision for appeals by disqualified presidential candidates. The Guardian Council does not, as a matter of practice, publicize the reasons why candidates are disqualified.

Between May 7 and 11, 686 candidates, including about 30 women, registered as presidential candidates. After the registration period closed, the Guardian Council, an unelected body of 12 religious jurists, began vetting the candidates, using a mix of criteria - some that are clear, such as those relating to age and educational qualifications, but others that are vague or open to interpretation and enable authorities to make sweeping and arbitrary decisions. The council has consistently ruled out female candidates because the constitution requires that the president be chosen from 'pious and political men' despite debate among Iranian constitutionalists about whether it was intended that the term 'men' should be given an exclusively male connotation. On May 16, Iran's semi-official Mehr News Agency reported that Mohammad Yazdi, a clerical member of the Guardian Council, had said that the 'law does not approve' of a woman in the presidency. According to article 115 of the Iranian constitution, the president must be 'elected from among pious and political men possessing the following qualifications: Iranian origin, Iranian nationality, administrative capacity and resourcefulness, a good reputation, trustworthiness and piety, faith and a belief in the fundamental principles of the Islamic Republic of Iran and the official religion of the country, [Twelver Shiism].'" (HRW, 24 May 2013)

For information regarding human rights issues in connection with June 2013 presidential elections, please refer to section 5.1 of this compilation.

The election results are reported by the CRS as follows:

"Even before the disqualification of Rafsanjani and Mashai, the pro-reform movement that was highly active before the 2009 election has been absent from the streets - either out of fear of a crackdown or out of lack of hope for electoral-driven change. Many predicted that these type of voters would boycott the 2013 vote, particularly now that major candidates who support their views have been barred from the race. However, the reform vote mobilized behind Rouhani late in the campaign as reformist voters perceived that the regime was committed to scrupulous measures to prevent fraud and avoid an election dispute. The heavy reform vote propelled a 70% election turnout and a first-round victory for Hassan Rouhani. He garnered more than 18 million of the 36 million votes cast – about 50.7% of the vote – and enough to avoid a runoff. Qalibaf was second but trailed badly

> with only about 15% of the vote. Khamene'i and the rest of the political establishment congratulated Rouhani on his win. After the election, despite entreaties from all candidates that their supporters not demonstrate, many Iranians – similar to those who demonstrated against the regime in 2009 – came out into the streets to celebrate the election of the most moderate candidate in the race." (CRS, 17 June 2013, p. 12)

The BBC reports on the election victory of Hassan Rouhani and on the voter turnout:

> "Thousands of Iranians have taken to the streets of Tehran, shouting pro-reform slogans and hailing Hassan Rouhani's election as president. The reformist-backed cleric won just over 50% of the vote and so avoided the need for a run-off. Mr Rouhani said his win was a 'victory of moderation over extremism'. The US expressed concern at a 'lack of transparency' and 'censorship' but praised the Iranian people and said it was ready to work with Tehran. Some 72.2% of the 50 million eligible voters cast ballots on Friday to choose the successor to Mahmoud Ahmadinejad. [...] Ayatollah Khamenei will ratify the vote on 3 August and the new president will then take the oath in parliament." (BBC News, 15 June 2013)

3 Political opposition groups

3.1 Green Movement

An overview of the Green Movement is provided in a report by the US Congressional Research Service, updated in June 2013:

> "The Green Movement, the genesis of which was the 2009 uprising, consists primarily of educated, urban youth, intellectuals, and former regime officials. It was not able to incorporate many traditionally conservative groups such as older Iranians and Iranians who live in rural areas in its 2009 uprising, and subsequently suffered from divisions between those who believe the regime can be reformed and those who believe it must be replaced outright by a more secular system of government. [...] During 2009, the Green Movement sought to challenge the regime with public protests. After the initial post-election daily protests, Green Movement members organized protests around major holidays and called openly for the downfall of the regime, rather than its reform. Some of the protests in late 2009, such as one on the Ashura holy day (December 27, 2009) nearly overwhelmed regime security forces. The movement's outward activity declined after its demonstration planned for the February 11, 2010, anniversary of the founding of the Islamic Republic (in 1979) was suppressed. Minor protests were held on several occasions in 2010, but they were easily suppressed. The opposition did not experience a resurgence after the start of the Arab uprisings in early 2011, even though many believed the Iran uprising of 2009 inspired those movements. The titular leaders of the Green Movement, defeated 2009 presidential candidates Mir Hossein Musavi and Mehdi Karrubi, were placed under house arrest in early 2011. Still, observers in Iran said the movement remained active underground. It conducted protests on the February 14, 2012 anniversary of February 14, 2011, protests." (CRS, 17 June 2013, pp. 12-13)

In a June 2010 report by the US Institute of Peace (USIP), an independent national security institution funded by the US Congress, author Tara Nesvaderani describes the Green Movement as follows:

> "The Green Movement is an informal movement that emerged spontaneously after the June 12, 2009 presidential poll over alleged vote-rigging. Former Prime Minister Mirhossein Mousavi and former parliamentary speaker and 2009 presidential candidate Mehdi Karroubi are the unofficial leaders, but youth and women were critical in organizing the initial protests, sustaining public opposition for six months, and organizing a multifaceted civil disobedience campaign. Their activities included a boycott of consumer goods advertised on state-run media, anti-government graffiti on the national currency, and Web site campaigns to identify security forces involved in the crackdown. Many young people loosely linked in the Green Movement are not members of any student group or political party." (USIP, 8 June 2010, p. 3)

Abbas Milani states in the Iran Primer, another USIP publication, that the Green Movement was "widely seen as a new non-violent, non-utopian and populist paradigm of revolution that infused twenty-first century Internet technology with people street power." The group's activities and developments after the June 2009 presidential elections are outlined as follows:

> "Over the next six months, the Green Movement evolved from a mass group of angry voters to a nation-wide force demanding the democratic rights originally sought in the 1979 revolution, rights that were hijacked by radical clerics. Every few weeks, protesters took to the streets to challenge the regime and its leadership. [...] During demonstrations in the fall, the issues shifted from alleged election fraud to challenges of the system and the supreme leader himself. 'Death to the dictator' became a common refrain at protests. Others chanted, 'Khamenei is a murderer. His rule is null and void.' Students were particularly active. [...] As momentum grew behind the Green Movement, the government response was increasingly tough. In the fall of 2009, more than 100 of the Green Movement's most important leaders, activists and theorists appeared in show trials reminiscent of Joseph Stalin's infamous trials in the 1930s. [...] In 2010, the Green Movement tried to mobilize demonstrations for the February 11 anniversary of the revolution. But the advance crackdown was so pervasive that leaders of the movement called it off. Public demonstrations were basically over. The Green Movement moved into a phase of soul-searching. The key question was whether the movement was in temporary retreat, regrouping to develop a new strategy and tactics, or had simply been defeated." (Milani, 2010)

The extent of activities and the situation of persons associated with the Green Movement is discussed in a February 2013 report by the Danish Refugee Council (DRC), the Danish Immigration Service (DIS) and the Norwegian Country of Origin Information Centre (Landinfo) on a joint fact-finding mission conducted in November 2012 and January 2013. The report quotes several unspecified Western embassies and international organisations as sources:

> "Regarding the Green Movement, a Western embassy (1) stated that it seems to have faded away. Persons from the Green Movement, who are still in Iran, paid a high price. It was considered by the source that they were disillusioned and would probably not even vote at the 2013 presidential election. In this connection it was added that it is difficult to assess if there is any real political activity presently. [...] An international organization in Ankara considered that the matter of the Green Movement is not active like before; the real organizers and those who were managing it, have either left the country or have been imprisoned or silenced to such an extent that the movement no longer is active as a united front. [...] When asked about the existence of current political opposition in Iran, a Western embassy (4) explained that after Mehdi Karroubi and Mir Hossein Mousavi have been put under house arrest in February of 2011, the Green Movement has virtually disappeared." (DIS/Landinfo/DRC, February 2013, pp. 53-54)

The German international broadcaster Deutsche Welle (DW) reports in May 2013:

> "Four years ago, hundreds of thousands went out onto the streets of Iran to call for fair elections. The authorities cracked down brutally on the 'Green Movement.' However, they were not able to silence it for good. 'Where is my vote?' and 'Down with the dictatorship!' were the slogans of the Green Movement that took over the streets of Tehran and other cities after the 2009 elections in Iran. Images of men and women wearing green headbands and scarves and carrying banners calling for an end to President Mahmud Ahmadinejad's rule went around the world. [...] Four years later, tension between the

> government and the opposition is growing and it is unclear whether the Green Movement will be revived. The fact that despite international pressure Karroubi, Mousavi and his wife Zahra Rahnavard remain under house arrest since calling on their supporters to protest in solidarity with the Arab Spring two years ago is a clear sign that the Green Movement is still alive, says one of Mousavi's advisors Ardeshir Amir Arjomand who is in exile. [...] However, the self-taught sociologist Abbas Abdi would disagree. 'A political movement is characterized by the presence of its supporters in the public sphere. On 25 June 2009, there were about two million demonstrators on the streets. What about today? No demonstrator to be seen.' [...] However, Amir Arjomand refuses to lose hope of change and thinks the impending elections are a good occasion to mobilize regime critics once again. 'We have to get our supporters back on the streets to put pressure on Ayatollah Ali Khamenei. We will use all the democratic mechanisms.' However, one thing is certain: 'The Green Movement can only be revived if house arrest for Mousavi, Karroubi and Rahnavard is lifted and all three can move freely.'" (DW, 27 May 2013b)

A June 2013 article by the Wall Street Journal (WSJ) states:

> "Iran's opposition Green Movement is re-emerging four years after disputed presidential elections prompted nationwide protests. But as the country prepares to vote again next Friday, the movement is divided over whether to participate. The Green Movement – a loose alliance of groups ranging from those who seek gradual change to those who want to overthrow the regime – resurfaced at two public events this month: a funeral in Isfahan and a campaign speech in Tehran. Participants rallied against the government and some called for an end to dictatorship. [...] Opposition websites reported more than a dozen arrests at the two events." (WSJ, 7 June 2013)

The WSJ article states that in 2013, "the movement was first seen in May, when it rallied with surprising vigor behind former President Ali Akbar Hashemi Rafsanjani, a founder of the revolution who is considered to be a relative moderate." Hossein Bastan, an Iran analyst based in Paris, is quoted as saying that "[t]he Green Movement isn't dead, but we shouldn't expect the same level of excitement and commitment from its supporters this year" (WSJ, 7 June 2013).

As noted in the US Congressional Research Service (CRS) report updated in June 2013, "many Green movement supporters apparently decided to express their dissatisfaction with the regime by voting for the most moderate candidate in the race – Hassan Rouhani – in the June 14, 2013, presidential election." The report states that "many Green movement supporters expect him, as President, to try to obtain the release of imprisoned leaders and supporters of the movement." (CRS, 17 June 2013, p. 12)

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

According to the US Department of State (USDOS) Country Report on Terrorism 2011, published in July 2012, the Mojahedin-e Khalq Organisation (MEK/MKO), in addition to the above-mentioned alternative names, is also known as Mujahadin-e Khalq, Muslim Iranian Students' Society, National Council of Resistance (NCR), Organization of the People's Holy

Warriors of Iran, the National Liberation Army of Iran (NLA), People's Mujahadin Organization of Iran (PMOI), National Council of Resistance of Iran (NCRI), Sazeman-e Mujahadin-e Khalq-e Iran (USDOS, 31 July 2012).

The report gives the following overview of the organisation:

> "[T]he Mujahadin-E Khalq Organization (MEK) is a Marxist-Islamic Organization that seeks the overthrow of the Iranian regime through its military wing, the National Liberation Army (NLA), and its political front, the National Council of Resistance of Iran (NCRI).
>
> The MEK was founded in 1963 by a group of college-educated Iranian Marxists who opposed the country's pro-western ruler, Shah Mohammad Reza Pahlavi. The group participated in the 1979 Islamic Revolution that replaced the Shah with a Shiite Islamist regime led by Ayatollah Khomeini. However, the MEK's ideology – a blend of Marxism, feminism, and Islamism – was at odds with the post-revolutionary government, and its original leadership was soon executed by the Khomeini regime. In 1981, the group was driven from its bases on the Iran-Iraq border and resettled in Paris, where it began supporting Iraq in its eight-year war against Khomeini's Iran. In 1986, after France recognized the Iranian regime, the MEK moved its headquarters to Iraq, which facilitated its terrorist activities in Iran. From 2003 through the end of 2011, roughly 3,400 MEK members were encamped at Ashraf in Iraq." (USDOS, 31 July 2012, chapter 6)

The BBC notes in an article of April 2012 that the MEK/PMOI "has a history of ideological and tactical flexibility", with its rhetoric changing since the 1970 "from Islamist to secular; from socialist to capitalist; from pro-Iranian-revolution to anti-Iranian-revolution; from pro-Saddam to pro-American; from violent to peaceful" (BBC News, 15 April 2012).

A description of the organisation's origins and developments is also provided by the British daily newspaper The Guardian in September 2012:

> "The MEK ran a bombing campaign inside Iran against the Shah's regime the 1970s. [...] The MEK was an enthusiastic supporter of the seizure of the US embassy in Tehran following the Iranian revolution. It called the eventual release of the American hostages a 'surrender'. After falling out with Iran's new rulers, led by Ayatollah Khomeini, the MEK launched a bomb campaign against the Islamic government. [...] After the MEK leadership fell out with the Islamic regime it fled first to Paris. France expelled the MEK leader, Masud Rajavi, in 1986. The group then ran into the arms of Iran's enemy, the Iraqi dictator, Saddam Hussein. Iraq helped arm the MEK's thousands of fighters with artillery, guns and tanks and housed them in three camps near Baghdad and along the border with Iran. Baghdad also supplied money. The MEK's armed wing, the National Liberation Army (NLA), conducted raids into Iran during the last stages of the Iran-Iraq war. It also became a tool of Saddam Hussein's campaign of internal oppression. [...] The US invasion of Iraq in 2003 changed everything for the MEK. Its fighters at Camp Ashraf, near the Iranian border, and other sites near Baghdad were disarmed by the Americans. [...] From then on the MEK reinvented itself in American eyes. Until the 1990s it was known as the People's Holy Warriors of Iran, but that's not the kind of name to win support in the west these

days so it tweaked the name. [...] It has certainly abandoned violence, at least for now. But that is in part because it was forcibly disarmed by the US army in Iraq. [...] In exile, the MEK leadership established the National Council of Resistance which has evolved into what the group calls a parliament in exile. But the MEK is far from democratic. It is autocratically run by a husband and wife, Masud and Maryam Rajavi, who the state department say have 'fostered a cult of personality'." (Guardian, 21 September 2012)

The June 2013 report of the US Congressional Research Service (CRS) states with regard to the group's leadership:

> "It is led by spouses Maryam and Masud Rajavi; Maryam, based in France, is the 'President-elect' of the PMOI-led opposition. She regularly meets with European politicians and organizes protests there against the Iranian regime. Masud is the longtime Secretary-General of the PMOI; his whereabouts are unknown." (CRS, 17 June 2013, p. 14)

The USDOS report states that the MEK was designated as a Foreign Terrorist Organization on 8 October 1997 (USDOS, 31 July 2012, chapter 6). As reported by various sources, the US government removed MEK from its list of foreign terrorist organisations in September 2012 (FT, 21 September 2012; RFE/RL, 28 September 2012; BBC, 29 September 2012).

In February 2012, Amnesty International (AI) reports on the situation of individuals associated with the MEK (referred to as PMOI here):

> "During 2011, a number of individuals appear to have been arrested solely on account of their family links to members of the PMOI. In other cases, unduly harsh sentences appear motivated by family links with PMOI members. [...] Some people with links to the PMOI have been sentenced to death, and a few even executed. Three alleged PMOI supporters – Ali Saremi, Ja'far Kazemi and Mohammad Ali Haj Aghaei – were executed in Iran in December 2010 and January 2011. All three men had been convicted of 'enmity against God' in relation to contacts with the PMOI." (AI, 28 February 2012, pp. 53-54)

3.3 Jundallah (Soldier of God) (alternative spellings: Jondallah, Jundullah; aka People's Resistance Movement of Iran - PRMI)

The USDOS Country Report on Terrorism 2012 lists the following alternative denominations for Jundallah: "Jonbesh-i Moqavemat-i-Mardom-i Iran; Popular Resistance Movement of Iran; Soldiers of God; Fedayeen-e-Islam; Former Jundallah of Iran; Jundullah; Jondullah; Jundollah; Jondollah; Jondallah; Army of God (God's Army); Baloch Peoples Resistance Movement (BPRM)" (USDOS, 30 May 2013). The same report provides the following overview information:

> "Since its inception in 2003, Jundallah, which operates primarily in the province of Sistan va Balochistan of Iran, has engaged in numerous attacks, killing and maiming scores of Iranian civilians and government officials. Jundallah's stated goals are to secure recognition of Balochi cultural, economic, and political rights from the Government of Iran, and to spread awareness of the plight of the Baloch situation through violent and nonviolent means." (USDOS, 30 May 2013, chapter 6)

According to the same source, "[r]eports of Jundallah membership vary from 500 to 2,000" (USDOS, 30 May 2013, chapter 6). The US government designated Jundallah as a foreign terrorist organisation on 4 November 2010 (USDOS, 30 May 2013, chapter 6).

According to a BBC article of June 2010, Jundallah was founded in 2002 to defend the Baluchi minority in South-East Iran. The group's leader, Abdolmalek Rigi, who was executed in June 2010 (PressTV, 20 June 2010; BBC, 20 June 2010a), is quoted as denying that the group has either foreign links or a separatist agenda (BBC News, 20 June 2010b).

An analytical view of the organization is provided in the following report by the Jamestown Foundation of November 2012:

> "Iran is also contending with internal challenges stemming from disaffected members of a number of ethnic and sectarian minority communities and questions surrounding the character of its national identify. A period of heightened unrest led by ethnic Baloch nationalist insurgents in recent years, particularly an obscure militant group known as Jundallah (Soldiers of God) based in Iran's southeastern province of Sistan-Balochistan (also known as Iranian Balochistan), was a testament to the extent that these issues permeate Iranian society. Jundallah's campaign of violence and terrorism was ostensibly motivated by its desire to defend the rights of the Baloch, a mostly Sunni ethnic minority that sees itself as the victims of a state-sponsored campaign of cultural and religious subjugation. The capture or death of most of Jundallah's leaders by 2010, however, was supposed to have neutralized the threat of Baloch militancy. [...] The capture or deaths of most of its known leadership and other key operatives, including the arrest and subsequent execution of its founder and leader Abdelmalik Rigi, were widely believed to have devastated Jundallah's ability to reconstitute its campaign of violence and terrorism. [...] Under the late Abdelmalik Rigi, Jundallah appeared to go to great lengths to rebut allegations leveled against it by Iran and others that it harbored an explicitly sectarian or separatist agenda or any affinities with radical Islamist ideologies. This point is best demonstrated by Jundallah's attempt to reinvent its image by adopting the name People's Resistance Movement of Iran (PRMI). The obvious religious undertones apparent in the name Jundallah, left the group vulnerable to accusations that it was affiliated with transnational radical Islamist organizations, including al-Qaeda and the Taliban. Rigi was always adamant that Jundallah never harbored radical Islamist or separatist leanings. [...] Originally concerned with striking military and security targets and other symbols of the Islamic Republic through ambushes, abductions, and other traditional guerrilla tactics, Jundallah eventually added suicide bombings to its repertoire in late 2008. Jundallah also began to strike civilian targets such as mosques with increasing regularity." (Jamestown Foundation, 15 November 2012)

The USDOS Country Report on Terrorism 2012 reports on attacks reportedly carried out by Jundallah:

> "In a statement on its website, Jundallah claimed responsibility for the December 15, 2010 suicide bomb attack inside the Iman Hussein Mosque in Chabahar, which killed an estimated 35 to 40 civilians and wounded 60 to 100. In July 2010, Jundallah attacked the

> Grand Mosque in Zahedan, killing approximately 30 and injuring an estimated 300." (USDOS, 30 May 2013, chapter 6)

As reported by Iranian Fars news agency, a further attack was carried out in Chabahar in October 2012 which killed two and injured five others. The provincial prosecutor of Sistan-Baluchestan is quoted as saying that a group named "Movement of Iran's Ansar" (Harekat-e Ansar-e Iran, HAI) has taken responsibility for the attack (Fars, 19 October 2012). The Jamestown Foundation states that this attack suggests that "a resurgence of Baloch nationalist militancy in Iran may be on the horizon", adding, however, that "[t]here is no conclusive evidence to discern whether HAI is formally linked to Jundallah in operational and personnel matters" (Jamestown Foundation, 15 November 2012).

The situation of members of Jundallah is addressed in the Freedom House report Countries at the Crossroads 2012 (published September 2012):

> "The state has responded harshly to terrorist attacks claimed by the Baluchi militant group Jundullah in Sistan-Baluchistan Province, one of the most economically deprived regions in Iran. A number of suspected members or supporters have been arrested and executed. Jundullah's leader, Abdolamalek Rigi, was hanged in June 2010 after being found guilty of multiple crimes, including armed robbery, ties with Israeli and American intelligence agents, involvement in the killing of dozens of security force officers, and kidnapping." (Freedom House, 20 September 2012)

An October 2012 article by Xinhua news agency, quoting a report by the semi-official Iranian ISNA news agency, reports that three Jundallah members were executed in Zahedan (Sistan-Balochistan province). According to an announcement by the provincial judiciary, all three "were engaged in terrorist acts" in the province over the previous few months. The executions came after the Chabahar attacks of 19 October 2012. (Xinhua, 21 October 2012)

On 20 December 2010, the BBC reports on the execution of eleven Jundallah members in Zahedan. The head of the provincial justice department of Sistan-Balochistan is quoted as saying that the eleven men had been charged with "corruption on earth, fighting against God and the Prophet and confronting the sacred regime of the Islamic Republic of Iran". The executions followed an attack on a mosque the previous week which killed 39 people, for which Jundallah claimed responsibility. The report states that it was "not clear whether those executed were involved in that attack". (BBC News, 20 December 2010)

3.4 Kurdish activists

The April 2013 US Department of State (USDOS) annual report on human rights 2012 notes:

> "Authorities suppressed legitimate activities of Kurdish NGOs by denying them registration permits or bringing security charges against persons working with such organizations. [...] On August 10, ICHRI reported there were at least 28 Kurdish prisoners in the country sentenced to death for political or alleged security-related crimes. According to ICHRI, many were not afforded due process rights at their trials or did not have access to

defense attorneys during judicial proceedings and many reported being abused or tortured during investigations." (USDOS, 19 April 2013, section 6)

Freedom House states in its report Freedom in the World 2013:

"Kurdish opposition groups suspected of separatist aspirations, such as the Democratic Party of Iranian Kurdistan (KDPI), are brutally suppressed. At least 28 Kurdish prisoners convicted of national security charges remained on death row at the end of 2012." (Freedom House, January 2013)

An April 2012 report by the Iran Human Rights Documentation Center (IHRDC) states:

"Today, the IRI's [Islamic Republic of Iran] suspicions concerning the Kurdish minority are based on fear that Kurdish activism contains separatist undercurrents that challenge the integrity of the state. Activists asserting their Kurdish identity or who engage in social and political criticism of the IRI are prime targets for arbitrary arrest and prosecution on the pretext of endangering national security. While some Kurdish political activists may engage in violent acts against the Iranian state or are involved with PJAK - an armed Kurdish political group - others only engage in peaceful civic activities, yet suffer on account of their larger group association. [...]

Numerous witnesses interviewed by IHRDC stated that Iranian intelligence agents closely monitored their work on Kurdish cultural newspapers and magazines, with groups that organized Kurdish cultural plays and gatherings, and to preserve Kurdish cultural heritage and history.

The work on these publications and events at these gatherings are closely monitored by government officials in direct violation of the Constitution of the IRI. The herasat - the intelligence gathering apparatus and morality police present in all government institutions, including on university campuses - collects intelligence on Kurdish activists and sometimes reports them to local intelligence authorities. When these publications and gatherings attract the attention of the authorities they are often shut down. Sometimes the activists themselves are targeted for arrest and imprisonment.

Activists that engage in peaceful activities related to political parties are also a prime target of the Iranian authorities. Members of groups that offered monetary aid or emotional support to family members of killed Kurdish political party members said they were arrested by the Iranian authorities on allegations of aiding illegal groups. Even poetry and literary writing - if political in tone - can land the author in jail for allegedly sympathizing with political opposition groups.

Once a Kurdish activist is targeted for arrest and imprisonment, they are subjected to the same pattern of mistreatment and deprivation of due process safeguards that political prisoners throughout Iran endure.

It is not just the activists themselves who remain at risk of harassment by authorities for their political initiatives. By extension, the family members of activists in Iran's Kurdish region are often threatened, intimidated, and otherwise harassed. In more extreme cases,

family members are imprisoned by the IRI's intelligence apparatus to exert pressure on loved ones, or forced into hiding as a result of threats of arrest." (IHRDC, April 2012, pp. 13-14)

"Evidence demonstrates that the IRI's arrest of Kurdish activists follow a pattern. First, local branches of the government's intelligence and security apparatus typically initiate a pretext for arrest, such as allegations related to other illegal activity. Most often these relate to espionage, possession of arms or other materiel, or drug trafficking. Such pretexts are not, however, always invoked - in some instances, Kurdish minorities have been targeted for simply being in possession of a pamphlet or CD made by Kurdish political parties." (IHRDC, April 2012, p. 2)

Information on the level and extent of Kurdish political activities of a range of organisations that include the Party of Free Life of Iranian Kurdistan (PJAK), Komala and the Kurdistan Democratic Party of Iran (KDPI), as well as on the treatment of persons associated with such activities is provided in the February 2013 fact-finding mission report by the Danish Immigration Service (DIS), the Norwegian Country of Origin Information Centre (Landinfo) and the Danish Refugee Council (DRC). The report quotes activists, NGOs and Western embassies as sources.
The general situation of Kurdish political activists is described as follows:

"[N]owadays, one hears more and more of ordinary persons being pursued by the authorities because of family members being members of PJAK, Komala or KDPI. It is considered that opposition is gradually increasing, but it is not possible to say anything about what kind of activity is going on. However, it is difficult to say what kind of activities are going on in the border areas in Orumiyeh on the Iran-Turkey border. The authorities are harsher with PJAK members but it might be difficult to tell who is a PJAK member and who is not. It was added that those who are members of PJAK live in small communities and have normal interaction with others. Regarding Komala and KDPI, the source said that the government is not 'happy' with them. If the Kurdish people are organizing cultural activities and a number of people gather, the authorities will fear that it is a cover for political activities for which reason they are also suppressing cultural activities and expression. [...] It is impossible to say anything about the authorities' threshold vis à vis Kurdish activities. [...] An international organization in Ankara said that in the Kurdish areas, individuals who are suspected of connections to KDPI, Komala and Khabat may be called in by the security agencies. Individuals who organize cultural activities may also be called in for questioning. It was added that this is not a standard security control, but a way in which the authorities set pressure on such individuals by showing them that they are under surveillance. AIIS [Amnesty International's International Secretariat] considered that the situation for Kurds is worsening with regards to risks of being targeted by the authorities, not in the least due to the situation in Syria. [...]

Regarding Kurdish political activities inside Iran, the Iran Watcher [Amy Wilson], US Embassy, London found that organized meetings would not take place in Iran and assessed that many Kurds are too nervous to participate in political activities inside Iran. She also emphasized that it should be considered that after all, only a small percentage of

the Kurds in Iran are active members of one of the Kurdish political parties." (DIS/Landinfo/DRC, February 2013, p. 40)

The report states with regard to Kurdish parties:

"Regarding the Kurdish parties in general and KDPI in particular, a Western embassy (1) informed that things seemed relatively quiet these days. The source considered that Kurds are more careful now due to recent improvements in the relations between the Iranian government and the government of Northern Iraq. The embassy stated that recently, it had not heard much news regarding the Iranian Kurdish population. The embassy stressed that in general, separatism is not tolerated by Iranian authorities. A case that had been reported recently from the Kurdish areas concerned two brothers who face death sentences allegedly for activities for Komala. According to representatives from two Human Rights Organizations in Turkey, KDPI activities in Iran had minimized due to pressure, whereas KDPI was more active in Northern Iraq. The representatives emphasized that they were not certain of what KDPI was doing in Iran, but to their knowledge activities had more or less stopped. Regarding Komala, the representatives stated that Komala had ended military activities, but added that they had no recent information regarding activities." (DIS/Landinfo/DRC, pp. 40-41)

The same report continues

"Azad Zamani, a human rights activist of Kurdish origin in London explained that organizations that deal with issues related to children's and women's rights as well as political parties, are very much under pressure by the system in Iran and their working conditions are very difficult. Individuals active for these sorts of organizations from time to time experience that their family members are put under pressure from the authorities as well. Parties such as KDPI and Komala as well as Hekmatist party, that have some activities are facing pressures from the authorities. Also students' groups such as DAB (Daneshjooyane Azadikhah va Barabaritalab, Students for Freedom and Equality) are under pressure as well as persons considered to be PJAK members. It was considered that the system targeted members of these groups, that is those who were documented members, and considered that in these cases, their family members, including women and children, may be pressured by the authorities as well. It was explained that the authorities, in order to target those individuals, may go directly to the family members of the active persons of those groups in search of these individuals as well as a means of putting pressure on them and their families. [...]

When asked if there are activities in the Kurdish areas that could be perceived as political, Azad Zamani, a human rights activist of Kurdish origin in London said that not only underground members of Kurdish parties may carry out activities. Other groups may also publish for example leaflets on different issues related to human rights and arrange some events that could be perceived as critical or oppositional to the system. The activist further explained that the majority of Kurds in Kordestan tend to be oppositional to the regime and some of these are active as well." (DIS/Landinfo/DRC, February 2013, pp. 41-42)

The DIS/Landinfo/DRC report further notes with reference to a diplomat at the US Embassy in London ("Iran Watcher"):

> "The Iran Watcher, US Embassy, London informed the delegation that it was her impression, based on information from exiled Kurdish activists that Iranian Kurdish parties feel that now is the time to be more active. During the latest KDPI Congress in October 2012 at KDPI headquarters in Northern Iraq an agreement was made to continue to reach out to 'splinter groups' to initiate discussions about potential cooperation. In August 2012, KDPI signed a memorandum of agreement with Komala Party of Iranian Kurdistan to discuss and analyze regional matters and discuss cooperation and coordination on matters pertaining to Iran and Kurdistan. PJAK, however, is not part of any agreements, according to the source." (DIS/Landinfo/DRC, February 2013, p. 43)

An Amnesty International (AI) report of February 2012 states:

> "For many years, Kurdish organizations such as the Kurdistan Democratic Party of Iran (KDPI) and the Marxist group Komala conducted armed struggle against the Islamic Republic of Iran, although neither currently does so. [...] Members of the Kurdish minority who express any form of peaceful dissent are vulnerable to accusations of participation in banned Kurdish political groups such as KDPI, Komala and PJAK. Such accusations put them at even greater risk of serious human rights violations including torture and the death penalty." (AI, 28 February 2012, p. 50)

The same report continues:

> "At least 16 Kurdish men are also believed to be on death row in connection with their alleged membership of and activities for banned Kurdish organizations. They include: Sherko Moarefi, Anvar Rostami, Mostafa Salimi, Hassan Talai, Rashid Akhkandi, Sayed Sami Hosseini, Sayed Jamal Mohammadi, Habibollah Golparipour; Zaniar Moradi; Loghman Moradi; Ali Afshari and his brother Habib Afshari, and Reza Esmaili (Mamadi)." (AI, 28 February 2012, p. 50)

The USDOS reports in its annual report on human rights for the year 2012:

> "On November 3, an appeals court upheld the conviction of Kurdish labor activist Pedram Nasrollahi on charges related to his membership in the Coordinating Committee to Help Form Workers' Organizations and for 'propaganda against the Islamic Republic.' On March 8, he was arrested and, on April 24, released on 700 million tomans ($571,000) bail. On July 17, a court in Sanandaj initially sentenced him to three years in prison, but an appeals court on November 6 reduced his sentence to 19 months. He remained in prison at year's end." (USDOS, 19 April 2013, section 7a)

3.5 Komala (alternative spellings: Komalah, Komaleh; aka Kurdistan Democratic Party of Iran - KDPI)

In its undated overview of political organisations in Iran, Europa World Online states that Komala was founded in 1969 and is the Kurdish wing of the Communist Party of Iran. The organisation is also described as Marxist-Leninist, with its secretary-general being Abdullah Mohtadi. (Europa World Online, undated)

The Jane's Sentinel Security Assessment, updated in January 2012, states:

> "There are two distinct wings of Komaleh: the Komalah Communist Party of Iran (Komalah-CPI); and the Komala Party of Iranian Kurdistan (Komala-PIK)." (Jane's Information Group, 24 January 2012a)

> "The First Secretary of Komalah-CPI is Ebrahim Alizadeh. The Secretary-General of Komala-PIK is Abdullah Mohtadi." (Jane's Information Group, 24 January 2012a)

The development of Komala up to 2008 is outlined in a Human Rights Watch (HRW) report dating from January 2009:

> "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. [...] Komala unilaterally laid down its arms in the 1990s. [...] The Iranian government has not since alleged any armed activities by Komala members or sympathizers." (HRW, January 2009, pp. 7-8)

Amnesty International (AI) reports on the case of two men, Zaniar and Loghman Moradi, who were sentenced to death in December 2010, amongst others, for their association with Komala:

> "In late January 2012, Amnesty International received conflicting information about the status of Zaniar and Loghman Moradi, sentenced to death in December 2010 for their alleged membership of Komala and for the July 2009 murder of the son of the Friday Prayer leader of Marivan. Most reports stated that the Supreme Court had upheld death sentences against them while some reports stated that their death sentences had been sent to the enforcement office of the judiciary, for implementation." (AI, 28 February 2012, p. 50)

As specified in a March 2013 statement by AI, the two were convicted, amongst others, of participating in armed activities with the Kurdish opposition group Komala (AI, 27 March 2013, p. 3).

A statement by AI published in May 2011 reports on the case of Sherko Moarefi who was arrested in October 2008 and sentenced to death by a Revolutionary Court for "acting against national security" and "enmity against God" for his alleged links to Komala. His death sentence was upheld on appeal and confirmed by the Supreme Court. His execution was scheduled for 1 May 2011 but not carried out (AI, 13 May 2011b). Among the sources consulted by ACCORD within time constraints no information could be found with regard to Moarefi's current situation.

3.6 Party of Free Life of Kurdistan (Kurdish: Partiya Jiyana Azada Kurdistan - PJAK); aka Kurdistan Free Life Party or Free Life of Iranian Kurdistan)

The Freedom House report Freedom in the World 2012 states that PJAK is a "separatist militant group linked to the Kurdistan Workers' Party (PKK) of Turkey," and that it has carried out "a number of guerrilla attacks in recent years". The report says that "Iranian efforts to combat the PJAK have included raids into Kurdish territory in neighboring Iraq". (Freedom House, July 2012)

According to the Europa World Online overview of political organisations in Iran, the Party of Free Life of Iranian Kurdistan (PJAK), founded in 2004, is a "militant organisation which operates in mountainous areas of Iran and northern Iraq" with apparently "close links with the Partiya Karkeren Kurdistan (PKK) (Kurdistan Workers' Party) of Turkey". It is described to be seeking a federal and secular government in Iran "in order to secure the national rights of the Kurdish people". Its secretary-general is Rahman Haji Ahmadi. (Europa World Online, undated)

The Jamestown Foundation states in an August 2011 article:

> "PJAK was founded by the larger and older Partiya Karkeren Kurdistan (PKK – Kurdistan Workers' Party) in 2004 as an Iranian-Kurdish equivalent to the PKK insurgency against the Turkish government after the United States toppled the Ba'athist regime in Iraq in 2003. Iran retaliated to PJAK attacks in 2006 with cross-border shelling to press the KRG to act against the group." (Jamestown Foundation, 19 August 2011)

The Congressional Research Service (CRS) report, updated in June 2013, provides the following information on the leadership, members and activities of PJAK:

> "An armed Kurdish group operating out of Iraq is the Free Life Party, known by its acronym PJAK. Its leader is believed to be Abdul Rahman Hajji Ahmadi, born in 1941, who is a citizen of Germany and lives in that country. Many PJAK members are said to be women, who support the organization's dedication to women's rights. [...] The five Kurds executed by Iran's regime in May 2010 were alleged members of PJAK. In June 2010, Iran conducted some shelling of reputed PJAK bases inside Iraq, reportedly killing some Kurdish civilians. It repeated that activity in July 2011. [...] Some reports in March 2012 said that PJAK may have reached a ceasefire agreement with the Iranian regime." (CRS, 17 June 2013, pp. 16-17)

The AI February 2012 report states that the PJAK "declared a unilateral ceasefire in 2009, although it still engages in armed clashes with security forces in what it terms 'self-defence'" (AI, 28 February 2012, p. 50).

The Jamestown Foundation assumes that "[i]t is unlikely that Iran would allow PJAK to operate as a legal party in Iran, nor is it likely that PJAK will lay down its arms" (Jamestown Foundation, 19 August 2011).

The DIS/Landinfo/DRC fact-finding mission report February 2013 states in its section on Kurdish political activities, referring to unspecified sources consulted:

> "It was considered by the sources that PJAK is the most active organization. PJAK has entered into a ceasefire agreement with the Iranian government and there had been no clear armed clashes recently. However, many cases have been reported regarding imprisonment, torture, terrible prison conditions and executions in Iran of PJAK members and supporters. It was further added that an individual does not need to be a member of PJAK in order to be pursued and that others somehow affiliated could face risks. Families to PJAK members can also be at risk and face arrest and interrogations by the authorities. It was added by the sources that they obtain information on the situation in Iran through the internet and publicly accessible sources as well as through refugees." (DIS/Landinfo/DRC, February 2013, p. 41)

In a statement published in March 2012, AI reports on the following case:

> "Habibollah Golparipour was arrested on 27 September 2009 while travelling between the north-western cities of Mahabad and Oroumieh. In a letter he wrote to the Supreme Leader which was published in December 2010 he alleged that he was tortured during interrogation. Habibollah Golparipour appeared before Branch 1 of Mahabad Revolutionary Court on 15 March 2010 and was sentenced to death after conviction of moharebeh (enmity against God) through cooperation with a proscribed armed group, the Party For Free Life of Kurdistan (PJAK) after what he said was a five-minute trial. On 1 August 2010, Branch 31 of the Supreme Court upheld his conviction and death sentence and again on 9 June 2011 after judicial review. According to the court documents, Habibollah Golparipour denied any armed activity but said he had given money to the group and described his treatment." (AI, 21 March 2012)

The AI report of February 2012 includes information on Kurdish women's rights activist Ronak Safazadeh who in April 2009 was convicted to a six-year prison term for "'membership of an illegal organization [The Party For Free Life of Kurdistan, PJAK]' and 'spreading propaganda against the system' after collecting signatures for her women's rights organization, the Campaign for Equality (AI, 28 February 2012, p. 33).

HRW reports on the following case:

> "On January 15, 2011, for example, Iranian rights groups reported that authorities had executed Hossein Khezri following a revolutionary court conviction for enmity against God. State-controlled media announced that day that prison authorities in West Azerbaijan province had hanged a member of the Party for Free Life of Kurdistan (PJAK), an armed Iranian Kurdish group, but did not reveal the person's identity. Mohammad Olyaeifard, Khezri's lawyer, earlier said that Khezri had joined PJAK militants in Iraq when he was younger, but that he had never participated in the group's military wing and that his interrogators tortured him to falsely confess to taking part in a violent attack that happened in 2008." (HRW, August 2012, p. 38)

The same case is reported in an AI statement of January 2011 (AI, 20 January 2011).

Another AI statement of January 2011 reports on the case of Habibollah Latifi, a student convicted to death in connection with his membership of and alleged activities on behalf of

PJAK whose execution was scheduled for 26 December 2010 but not carried out on that date (AI, 7 January 2011).

The Iran Human Rights Documentation Center (IHRDC) reports on executions of alleged members of PJAK after the June 2009 elections:

> "Although repression and violence escalated across the country at a higher rate than in Kurdistan, members of the Kurdish minority were also targeted in the post-election crackdown. The campaign reached a dangerous peak when, on the morning of May 9, 2010, Iranian media reported that Farzad Kamangar and four other people were executed in connection with their alleged membership with PJAK. Kamangar, Farhad Vakili, Ali Haidarian and Shirin Alamhooli - all ethnic Kurds - were convicted of 'muharibih' - or warring with God - for 'terrorist attacks' in connection with their alleged membership in the PJAK. (A fifth, non-Kurdish individual - Mehdi Eslamian - was also executed with the group for his alleged role in an April 2008 bombing in Shiraz, Iran purportedly committed by the Anjoman-i Padeshahi-e Iran, or Soldiers of the Kingdom Assembly of Iran.) The group execution followed the November 2009 hanging of Ehsan Fattahian and the January 2010 execution of Fasih Yasamani, also Kurdish political activists. Then, just months later in January 2011, another ethnic Kurd - Hossein Khezri - was put to death by the Iranian state." (IHRDC, April 2012, p. 15)

3.7 Student activists

A December 2011 report by the International Federation for Human Rights (FIDH) and the Iranian League for the Defense of Human Rights in Iran (LDDHI) notes with regard to the situation of student activists:

> „Independent student groups, such as the Daftar Tahkim Vahdat (Unity Consolidation Office) and student activists have been facing severe persecution and crackdown, especially since the June 2009 Presidential Election." (FIDH/LDDHI, December 2011, p. 47)

The Freedom House report Freedom in the World 2013 states:

> "Students involved in organizing protests face suspension or expulsion in addition to criminal punishments. Since the 2009 presidential election, the IRGC-led Basij militia has increased its presence on campuses, and vocal critics of the regime face increased persecution and prosecution. According to Iran's largest student organization, between 2009 and 2012, 396 students were banned from pursuing their studies because of their political activities. During the same period, 634 were arrested, with 30 of them currently serving long prison terms, for exercising their rights to assembly, association, and free expression." (Freedom House, January 2013)

More detailed information on the treatment of student activists can be found in a Human Rights Watch (HRW) report of December 2012:

> "Iran's universities have increasingly become targets of government efforts to consolidate power and stifle dissent. Since 2005, President Ahmadinejad's administration has pursued a multi-phased campaign to neutralize dissent at universities and 'Islamicize' higher

education. This campaign, spearheaded by the Ministry of Education, Science and Technology, and the Ministry of Intelligence, includes imprisoning student activists; barring politically active students and members of Iran's Baha'i community from higher education; using university disciplinary committees to monitor, suspend, or expel students; increasing the presence on campuses of pro-government student groups affiliated with the Basij; and restricting the activities of student groups.

In 2009, the Ministry of Science, Technology, and Research declared illegal one of Iran's largest and most important student groups, Tahkim-e Vahdat (the Office for Consolidating Unity). During the crackdown that followed the disputed June 2009 presidential election, security forces attacked Tehran University and killed several students on June 14. In the months that followed authorities arrested more than 200 students, including several highranking members of Tahkim. Many of these arrests took place in November and early December 2009.

As of May 2012 there were at least 32 students in prison throughout the country as a result of their political activities or affiliation with banned student groups, according to sources close to Tahkim. Authorities held scores of students incommunicado for weeks before prosecutors filed charges against them and lawyers gained access to them. Many told human rights groups that security and intelligence agents had tortured and forced them to confess to crimes they had not committed. The Judiciary prosecuted the students in closed trials in Iran's revolutionary courts. [...]

The Ahmadinejad administration also targeted other student organizations and their members, including Advar-e Tahkim-e Vahdat (Tahkim's alumni group) and the Committee to Defend the Right to Education (CDRE). Several leaders of Advar are in Evin prison [...].

Several hundred others have been expelled from campus because of their political activism or religious affiliation. [...]

According to a recent Tahkim report, since March 2009 there have been 436 arrests, 254 convictions, and 364 cases of deprivation of education against students. Tahkim also alleges that the judiciary summoned at least 144 students for investigations, and that officials have closed down 13 student publications. As a result of these pressures, dozens of student and student activists, many of whom were deprived of continuing their education, left Iran to pursue their education elsewhere." (HRW, 13 December 2012, pp. 24-27)

The February 2013 fact-finding mission report by the DIS, Landinfo and DRC states with reference to a Western embassy consulted:

"A Western embassy (2) stated that university students' activities have been restricted and recently, there have been no obvious activities that have been reported. Some students are still a target of the government and there have been cases of students being arrested or banned from studies. It was added that disciplinary committees present at universities are very much monitoring student activity and it is very difficult to be a student activist. It was further explained that not all protests and actions at the

> universities are politically motivated. For example, some of the students' demands are linked to better services." (DIS/Landinfo/DRC, February 2013, p. 56)

A Human Rights Watch (HRW) article of May 2012 reports on "32 students [who are] in prison on various national security-related charges":

> "Human Rights Watch issued the call as part of a joint campaign initiated by Iranian and international student and rights groups to highlight the government's systematic crackdown against university students for their political activism. The campaign has called for the unconditional and immediate release of the 32 students in prison on various national security-related charges. Authorities rounded up many of these students after the disputed June 2009 presidential election, and revolutionary courts convicted and sentenced them on charges such as 'propaganda against the system,' 'participating in illegal gatherings,' and 'insulting the president.'" (HRW, 5 May 2012)

The same article adds that "[s]ecurity, intelligence, and university officials have disciplined, suspended, or expelled hundreds of other students who criticized the government during the past few years" (HRW, 5 May 2012).

4 Security forces and their role during the 2009/2010 uprisings and their aftermath

In his July 2004 overview paper on Iran's security sector, Wilfried Buchta, Research Fellow at the German Orient Institute in Hamburg, states that Iran disposes of "an entire array of military forces and revolutionary security forces besides a number of parastatal organizations", and names the regular army (artesh), the Islamic Revolutionary Guard Corps (IRGC), the Basij militia (also called "Mobilization Army") and the Law Enforcement Forces (LEF) as being among the most important defence and security forces. Buchta continues that besides the officially recognized forces mentioned above, there are also "various gangs of men known as the 'Helpers of God' (ansar-e hezbollah), who act as vigilantes aligned with extreme conservative members of the power-elite". (Buchta, 2004, pp. 5-6)

The US Department of State (USDOS) lists in its April 2013 annual report on human rights in 2012 that several agencies "shared responsibility for law enforcement and maintaining order". These agencies include the Ministry of Intelligence and Security (MOIS), the Law Enforcement Forces under the Interior Ministry, and the Islamic Revolutionary Guard Corps (IRGC), which reported to the supreme leader. The USDOS report also refers to the Basij as "a volunteer paramilitary group with local organizations in cities and towns across the country" which "sometimes acted as an auxiliary law enforcement unit subordinate to the IRGC ground forces". (USDOS, 19 April 2013, section 1d)

The Congressional Research Service (CRS) states that "[m]any different Iranian institutions play a role in repressing opposition" and lists as the most prominent among them "the Ministry of Intelligence and Security (MOIS), the IRGC, the Basij organization of the IRGC, and the Law Enforcement Forces (riot police, regular police, and gendarmerie)." (CRS, 17 June 2013, p. 18)

Wilfried Buchta elaborates on the relationship between the various organisations of the security sector and describes a not officially formulated division of labour:

> "In general every single organisation pursues a primary mission. But in several fields the limits of competences and the overlapping of tasks give rise to mutual competition and sometimes even a lack of unity of command. During and after the Iran-Iraq war, division of labour emerged between the most important components of the defence and security sector. This division of labour which has never actually formulated as the system´s official policy can be described as follows: The regular army retains its primary responsibility for the defence of Iran's borders. In contrast to this, the IRGC keeps its major role as the defender of the system and its representatives against internal enemies while it continues simultaneously to have an albeit secondary mission of assisting the army to fend off external threats. In addition, the IRGC has some other responsibilities too. One of them is safeguarding internal security in the border areas, especially by waging the war against illegal drugs (in conjunction with the Law Enforcement Forces) coming from Afghanistan and Pakistan. Another one is the deployment of relief forces for natural disasters like floods and earthquakes. Still another task is the active assistance of supporters of Tehran's Islamic revolution abroad which sometimes goes hand in hand with the proactive fight

> against exiled militant opponents of the regime. Regarding the Basij, its major responsibility is to uphold security in major urban areas." (Buchta, 2004, p. 6)

In April 2009, the US-based Iran Human Rights Documentation Center (IHRDC), a non-profit organisation specialised in documenting human rights issues in Iran, published a report on Iran's Parallel Intelligence Apparatus (PIA), which "effectively operated under the authority of Iran's Supreme Leader, Ayatollah Ali Khamenei during the Presidency of reformist Mohammed Khatami, whose term lasted from 1997 to 2004" and "aided the conservatives in their efforts to retain control over the levers of state" (IHRDC, April 2009, p. 3). The report mentions that "Iran's government structure allows a number of military and government institutions to maintain intelligence capabilities that are semi-independent from the MOI [Ministry of Interior]" and lists a number of intelligence units as being part of institutions like the IRGC, the Law Enforcement Forces (NAJA), the army or the judiciary:

> "Although the MOI maintains primacy in all national security-related issues and manages all intelligence-gathering operations, the subsidiary intelligence units are designed to act primarily in support of their parent institutions, which are in turn controlled by the Office of the Supreme Leader. Whereas the Minister of Intelligence is appointed by the President and confirmed by the Majlis, the heads of the Intelligence Protection Organization of the IRGC, the Intelligence Protection Organization of NAJA, the Intelligence Protection Organization of the Army and the Intelligence Protection Center of the Judiciary are all appointed by the Supreme Leader and controlled by conservative factions loyal to him." (IHRDC, April 2009, pp. 8-9)

4.1 Law Enforcement Forces of the Islamic Republic of Iran - LEF (Niruha-ye Entezami-ye Jomhuri-ye Eslamiyih Iran - NAJA, aka Islamic Republic of Iran Police - IRIP)

Jane's Information Group, a US publishing group specialised in military issues, states in its Sentinel Security Assessment, updated January 2012, with regard to the creation and the duties of the Law Enforcement Forces (LEF):

> "The [Law Enforcement Forces (Niruha-ye Entezami-ye Jomhuri-ye Islami] 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 [...]
>
> Units within the LEF have overlapping responsibilities. The Social Corruption Unit of the LEF deals with social behaviour considered 'immoral'. 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. [...]
>
> The LEF has a counterintelligence unit, which has also been involved in the investigation of corruption...It is part of the LEF's role to coordinate on internal security matters with the Ministry of Intelligence and Security (MOIS).

> 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." (Jane's Information Group, 24 January 2012b)

In his 2004 paper on Iran's security sector, Wilfried Buchta elaborates on the history and the role of the LEF in maintaining internal security:

> "The LEF, a kind of revolutionary police, came into being in 1990 as the result of a merger of three formerly separately organized forces with internal administrative autonomy, e.g. the city police, the gendarmerie (country-side police) and the revolutionary committees. While the two aforementioned forces were founded by the Shah and were therefore subject to permanent suspicion of lack of allegiance towards the new order, the later force was an offspring of the revolution and responsible for pursuing drug-dealers, oppositionists and anti-Islamic lawbreakers. According to well-informed Iranian sources, the merger proved a failure in-so-far as the desired objectives of achieving a greater degree of effectiveness in the up-keeping of law and order and the protection of the citizens by building up a new de-politicised force were not achieved. To the contrary, within the newly established LEF, the regular Shah-trained police forces were sidelined and all influential positions in the LEF were assigned to former committees-members. [...] The LEF play a crucial role in the maintenance of internal security. This became obvious when it quelled the student protests in Teheran in July 1999. However, although the LEF are formally subordinate to the Ministry of the Interior, the Head of the LEF, General Qalibaf, is directly appointed by the Supreme Leader who in turn appoints the higher echelons of its officers, who are all hard-line conservatives. [...] Although exact official figures are not available, it is generally assumed that the number of personnel of the LEF today amounts at about 100'000 to 120'000 men." (Buchta, 2004, p. 11)

The 2013 CRS report, however, mentions that the law enforcement forces on duty comprise about 40,000-60,000 persons (CRS, 17 June 2013, p. 22).

The New York Times (NYT) reports in a July 2005 article that General Esmail Ahmadi Moghadam was appointed as the new chief of the national police force and is replacing Muhammad Baqer Qalibaf:

> "Iran's supreme religious leader, Ayatollah Ali Khamenei, on Sunday appointed the commander of a conservative militia as the new chief of the national police force, the Iranian Student News Agency reported. The new chief, Brig. Gen. Esmail Ahmadi Moghadam, 44, will replace Muhammad Baqer Qalibaf, who resigned to run for president in last month's election. General Ahmadi Moghadam is the commander in Tehran of the Basij, a conservative volunteer militia that is a branch of the Revolutionary Guards and that has taken part in a crackdown against pro-democracy protests. He is also a senior commander in the Revolutionary Guards. The Basij, whose members supported Mahmoud

> Ahmadinejad, the conservative candidate who won the presidency, uses the vast network of mosques around the country as its organizational base." (NYT, 11 July 2005)

A Guardian article of June 2013 also mentions General Ismail Moghadam as Iranian police chief (Guardian, 2 June 2013).

Press TV, the English language news organisation of the state-run Islamic Republic of Iran Broadcasting (IRIB), reports in April 2009 that the IRGC takes over the responsibility for maintaining security in Iran's eastern regions from the police:

> "Iran's Revolution Guards Corps will take over the security of the country's eastern regions, Iran's police chief has announced. 'The fight against terrorists and bandits in eastern Iran will be handed over to IRGC; therefore Iran's Police Force will end its mission in the region,' Iran's police chief Brigadier General Ismail Ahmadi-Moqaddam told reporters in a press briefing on Sunday. Jundullah terrorist organization has orchestrated terrorist attacks against high-profile Iranian figures, particularly government and security officials as well as civilians in Iran's eastern borders. Militants of the Jundullah ring regularly cross over into Iran from their hideouts in neighboring Pakistan to harass, kidnap or attack civilians and police officers. Last June the group abducted 16 Iranian police officers at a checkpoint in the southeastern city of Saravan in Iran's Sistan-Baluchestan Province. The hostages were reportedly taken to Pakistan where they faced execution in early December." (Press TV, 6 April 2009)

In January 2011, Press TV reports on the creation of a cyber police unit within the Iranian police force:

> "Iran's police chief says the first cyber police unit of the country has been launched as part of an effort to confront Internet crimes and protect national interests. Brigadier General Esmail Ahmadi-Moqaddam said on Sunday that Iran's first web police unit is now operational in the Iranian capital, Tehran, and police stations throughout the country will have their cyber units by the end of the current Iranian year (March 20), IRNA news agency reported. Addressing the inaugural ceremony of the new force, head of the newly founded unit Brigadier General Kamal Hadianfar said the growth and influence of the Internet indicate the rapidly growing inclination towards cyberspace, but information technology entails both threats and opportunities." (Press TV, 24 January 2011)

4.2 Islamic Republic of Iran Army (Artesh)

Note on terminology: Most sources refer to the Army (Artesh) as the "regular army", the "regular armed forces" or the "regular military", in order to distinguish it from Iran's Islamic Revolutionary Guard Corps (IRGC). The term "armed forces" is usually used as an umbrella term for both the regular army and the IRGC. While this section focusses on the regular army, there are also references to the IRGC which is dealt with in more detail in section 4.4 below.

According to Article 143 of the Iranian Constitution, "[t]he Army of the Islamic Republic of Iran is responsible for guarding the independence and territorial integrity of the country, as well as the order of the Islamic Republic" (Constitution, Article 143). Article 144 stipulates that the

army "must be an Islamic Army, i.e., committed to Islamic ideology and the people, and must recruit into its service individuals who have faith in the objectives of the Islamic Revolution and are devoted to the cause of realizing its goals" (Constitution, Article 144).

Buchta refers to the history of the army in the aftermath of the 1979 Islamic Revolution in Iran and elaborates on the relations between the regular army and the IRGC:

> "After Khomeini ascended to power, the formal structure of the army, although it had been built up and indoctrinated by the Shah, remained almost intact. But while most of its generals were dismissed, the regime carried out succeeding purges in the ranks of its officers. [...] The younger and low-ranking officers took over the command of the army, and those with a background of religious and revolutionary militancy were appointed to strategic posts. In addition to that, the regime created the Politico-Ideological Bureau (PIB) with branches in all sections of the army. The Bureau's offices are supervised by clerical figures and they have the task ensuring that the military conforms with the Islamic ideology as well as carrying out the Islamic indoctrination of the officers corps. These Bureaus control the conduct of officers in co-operation with the Counter- Intelligence Unit, otherwise known as the Second Bureau of the Army.
>
> The history of relations between the regular army and the IRGC is characterized by mutual suspicion and rivalry. As the clerical leadership of 1979 mistrusted the army as a potential counter-revolutionary force and therefore created the IRGC and the Basij as the main pillars of armed support for the new revolutionary system, it placed the regular military at a disadvantage in relation to the IRGC. It took more than fifteen years of steady 'Islamisation' and indoctrination until the top politicians gradually overcame their mistrust of the army, which nowadays is not regarded a serious threat to the ideological system. To the contrary, having exposed to numerous purges in its officer corps, the regular military as a professional army remains loyal to the current political leadership and appears neither ready nor willing to intervene in the internal power struggles of the clergy." (Buchta, 2004, pp. 7-8)

In the chapter on national security of the Iran country study edited by Glenn E. Curtis and Eric Hooglund and published by the Federal Research Division of the Library of Congress in 2008, Jalil Roshandel, associate professor of political science at East Carolina University, refers to the relationship between the regular armed forces and the IRGC:

> "As a separate and parallel organization that eventually developed its own air and naval divisions, the IRGC became a rival of the regular armed forces. In 1989 this anomaly was resolved with the merger of all the military forces under a single command. A new position was created for the officer who would lead the combined forces: chief of staff of the armed forces and commander of the Gendarmerie (rural police). The influence of the IRGC on this joint structure is reflected in the fact that through the end of 2007 every person holding the position of armed forces chief of staff has been a senior IRGC officer." (Curtis/Hooglund, 2008, p. 261)
>
> "In 1989 the IRGC and the professional armed forces were amalgamated under the Ministry of Defense and Armed Forces Logistics (MODAFL). This measure dissolved the

separate ministry that had run the IRGC, placing its command structures within the new MODAFL. The creation of the MODAFL allowed the regime to minimize potential threats from the revolutionary IRGC. Also, the assignment of ranks was a first step in professionalizing the IRGC, with the ultimate goal of further unifying the armed forces under a comprehensive defense umbrella. In further reforms, the Rafsanjani regime expanded the Joint Chiefs of Staff and created the General Command of the Armed Forces Joint Staffs. These changes strengthened the institution of the Joint Staff Office. Although resentment between the IRGC and the regular army still existed in the early 2000s, the Rafsanjani reforms resulted in more cooperation between the two forces." (Curtis/Hooglund, 2008, p. 262)

CRS states that the IRGC and the regular military (Artesh) report to a joint headquarters and adds that "[t]he Artesh has no role in internal security and is deployed mainly at bases outside major cities" (CRS, 17 June 2013, p. 21). Anthony H. Cordesman, analyst at the Center for Strategic and International Studies, mentions in his chapter on Iran's conventional military in the Iran Primer published by the United States Institute of Peace (USIP) in 2010, that the force strength of the regular army is 350,000. The regular navy has a force strength of 18,000, including some 3,000 to 5,000 Marines, and the regular air force is estimated at a strength of 25,000 to 35,000 (Cordesman, 2010, p. 66).

In the country study edited by Curtis/Hooglund, author Jalil Roshandel also mentions an estimated force level of the regular army of 350,000 as of 2007, adding that an estimated 220,000 of them were conscripts:

> "The estimated force level of the regular army increased from 325,000 in 2001 to 350,000 in 2007 (see table 12, Appendix). Of that number, an estimated 220,000 were conscripts. Most of the personnel who gained combat experience in the Iran–Iraq War had left military service by the mid-1990s. Experts do not rate Iran's military training highly, so the potential combat performance of the ground forces is unknown." (Curtis/Hooglund, 2008, p. 264)

4.3 The Ministry of Intelligence and Security - MOIS (aka Vezerat-e Etela'at va Amniat-e Keshvar - VEVAK)

Jane's Sentinel Security Assessment, updated in January 2012, describes the Ministry of Intelligence and Security (MOIS), also known under its Persian acronym VEVAK, as "Iran's intelligence and state security service" which "is responsible for fighting opposition to the regime not only at home but also abroad". The assessment also refers to the functions, the structure and the founding history of the MOIS and to its head, Heydar Moslehi, who was appointed in 2009:

> "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. [...] 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. During 2011, Iran claimed to have arrested more than 40 CIA spies'.

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...

MOIS is currently headed by Heydar Moslehi, who was appointed to the post of minister of intelligence and security in August 2009 under President Ahmadinejad [...].

The MOIS addresses ethnic and sectarian issues within the country, and it monitors the clerical community and government officials. MOIS officers are vetted for ideological conformity.

It is understood that the MOIS is organised on the basis of a number of directorates - Analysis and Strategy; Internal Security (protection of state institutions, airports, ports and frontiers); National Security (surveillance of opposition groups); Counter-Intelligence (operating against hostile intelligence elements at home and abroad), and External Intelligence (gathering foreign intelligence and supporting friendly Islamic movements).'" (Jane's Information Group, 24 January 2012b)

In a May 2008 report, the Iran Human Rights Documentation Center (IHRDC) states that according to the Code for the Formation of the Ministry of Intelligence ratified in 1983, the Ministry of Intelligence is charged with the "gathering, procurement, analysis, and classification of necessary information inside and outside the country" and it "was given the specific responsibility of making anti-opposition measures more efficient". According to the report, the Ministry of Intelligence is "the principal operational mechanism through which the regime can extend its reach overseas." (IHRDC, May 2008, pp. 9-10)

Buchta refers to the foundation, the structure and the size of the MOIS and lists the main tasks and functions according to the 1983 foundation law of the ministry:

"The MOIS is the successor of the SAVAK, which was dissolved in February 1979 after the Shah regimes' downfall. Following the SAVAK`s dissolution, some of its tasks with regard to counter-espionage and disclosure of conspiracies were assumed by a number of diverse and often antagonistic Islamic revolutionary organizations, above all by the IRGC`s intelligence unit. But due to the lack of professionalism of these organizations and a lack of coordination between them, the results of their work was often insufficient and this caused the regimes' leadership to approve the establishment the MOIS, which at present is the largest, but not the only intelligence agency of Iran. Since its inception in 1984, based on a

> foundation law passed by the parliament in 1983, the MOIS has emerged as one of the most influential and powerful entities in Iran. With its fifteen departments and 30'000 employees, it is believed to belong among the largest intelligence services in the Middle East. According to the foundation law of the MOIS, passed by the Iranian Parliament in 1983, the MOIS is responsible for the coordination of intelligence operations among all the information agencies (LEF, IRGC, the Second Bureau of the regular army, Basij) on the one hand and the Ministry of the Interior and the General Prosecutor on the other hand. Article 10 of that law describes the main tasks and functions of the MOIS as follows: (a) gathering, procurement, analysis and classification of necessary information inside and outside the country and (b) disclosure of conspiracies and activities pertaining to coup d'états, espionage, sabotage, and the incitement of popular unrest, which would endanger the security of the country and the system. The same law stipulates that the allocated financial means of the MOIS are exempt from the public law of accountability. Also, the law does not lay down any system of checks and balances that would require the MOIS to be supervised by the judiciary or any other state organ. A separate special law stipulates that the Head of the MOIS must be a high-ranking cleric. By stipulating that only a cleric can be at the helm of this key Ministry, the regime obviously intended to further strengthen its grip on power." (Buchta, 2004, pp. 12-13)

Mahan Abedin, a London-based financial consultant and analyst of Iranian politics, describes the VEVAK in a paper published by the Jamestown Foundation in 2004 as follows:

> "The VEVAK has around 15,000 officers and support staff, who, unlike the former SAVAK, are all civilians. The Ministry's foreign intelligence directorate boasts around 2,000 officers whose top priority is intelligence gathering in Central Asia, Pakistan, Iraq, the Sheikhdoms of the Persian Gulf and Saudi Arabia. Although VEVAK officers are vetted for ideological conformity, very few of them can be considered 'Islamists'. Thus the loyalty of the individual VEVAK officer to the ruling clergy is, at best, haphazard. Broadly speaking, VEVAK officers subscribe to a civic-based Iranian nationalism accentuated by mild undertones of Shi'a Islam." (Jamestown Foundation, 19 May 2004)

In a commentary published by the Daily Star in October 2003, Mahan Abedin calls the VEVAK "the chief intelligence organization in Iran" and states that the organisation "has been ultra-secretive and, by most accounts, ultra-effective since its inception". Abedin mentions the dismantling of an extensive CIA network in the Iranian military and private sector in 1988 and 1989 and the crippling of the Mujahideen Khalq (MKO) organisation as successes of the VEVAK. (Daily Star, 3 October 2003)

Mahan Abedin wrote another article in the Asia Times in July 2007 where he states that there is almost no rigorous academic research on Iran's post-revolutionary intelligence community. He describes the Ministry of Intelligence and its role within Iran's power framework. Furthermore, he argues that there is a "relative lack of politicization" of the Iranian intelligence community, and he refers to abuses committed by the Intelligence Ministry in the 1990s:

> "Since its formation in 1984, the Ministry of Intelligence has deliberately cultivated a low profile (as opposed to the effusive and sometimes flamboyant SAVAK) and gone out of its

way to convince political masters and citizens alike that it is an intelligence organization as opposed to a secret-police force. [...] For all its sophistication, the Intelligence Ministry is ultimately subordinate to strict clerical control. It is instructive that every minister of intelligence from 1984 onward has been a cleric. Aside from a few clerical-dominated organizations such as the Assembly of Experts and the Council of Guardians, no other organization or institution in post-revolutionary Iran (not even the presidency) has been subject to this level of clerical subordination. This arrangement reflects two realities: first, it underscores the unique importance of the Intelligence Ministry to the clerics who control the commanding heights of the Iranian government; second, it reflects widespread fears inside the inner sanctums of the Islamic regime that the ministry - on account of its diverse personnel and higher levels of professionalism - cannot be fully trusted.

[...] Its operational successes and failures notwithstanding, another key feature of the Iranian intelligence community is its relative lack of politicization. This is often overlooked by specialists on Iranian intelligence and Iran analysts in general. There is a tendency to position different components of the intelligence community into the dizzyingly complex factional politics of the Islamic Republic. Thus the Intelligence Ministry is often projected as pro-reformist whereas the intelligence organizations connected to the Islamic Revolutionary Guards Corps are seen as natural allies of the so-called 'hardliners'.

The reality is very different. Despite the diversity of its personnel, the Islamic Republic's intelligence community - as opposed to its political society - is remarkably cohesive. The designers and watchdogs of the post-revolutionary intelligence community have expended tremendous efforts to ensure that the intelligence community remains free from political manipulation.

[...] Nevertheless, since the early 1990s, the Intelligence Ministry has committed numerous abuses. The most notorious were the so-called 'chain murders' of the late 1990s when allegedly 'rogue' agents inside the ministry murdered several dissident political activists, writers and artists. Although the Intelligence Ministry owned up to the crimes, its contention that 'rogue' agents controlled by Saeed Emami (a US-educated head of internal security at the ministry) had planned and perpetrated these murders has never been seriously tested by competent investigative bodies." (Asia Times, 21 July 2007)

4.4 Army of the Guardians of the Islamic Revolution (Persian: Sepah-e Pasdaran-e Enqelab-e Eslami, aka "Pasdaran", "Sepah", Iranian Revolutionary Guards Corps, Islamic Revolutionary Guards Corps – IRGC)

The Council on Foreign Relations (CFR), a private think tank based in New York specializing in US foreign policy and international affairs, writes in a backgrounder last updated in June 2013 that Iran's Islamic Revolutionary Guard Corps (IRGC), also called the Pasdaran (Persian for "Guards"), was founded "in the aftermath of the 1979 Islamic Revolution as an ideological custodian charged with defending the Islamic Republic against internal and external threats". The CFR continues that, according to analysts, the IRGC "has expanded far beyond its original mandate". Today, the IRGC presides over "a vast power structure with influence over almost every aspect of Iranian life". (CFR, 14 June 2013)

According to the CFR backgrounder, the IRGC is Iran's premier security institution comprising an army, navy, and air force, and is managing the country's ballistic missile arsenal and "irregular warfare operations". The CFR continues:

> "Current forces consist of naval, air, and ground components, and total roughly 150,000 fighters, according to the nonpartisan Congressional Research Service. The corps' primary role is internal security, but experts say the force can assist Iran's regular army, which has about 350,000 soldiers, with external defenses. Border skirmishes during the Iran-Iraq War in the 1980s helped transform the Guards into a conventional fighting force organized in a command structure similar to Western armies. The Guards also control Iran's Basij Resistance Force, an all-volunteer paramilitary wing, which, according to a 2009 RAND study on the IRGC, consists of as many as one million conscripts." (CFR, 14 June 2013)

Jane's Information Group indicates the following with regard to the IRGC, referring to the cultural, military and commercial role of the organisation:

> "The IRGC is an active component of the Iranian intelligence community, and operates 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 includes supporting the regular forces when required; carrying out asymmetric operations and taking charge of Iran's missile forces and Weapons of Mass Destruction (WMD). In addition, the IRGC is involved in the commercial and business life of Iran. The US Treasury Department has said that the IRGC owns and/or controls 'multiple commercial entities across a wide range of sectors within the Iranian economy'.
>
> 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." (Jane's Information Group, 24 January 2012b)

The CFR also mentions the economic role of the IRGC, which is "one of Iran's most influential economic players, wielding control over strategic industries, commercial services, and black-market enterprises". (CFR, 14 June 2013)

An article in the British daily The Guardian from February 2010 focussing on the financial power of the Revolutionary Guards states that the IRGC "dominates both Iran's official and black economies"; western estimates of its market share range from one third to nearly two-thirds of Iran's GDP amounting to tens of billions of dollars. Quoting the Iran expert Ali Ansari, the article continues:

> "But the Iranian economy has changed the Revolutionary Guards as much, if not more than, they have changed it. 'The IRGC is really a corporation. It is a business conglomerate with guns,' said Ali Ansari, an Iran expert at St Andrews University. It was misleading to call Iran a military dictatorship, he said. 'This is not a military junta. I see it as a collection

> of business and religious interests. I don't think they have the cohesion to move as one unit.'
>
> Through holding companies, front companies, and 'charitable foundations' the IRGC is a big player in the construction business, oil and gas, import-export, and telecommunications. Its company subcontracts work to foreign firms, and its subsidiaries bid for contracts abroad. The IRGC's control over a string of jetties along the Gulf coast, as well as terminals in Iranian airports, allows it to move commodities in and out without paying any duty." (Guardian, 15 February 2010)

The Guardian mentions that "arguably the most powerful IRGC body today is Khatam al-Anbiya" which is a "giant holding firm with control of more than 812 registered companies inside or outside Iran, and the recipient of 1,700 government contracts". With the active support of Iran's former president Mahmoud Ahmadinejad, Khatam al-Anbiya's economic influence "has ballooned exponentially over the past few years into just about every aspect of economic life". (Guardian, 15 February 2010)

Several sources refer to Mohammad Ali Jafari as being the commander of the Revolutionary Guards. In September 2007, Reuters reports that Iran's highest authority, Supreme Leader Ayatollah Ali Khamenei replaced the former commander Yahya Rahim Safavi by Mohammad Ali Jafari. The article specifies that the IRGC answers directly to Khamenei and has a separate command structure from the regular military (Reuters, 1 September 2007). In a January 2013 paper on Iran's power structure, the American Enterprise Institute (AEI), a conservative think tank based in Washington D.C., also mentions the replacement of the head of the IRGC in September 2007. The paper elaborates on power struggles between former president Ahmadinejad and Ayatollah Khamenei stating that Ahmadinejad has pushed the IRGC "into the driver's seat". The paper concludes that through its economic wing, Khatam al-Anbia, and through smuggling activities, the IRGC has become financially independent from the government:

> "Ahmadinejad may be subordinate to Khamenei and, after multiple power struggles, be isolated within the Iranian hierarchy, but he has used the limited power of the presidency to push the IRGC into the driver's seat. Not only are there now more ministers and deputy ministers who are IRGC veterans, but there are also more governors and deputy governors and other functionaries throughout the system.
>
> [...] In September 2007, Mohammad Ali Jafari replaced Yahya Rahim Safavi as head of the IRGC. He immediately enacted a broad restructuring. Arguing that the greatest threats to the revolutionary regime no longer came from Iraq or Afghanistan, he turned the IRGC's focus inward to counter ideological threats to the regime. He reorganized the IRGC into provincial units charged with crushing insurrection.
>
> [...] There may be no way to undo the IRGC's stranglehold on Iranian policymaking. Ahmadinejad's machinations have enabled the IRGC to gain financial autonomy. Gharargah Sazandegi-ye Khatam al-Anbia (Construction Base of the Seal of the Prophets), often referred to as GHORB or simply Khatam al-Anbia, is the IRGC's economic

wing. It is a massive enterprise, like a cross between the Army Corps of Engineers, Bechtel, and Halliburton, but with even greater influence not only within Iran's defense industries, but also throughout its civilian economy.

Since 2007, Khatam al-Anbia has reaped billions of dollars in no-bid contracts. In March 2010, for example, the Oil Ministry awarded Khatam al-Anbia an $850 million pipeline project. In April 2010, the group won a $7 billion no-bid contract to develop part of the South Pars oil and gas field. In June 2010, a consortium of IRGC companies won a $5 billion no-bid contract to develop yet another portion of the South Pars field and, in February 2011, the Iranian government awarded Khatam al-Anbia two contracts worth a total of $2.6 billion to build pipelines. In less than a year, therefore, the IRGC's economic wing more than doubled the annual Iranian military budget. Add to that smuggling income of perhaps $12 billion per year, and the IRGC becomes financially independent of the government." (AEI, 28 January 2013)

In an article of July 2009 reporting on the crisis after the contested presidential elections, the New York Times (NYT) calls the IRGC "a driving force behind efforts to crush a still-defiant opposition movement" and portrays it as Iran's most powerful economic, social and political institution:

„As Iran's political elite and clerical establishment splinter over the election crisis, the nation's most powerful economic, social and political institution — the Islamic Revolutionary Guards Corps — has emerged as a driving force behind efforts to crush a still-defiant opposition movement. From its origin 30 years ago as an ideologically driven militia force serving Islamic revolutionary leaders, the corps has grown to assume an increasingly assertive role in virtually every aspect of Iranian society. And its aggressive drive to silence dissenting views has led many political analysts to describe the events surrounding the June 12 presidential election as a military coup. 'It is not a theocracy anymore,' said Rasool Nafisi, an expert in Iranian affairs and a co-author of an exhaustive study of the corps for the RAND Corporation. 'It is a regular military security government with a facade of a Shiite clerical system.'

The corps has become a vast military-based conglomerate, with control of Iran's missile batteries, oversight of its nuclear program and a multibillion-dollar business empire reaching into nearly every sector of the economy. It runs laser eye-surgery clinics, manufactures cars, builds roads and bridges, develops gas and oil fields and controls black-market smuggling, experts say. Its fortune and its sense of entitlement have reportedly grown under President Mahmoud Ahmadinejad. Since 2005, when he took office, companies affiliated with the Revolutionary Guards have been awarded more than 750 government contracts in construction and oil and gas projects, Iranian press reports document. And all of its finances stay off the budget, free from any state oversight or need to provide an accounting to Parliament.

The corps's alumni hold dozens of seats in Parliament and top government posts. Mr. Ahmadinejad is a former member, as are the speaker of Parliament, Ali Larijani, and the mayor of Tehran, Mohammad Baqer Qalibaf. And the influence of the Revolutionary

> Guards reaches deep into the education system, where it indoctrinates students in loyalty to the state, and into the state-controlled media, where it guides television and radio programming." (NYT, 20 July 2009)

In its backgrounder updated in June 2013, the Council on Foreign Relations (CFR) states that according to opposition activists, IRGC forces were once again clamping down on protestors ahead of the 2013 presidential elections. The CFR quotes Karim Sadjadpour of the Carnegie Endowment for International Peace as saying that the IRGC has created "a highly intimidating, securitized atmosphere in order to prevent a repeat of the 2009 protests". (CFR, 14 June 2013, see also Reuters, 4 June 2013)

The 2009 NYT article refers to the size and structure of the IRGC, to the privileged status of its members and their families and to the organisation's smuggling activities. Furthermore, the Quds Force and the Basij militia are described as being subsidiaries of the IRGC:

> "The corps is not large. It has as many as 130,000 members and runs five armed branches that are independent from the much bigger national military. It commands its own ground force, navy, air force and intelligence service. The United Nations Security Council has linked its officials to Iran's nuclear program. The West suspects Iran of trying to build nuclear weapons, an allegation the government denies.
>
> The corps's two best-known subsidiaries are the secretive Quds Force, which has carried out operations in other countries, including the training and arming of the Hezbollah militia in Lebanon; and the Basij militia. The Basiji, who experts say were incorporated under the corps's leadership only two years ago, now include millions of volunteer vigilantes used to crack down on election protests and dissidents.
>
> Members of the Revolutionary Guards and their families receive privileged status at every level, which benefits them in university admissions and in the distribution of subsidized commodities, experts said.
>
> [...] What is less quantifiable is the corps's black-market smuggling activity, which has helped feed the nation's appetite for products banned by sanctions, while also enriching the corps. The Rand report quoted one member of Iran's Parliament who estimated that the Revolutionary Guards might do as much as $12 billion in black-market business annually." (NYT, 20 July 2009)

Iran Focus, which describes itself as "an independent non-profit news service provider that focuses on events in Iran, Iraq and the Middle East" and has alleged ties to the exiled opposition movement Mojahedin-e Khalq Organization (MKO), published two articles on the IRGC's political and economic dominance with a list of companies affiliated with the IRGC Cooperatives Foundation (Iran Focus, 11 May 2010; Iran Focus, 12 May 2010) and an article on the smuggling network run by the IRGC (Iran Focus, 13 August 2010).

The RAND National Defense Research Institute, a research and development centre sponsored by US defence institutions and intelligence agencies, published an extensive report on "the extent of the IRGC's penetration into Iran's society, economy, and politics" in 2009. The report

elaborates in detail on the IRGC's role in popular paramilitary training, higher education, the indoctrination of youth, and its influence over Iran's domestic media, on the economic role of the IRGC, and its role as a political actor. The report is available via the following link:

- RAND National Defense Research Institute: The Rise of the Pasdaran. Assessing the Domestic Roles of Iran's Islamic Revolutionary Guards Corps, 2009 http://www.rand.org/content/dam/rand/pubs/monographs/2008/RAND_MG821.pdf

For a general overview of the Revolutionary Guards, see also Nader (2010) and Buchta (2004, pp. 8-9).

4.4.1 The Basij (Basij-e Mostaz'afin; English: Mobilization of the Oppressed)

The US Department of State (USDOS) describes the Basij as "a volunteer paramilitary group with local organizations in cities and towns across the country" which "sometimes acted as an auxiliary law enforcement unit subordinate to the IRGC ground forces". The report states that "Basij units often engaged in crackdowns on political opposition elements without formal guidance or supervision from superiors" and that paramilitary security forces, such as the Basij, "committed numerous human rights abuses, including acts of violence against protestors and public demonstrations" while there was "no transparent mechanism to investigate or punish security force abuses and no reports of government actions to discipline abusers." (USDOS, 19 April 2013, section 1d)

An April 2009 report on a fact-finding mission to Iran conducted in summer 2008, published by the non-governmental Danish Refugee Council (DRC) and the governmental Danish Immigration Service (DIS), mentions that "the Basij are also an authority able to carry out arrests [...] without presenting any form of identification, while wearing plain clothes" (DRC/DIS, April 2009, p. 10). The report also describes in detail the practices of the Basij in their function as "morality police" in Tehran, e.g. when enforcing dress codes of women (see DRC/DIS, April 2009, pp. 22-23).

Buchta calls the Basij militia "the most powerful paramilitary organization in Iran next to the Islamic Revolutionary Guard Corps". The Basij was founded in 1979 "to protect the Islamic Republic against U.S. intervention from without and enemies from within" and it recruits "youthful volunteers, most of whom are between the ages of 11 and 17 and come from rural regions or the poorer quarters of cities". The members of the Basij, the "Basijis" are described as "[i]deologically motivated and deeply religious" with only a limited education. (Buchta, 2004, pp. 11-12)

The American Enterprise Institute (AEI) states with regard to the motivation for joining the Basij that "[r]ecruits are as likely to join for the privileges as for ideology". Members of the IRGC and the Basij "receive higher quotas on subsidized goods like gasoline and often have slots reserved for them in the university and for government jobs". The AEI adds that after the Iran-Iraq War, the IRGC has transformed the Basij "into the chief mechanism to indoctrinate youth." (AEI, 28 January 2013)

Buchta refers to US estimates from 1996, according to which the Basij "comprises approximately 90,000 armed men. Besides this hardcore of trained armed fighters the Basij-Militia has about 200,000 to 300,000 unofficial collaborators and informers" in rural areas of the large cities (Buchta, 2004, p. 12). Ali Alfoneh, former Resident Fellow at the conservative think tank American Enterprise Institute (AEI), writes with regard to the total number of Basij members:

> "Estimates of the total number of Basij vary widely. In 2002, the Iranian press reported that the Basij had between 5 million to 7 million members, although IRGC commander Gen. Yahya Rahim Safavi claimed the unit had 10 million members. By 2009, IRGC Human Resource chief Masoud Mousavi claimed to have 11.2 million Basij members -- just over one-half the number originally called for by Khomeini. But a 2005 study by the Center for Strategic and International Studies, a Washington think-tank, put the number of full-time, uniformed, and active members at 90,000, with another 300,000 reservists and some 1 million that could be mobilized when necessary. Persian language open-source material does not provide any information about what percentage of the force is full time, reservists or paid members of the organization. Members include women as well as men, old as well as young. During the Iran-Iraq War, Basij volunteers were as young as 12 years old, with some of the older members over 60 years old. Most today are believed to be between high school age and the mid-30s. The perks can include university spots, access to government jobs and preferential treatment." (Alfoneh, 2010)

According to Alfoneh, there are three main armed wings of the Basij, namely the Ashoura and Al-Zahra Brigades, which are the security and military branch and are tasked with "defending the neighborhoods in case of emergencies", the Imam Hossein Brigades, which are composed of Basij war veterans and cooperate closely with the IRGC ground forces, and the Imam Ali Brigades which deal with security threats. Alfoneh also mentions multiple Basij branches with specialized functions like the Basij of the Guilds, the Labor Basij, the Basij of the Nomads, the Public Servants' Basij, the Pupil's Basij and the Student Basij. The functions of these branches are described as follows:

> "Each specialized branch of the Basij functions as a counterweight to non-governmental organizations and the perceived threat they pose to the state. Basij of the Guilds, for example, is a counterpart to professional organizations. The Labor Basij provides a counterpart to labor organizations, unions and syndicates. And the Student Basij balances independent student organizations." (Alfoneh, 2010)

Alfoneh refers to the Basij statute which distinguishes between three types of members:

> "- Regular members, who are mobilized in wartime and engage in developmental activities in peacetime. Regular members are volunteers and are unpaid, unless they engage in war-time duty.
>
> - Active Members, who have had extensive ideological and political indoctrination, and who also receive payment for peacetime work.

- Special Members, who are paid dual members of the Basij and the IRGC and serve as the IRGC ground forces.

The Basij statute says members are selected or recruited under the supervision of 'clergy of the neighborhoods and trusted citizens and legal associations of the neighborhoods.' The neighborhood mosques provide background information about each volunteer applicant; the local mosque also functions as the Basij headquarters for the neighborhood. For full-time paid positions, applicants must apply at central offices of the Basij, in provincial headquarters of the Basij." (Alfoneh, 2010)

Alfoneh mentions that during the Iran-Iraq war, the Basij were often used for so-called "human wave" tactics "as cannon fodder or minesweepers, against Iraqi forces". Subsequently, the Basij shifted back to security and they became a tool to put down anti-government protests, especially after the election of President Mahmoud Ahmadinejad in 2005:

"After the war ended in 1988, the Basij became heavily involved in post-war reconstruction. But their role increasingly shifted back to security as a political reform movement flowered in the late 1990s. The Basij became a policing tool for conservatives to check the push for personal freedoms, particularly among students and women. The Basij were mobilized in 1999 to put down anti-government student protests and to further marginalize the reform movement.

Since the 2005 election of President Mahmoud Ahmadinejad, Basij interventions in politics have become more frequent. The Basij were pivotal in suppressing the anti-government protests after the disputed presidential election on June 12, 2009. Various branches of the Basij were mobilized to counter anti-government protests at high schools, universities, factories, and on the street. Yet the Basij also performed poorly, as they were unable to suppress demonstrations through their local branches. [...] Basij and IRGC commanders reported transporting Basij members from outside towns to counter dissidents as the local Basij members were not ready to act in their own neighborhoods or place of work." (Alfoneh, 2010)

With regard to the relationship between the Basij and the Revolutionary Guards, Alfoneh elaborates:

"After an initial rivalry over who would control them, the Basij were formally incorporated in the organizational structure of the Revolutionary Guards in 1981. There was significant rivalry between the Basij and the Revolutionary Guards during the Iran-Iraq War, according to the memoirs of then parliamentary speaker Akbar Hashemi Rafsanjani. Over the years, the Basij managed to carve out some independence within the IRGC. But they came under the formal authority of the IRGC commander in 2007 and were incorporated into IRGC ground forces in 2008. The IRGC seems to have succeeded in suppressing the independent aspirations of the Basij." (Alfoneh, 2010)

CFR also mentions that the Basij were brought under direct command of the Revolutionary Guards in 2007 and quotes analysts who say that this "reorganization was aimed at quelling the very unrest that surfaced following the June 2009 presidential election". During protests

following the elections, members of the Basij "allegedly beat and killed opposition supporters in Tehran and other Iranian cities". (CFR, 14 June 2013)

4.4.2 Qods/Quds Force

CFR refers to the Quds Force as "a paramilitary arm of the Revolutionary Guard with 10,000 to 15,000 personnel" which "emerged as the de facto external affairs branch":

> "Military analysts say the Guards began deploying fighters abroad during the Iran-Iraq War (1980-1988), 'export[ing] the ideals of the revolution throughout the Middle East.' The Quds Force, a paramilitary arm of the Revolutionary Guard with 10,000 to 15,000 personnel (as of 2013), emerged as the de facto external affairs branch during the expansion. Its mandate was to conduct foreign policy missions - beginning in Iraq's Kurdish region- and forge relationships with Shiite and Kurdish groups. The Quds force has since supported terrorist activities and armed pro-Iranian militant groups across the Mideast and beyond, including in Lebanon - most notably Hezbollah - the Palestinian territories, Iraq, Afghanistan, the Gulf states, and several others, according to the State Department." (CFR, 14 June 2013)

A report by the US Department of Defence on the military power of Iran published in April 2010 states that "[t]he Iranian regime uses the Islamic Revolutionary Guard Corps- Qods Force (IRGC-QF) to clandestinely exert military, political, and economic power to advance Iranian national interests abroad." The report describes the global activities of the Quds Force as follows:

> "IRGC-QF global activities include: gathering tactical intelligence; conducting covert diplomacy; providing training, arms, and financial support to surrogate groups and terrorist organizations; and facilitating some of Iran's provision of humanitarian and economic support to Islamic causes. Iran provides Lebanese Hizballah and Palestinian terrorist groups - notably, HAMAS, Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine (PFLPGC) - with funding, weapons, and training to oppose Israel and disrupt the Middle East Peace Process. The IRGC-QF is Iran's primary vehicle for providing materiel and lethal support to Lebanese Hizballah, which Iran views as an essential partner for advancing its regional policy objectives." (US Department of Defence, April 2010, p. 2)

The US Department of Defence report refers to the history of the group and its operational capabilities around the world:

> "Iran established the Islamic Revolutionary Guard Corps - Qods Force (IRGC-QF) in 1990 as an elite unit within the IRGC. Although its operations sometimes appear at odds with the public voice of the Iranian regime, it is not a rogue outfit; it receives direction from the highest levels of government, and its leaders report directly, albeit informally, to Supreme Leader Ali Khamenei, employing complementary diplomatic and paramilitary strategies The IRGC-QF stations operatives in foreign embassies, charities, and religious/cultural institutions to foster relationships with people, often building on existing socio-economic ties with the well established Shia Diaspora. At the same time, IRGC-QF engages in paramilitary operations to support extremists and destabilize unfriendly regimes. IRGC

> and IRGC-QF have been involved in or behind some of the deadliest terrorist attacks of the past 2 decades, including the 1983 and 1984 bombings of the U.S. Embassy and annex in Beirut, the 1983 bombing of the Marine barracks in Beirut, the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, the 1996 Khobar Towers bombing in Saudi Arabia, and many of the insurgent attacks on Coalition and Iraqi Security Forces in Iraq since 2003. It generally directs and supports the groups that actually execute the attacks, thereby maintaining plausible deniability within the international community. Support for these extremists takes the form of providing arms, funding, and paramilitary training. In this, IRGC-QF is not constrained by ideology; many of the groups it supports do not share, and sometimes openly oppose, Iranian revolutionary principles, but Iran supports them because they share common interests or enemies. IRGC-QF maintains operational capabilities around the world. It is well established in the Middle East and North Africa, and recent years have witnessed an increased presence in Latin America, particularly Venezuela. If U.S. involvement in conflicts in these regions deepens, contact with the IRGC-QF, directly or through extremist groups it supports, will be more frequent and consequential." (US Department of Defence, April 2010, pp. 7-8)

In May 2013, the International Business Times (IBT), a "digital global news publication" based in New York, reports on the conviction of 2 members of the Quds Force in Kenya for their participation in a scheme to set off explosions in several cities. The article discusses the change of tactics of the group and the capability of its agents to conduct operations outside Iran:

> "Quds [...] has been active for decades. But the shadowy group has changed its tactics over the past two years, morphing from a sophisticated intelligence agency that empowered other groups to do its bidding to a rather haphazard perpetrator of its own violent attacks. Given the covert nature of Quds operations, it is difficult to say for sure how capable these agents are; it appears that several attempts have been at least partly foiled by officials around the world, from Kenya to India to Thailand. 'The Quds force has been on a rampage trying to carry out attacks against Western targets,' said Matthew Levitt, director of the Stein Program on Counterterrorism and Intelligence at the Washington Institute for Near East Policy. 'There are lots of signs their capabilities are improving. Iran has been getting better and better, and they are thwarted not because of clumsiness so much as the good efforts of those trying to stop them.'" (IBT, 7 May 2013)

The IBT article continues by listing international terrorist plots associated with Quds forces in 2012 and mentions the role of the Quds forces in the past:

> "International terrorist plots associated with Quds forces increased considerably last year. Two attacks against Israeli diplomats were carried out on Feb. 13, 2012, when magnetized bombs were attached to cars in Tbilisi, Georgia, and New Delhi, India. The Georgian bomb was defused, while the Indian explosive went off and injured the wife of an Israeli attaché, her driver and bystanders. Yet another plot targeting Israelis was thwarted the next day in Bangkok. Similar attacks have been attempted in Bulgaria and Azerbaijan. Hezbollah, a militant Shia Islamist organization in Lebanon with close ties to Quds forces, may have played a large role in planning those attacks.

> Quds forces are also accused of a bungled attempt to assassinate the Saudi ambassador in Washington, D.C., last year. [...] 'Everyone thought that was a fluke,' said Afshon Ostovar, a senior analyst and Iran expert at CNA, a nonprofit research organization. 'But the U.S. government assures us that it goes back to the Quds Forces.' Ostovar and other analysts were puzzled by the brazenness -- and sloppiness -- of that foiled attack, especially given the Quds forces' previous reputation for operational sophistication. Since its formation during the 1980s as an offshoot of Iran's now-defunct Office of Liberation Movements, the Quds forces have worked mostly behind the scenes to support proxy militant groups including Hezbollah in Lebanon, Hamas in the Palestinian territories, the Badr Brigades in Iraq and several groups in Afghanistan. 'A lot of the Quds Forces operatives were really elite specialists within the IRGC, well-trained in languages and in tradecraft,' said Ostovar. 'What has changed is that Iran, over the past two years, has changed the way it uses the Quds Force. We now see this uptick in violent covert activities.'
>
> [...] The Quds force is a covert group referred to only obliquely by Tehran authorities. But its commander, Qassem Suleimani, is believed to have a personal relationship with Iran's Supreme Leader, Ali Khamenei, giving the elite force a direct line of communication with the nation's highest authority." (IBT, 7 May 2013)

In September 2008, Reza Molavi and Mohammad M. Hedayati-Kakhki, scholars at Durham University, prepared a report for the UK Advisory Panel on Country Information (APCI) evaluating the UK Home Office's Country of Origin Information Report on Iran. The evaluation report mentions the role of the IRGC's Quds force in conducting unconventional warfare abroad by using foreign movements as proxies:

> "In addition, the IRGC has a special Quds force that plays a major role in giving Iran the ability to conduct unconventional warfare overseas using various foreign movements as proxies. In January, 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. Current force strength data for the Quds are not available. The al Quds forces are under the command of Brigadier General Qassem Soleimani and have supported nonstate 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." (Molavi/Hedayati-Kakhki, 23 September 2008, p. 8)

The evaluation report contains some details on the structure of the Quds force:

> "The active elements of the Quds service operate primarily outside Iran's borders, although it has bases inside and outside of Iran. The Quds troops are divided into specific groups or 'corps' for each country or area in which they operate. There are Directorates for Iraq; Lebanon, Palestine, and Jordan; Afghanistan, Pakistan, and India; Turkey and the Arabian Peninsula; Asian countries of the former Soviet Union, Western nations (Europe and North America), and North Africa (Egypt, Tunisia, Algeria, Sudan, and Morocco). The Quds has offices or 'sections' in many Iranian embassies, which are closed to most

> embassy staff. It is not clear whether these are integrated with Iranian intelligence operations or if the ambassador in each embassy has control of, or detailed knowledge of, operations by the Quds staff. However, there are indications that most operations are coordinated between the IRGC and offices within the Iranian Foreign Ministry and MOIS. There are separate operational organizations in Lebanon, Turkey, Pakistan, and several North African countries. There are also indications that such elements may have participated in the bombings of the Israeli Embassy in Argentina in 1992 and the Jewish Community Center in Buenos Aires in 1994--although Iran has strongly denied any involvement." (Molavi/Hedayati-Kakhki, 23 September 2008, p. 9)

4.5 Ansar-e-Hezbollah (aka Helpers of the Party of God)

In its Sentinel Security Assessment, updated in January 2012, Jane's Information Group calls Ansar-e Hezbollah "an extremist Islamist vigilante group" which claims to be a grassroots movement calling "for harsh policies against opponents of the Islamic theocratic system" and promoting itself "as fully in line with the ideals propagated by the founder of the Islamic Republic, Ayatollah Khomeini". The Security Assessment adds that senior members and most of the group's activists are in reality "associated with and funded by state organs under hardline control"; the estimated total strength of the group is 5,000. (Jane's Information Group, 24 January 2012b)

Buchta describes the Ansar-e Hezbollah as "various gangs of men [...] who act as vigilantes aligned with extreme conservative members of the power-elite". They "attack and intimidate critics and dissidents and usually go unpunished because of the bias of the judiciary dominated by conservatives" (Buchta, 2004, p. 6). In a paper published by the United States Institute of Peace (USIP), an independent national security institution funded by the US Congress, author Tara Nesvaderani calls Ansar-e Hezbollah "one of the loosely allied militia groups in the wider Basij network" and adds that "[t]he vigilante group uses force but is not part of official law enforcement. Members wear plain clothes." (USIP, 8 June 2010, p. 4)

In the chapter on government and politics of the Iran country study edited by Glenn E. Curtis and Eric Hooglund in 2008, author Mark Gasiorowski, professor of political science at Louisiana State University, writes:

> "Ansar-e Hezbollah [...] is an extremely conservative vigilante group notorious for assaulting and intimidating reformist leaders. Most of its members are war veterans who believe passionately that the authority of the Leader is absolute and must be obeyed without question, a position that puts them into direct conflict with the reformists. Ansar also opposes foreign cultural influences." (Curtis/Hooglund, 2008, p. 232)

In a June 2013 commentary, Michael Rubin, resident scholar at the American Enterprise Institute (AEI) and a former Pentagon official whose major research area is the Middle East, describes the role of Ansar-e Hezbollah during the term of reformist president Mohammad Khatami and the potential role of the group in the future:

> "In order to counter the reformist trend, the Supreme Leader and the Islamic Revolutionary Guard Corps turned to vigilante groups, which need not, in practice, adhere

> to the constraints of law as most state bodies would. Chief among these was Ansar-e Hezbollah. The vigilante groups acted as the Supreme Leader's 'Brown Shirts,' roughing up opposition and, in a number of incidents during the Khatami administration, kidnapping and killing dissidents. While Ansar-e Hezbollah paralyzed the latter years of the Khatami administration, the group largely disappeared from the public stage after the hardline 'Principalist' candidate Mahmoud Ahmadinejad succeeded him.
>
> The June 2013 presidential elections are particularly sensitive this year, as the post-election unrest that marked the 2009 polls remains in the public mind. That Ansar-e Hezbollah appears to be gearing up again for action—and that security force officials appear to be cooperating with it—suggests that the Supreme Leader and his inner circle again will seek extralegal means to constrain not only the Iranian public, but also whoever the new president is. Ansar-e Hezbollah's rise presages greater domestic violence inside Iran." (AEI, 5 June 2013)

The 2009 report of the RAND National Defense Research Institute on the rise of the Pasdaran mentions that Ansar-e Hezbollah is "reportedly staffed by Basij and IRGC veterans of the Iran-Iraq War":

> "In the provinces, the Basij present a more benign face through construction projects and disaster relief, while in urban areas, they are more apt to be seen quite negatively, quashing civil society activities, arresting dissidents, and confronting reformist student groups on campuses. Urban sentiments may be, moreover, affected by the Basij's affiliation with the "pressure groups" or hardline vigilantes, of which Ansar-e Hezbollah is the most widely known. Although not formally attached to the IRGC, it is reportedly staffed by Basij and IRGC veterans of the Iran-Iraq War. In the minds of the populace, therefore, it may be associated with the IRGC and thus have a direct impact on popular perceptions of its societal and political legitimacy. The role of the Ansar also raises the important function of the IRGC as an internal security and domestic intelligence arm of the regime." (RAND, 2009, p. 29)

4.6 Role of security forces during the 2009/2010 uprisings and their aftermath

The Council on Foreign Relations (CFR) writes in its backgrounder on Human Rights in Iran, updated in June 2013:

> "International organizations have accused several branches of the Iranian government of human rights abuses, particularly security forces like the elite Revolutionary Guards and the volunteer paramilitary force the Basij, as well as the judiciary. Hadi Ghaemi, executive director of International Campaign for Human Rights in Iran, writes that after the 2009 protests following the disputed presidential election, the 'judiciary has emerged as a key instrument to intimidate protestors and remove many leading activists and opinion makers, steps that were both critical to the regime's survival.'" (CFR, 4 June 2013)

A press release published by the US Department of the Treasury in June 2011 states that sanctions have been imposed against the IRGC, the Basij and the national police for being responsible for or complicit in serious human rights abuses in Iran since the June 2009 presidential elections:

> "The Departments of the Treasury and State today imposed sanctions against three entities and one individual at the core of Iran's security apparatus for being responsible for or complicit in serious human rights abuses in Iran since the June 2009 disputed presidential election. Today's action targeted Iran's Islamic Revolutionary Guard Corps (IRGC), the Basij Resistance Force (Basij), and Iran's national police and its Chief – all of which share responsibility for the sustained and severe violation of human rights in Iran." (US Department of the Treasury, 9 June 2011)

In his February 2013 report to the UN Human Rights Council (HRC), the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran presents the results of a study "focused on patterns of torture perpetrated in the context of the 2009 presidential election in Iran and the unrest and repression of dissent which followed" which is based "on a systematic review and evaluation of 50 cases, selected according to criteria of detention and torture within the relevant date range (January 2009 onwards)". The study encompasses 50 cases where individuals reported of being held incommunicado and tortured and lists the Basij, the Etela'at (MOIS), the police, the IRGC, the military, the morality forces and unknown plain clothed agents as being involved in detention and/or torture:

> "47. Eleven of the cases report being detained by the Basij (state militia), ten by Etela'at (state intelligence forces), eight by the police, three by Revolutionary Guards, one by the military, one by the morality forces and 16 by unknown plain clothed agents. In most cases (68%) the state authority that had arrested them and the one that detained and tortured them was thought to be the same. The largest number of cases overall reported being both arrested and detained by Etela'at and the Basij, with a significant number reporting that they were detained by the police (indeed four specific police stations were identified). A small number of other places of detention that were identified (usually on release) included: four prisons (two in or near Tehran), three Etela'at facilities and two Basij bases in various locations around the country. However, 21 people (42%) said that they did not know with certainty which state force they were detained by and the majority (64%) also could not identify the specific place where they were detained, because they were blindfolded en route and/or because it was an unofficial facility and could not be identified." (HRC, 28 February 2013, p. 38)

In a report on the crisis after the contested presidential elections, the New York Times (NYT) calls the IRGC "a driving force behind efforts to crush a still-defiant opposition movement" (NYT, 20 July 2009). An article published by Reuters in June 2013 elaborates on the role of the Revolutionary Guards and the Basij in the aftermath of the 2009 presidential election and mentions arrests ahead of the 2013 presidential elections:

> "As votes came in and Guards commanders began to fear that Mir Hussein Mousavi, a liberal reformist, might sweep the poll on the back of dismay at economic hardship under Ahmadinejad, they and their paramilitary Basij reservist auxiliaries, stepped in. The opposition complained that ballots from hundreds of polling stations were either dumped or falsified. When the incumbent was declared the winner by an absolute majority in the first round within hours of the polls closing, many voters were enraged. For days, millions took to the streets across the country to protest. And it was security forces controlled by

> the Guards who led attacks that silenced the biggest domestic challenge to the establishment in 30 years. Revolutionary Guard commanders have issued warnings in recent weeks that they will not tolerate similar protests this year. In the capital, residents report heavier security already, with police in riot gear occasionally seen on patrol. Just how sensitive the security forces are to potential unrest was demonstrated on Saturday during a rally for candidate Hassan Rohani, a cleric and the most moderate figure left in the race. Opposition activists said several people were arrested after some in the crowd chanted slogans in support of Mousavi, who has been under house arrest for more than two years. 'They've created a highly intimidating, securitized atmosphere in order to prevent a repeat of the 2009 protests,' said Karim Sadjadpour of the Carnegie Endowment for International Peace." (Reuters, 4 June 2013)

The US Department of State (USDOS) mentions in its annual report on human rights in 2012 that "Basij units often engaged in crackdowns on political opposition elements" and committed human rights abuses against protestors and public demonstrations (USDOS, 19 April 2013, section 1d).

For detailed information on the events in the aftermath of the 2009 presidential elections and developments in their aftermath, please refer to section 2.1 of this compilation.

5 Human rights issues

5.1 Freedom of expression, association, and assembly

A May 2013 report by the UN Secretary-General to the UN Human Rights Council (HRC) notes a "shrinking space for freedom of expression and assembly", with "[l]awyers, human rights defenders, independent media practitioners, film-makers and artists [...] often targeted for exercising their professional responsibilities or rights to freedoms of expression and association" (HRC, 7 May 2013, p. 10). Similarly, Amnesty International (AI) states in June 2013 (prior to the 14 June 2013 presidential elections) that "authorities are intensifying their clampdown on dissent" and that "[t]hose targeted include political activists, journalists and other media workers, trade unionists, advocates of greater rights for Iran's religious and ethnic minorities, students and others." (AI, 12 June 2013, p. 1)

The Amnesty International (AI) annual report 2013 summarizes the situation regarding freedoms of expression, association and assembly during the year 2012 as follows:

> "The authorities maintained tight restrictions on freedoms of expression, association and assembly. They took steps to create a controlled, national internet, routinely monitored telephone calls, blocked websites, jammed foreign broadcasts and took harsh action against those who spoke out. Media workers and bloggers were harassed and detained." (AI, 23 May 2013)

For further general information on freedom of expression, please refer to section 2.1 of this compilation.

The USDOS states with regard to the situation concerning freedom of assembly:

> "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 antiregime protests. Such gatherings included public entertainment and lectures, student and women's meetings and protests, meetings and worship services of minority religious groups, labor protests, online gatherings and networking, 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 regime experiencing harassment regardless of whether a permit was issued. [...]
>
> The government continued to prohibit and forcibly disperse peaceful gatherings during the year [2012]. On February 14, authorities disbursed nonviolent demonstrations in Tehran and other cities to mark the anniversary of the house arrest of opposition leaders Mousavi and Karroubi. [...] There were several reports of clashes between civilians and security forces in main city squares, and police used tear gas to disperse protestors in Azadi Square. One domestic news Web site reported 'very extensive' arrests, and several eyewitness accounts claimed there were buses full of demonstrators who had been detained. Security forces also ordered the cancellation of a memorial for Mohammad

Mokhtari, an opposition supporter killed during protests in February 2011." (USDOS, 19 April 2013, section 2b)

The US Department of State (USDOS) reports on the situation of freedom of association:

> "The constitution provides for the establishment of political parties, professional associations, and Islamic and recognized religious minority organizations, as long as such groups do not violate the principles of 'freedom, sovereignty, and national unity' or question Islam as the basis of the Islamic Republic. The government limited freedom of association in practice through threats, intimidation, imposing arbitrary requirements on organizations, and arresting group leaders and members.
>
> The government continued to exert significant pressure on members of human rights organizations. Prominent among these was the Defenders of Human Rights Center (DHRC). Other groups that the government restricted were those advocating for women's or minority groups' rights [...], recognized and nonrecognized minority religious groups, trade unions, and other labor-related groups." (USDOS, 19 April 2013, section 2b)

5.1.1 Treatment of political opposition groups and activists

For information regarding the treatment of political opposition groups and activists in connection with protests in the aftermath of the June 2009 presidential elections and the developments until 2011, please refer to section 2.1 of this compilation. Reports with specific regard to the situation of members of the Green Movement, the Mojahedin-e Khalq Organisation, Jundallah, of Kurdish activists (including Komala and the Party of Free Life of Iranian Kurdistan) and student activists are covered in chapter 3 of this compilation.

A May 2013 press release by Human Rights Watch (HRW) gives the following overview of information controls and crackdowns on civil society:

> "Dozens of political activists and journalists detained during the violent government crackdown that followed the disputed 2009 presidential election remain in prison, two former presidential candidates are under house arrest, and authorities are already clamping down on access to the internet, having arbitrarily disqualified most registered presidential and local election candidates. As the elections approach, authorities have tightened controls on information by severely cutting back internet speeds and blocking proxy servers and virtual private networks that Iranians use to circumvent government filtering of websites. The authorities have also gone after government critics, summoning, arresting, and jailing journalists and bloggers, while preventing opposition figures and parties aligned with Iran's reformist movement from participating in the elections by banning or severely restricting their activities." (HRW, 24 May 2013)

A June 2013 statement by Amnesty International (AI), issued prior to the 14 June 2013 presidential elections, notes the following:

> "Since late last year, Amnesty International has recorded a new surge in repression, reflected in new cases of arbitrary arrest and detention, unfair trials of political suspects and the imprisonment of prisoners of conscience – individuals imprisoned solely on account

> of their political opinions or beliefs who have not used or advocated violence." (AI, 12 June 2013, p. 2)

As reported by the Iranian pro-reform website Kaleme, "a group of young activists involved in Hasan Rowhani's election campaign were arrested on 31 May [2013]" (Kaleme, 3 June 2013). Opposition leader Mehdi Karroubi's website Saham News reports that three people were arrested in Tehran bazaar "for chanting slogans in support of the reformist presidential candidate, Mohammad Reza Aref, and former reformist president Mohammad Khatami" (Saham News, 3 June 2013).

The UN Secretary-General states in his May 2013 report to the UN Human Rights Council (HRC):

> "Independent associations and unions, such as the Associations of Journalists and Teachers, the Centre for Human Rights Defenders, the Committee for Defense of Political Prisoners in Iran, the Committee of Human Rights Reporters, the Iranian Bar Association, the One Million Signature Campaign and Mourning Mothers have either been banned or had their members imprisoned." (HRC, 7 May 2013, p. 10)

A February 2013 press release by HRW notes that Mir Hossein Mousavi and Mehdi Karroubi, as well as Mousavi's wife Zahra Rahnavard and Karroubi's wife, Fatemeh Karroubi, were placed under house arrest on 14 February 2011 (HRW, 14 February 2011). A press release by the UN Office of the High Commissioner for Human Rights (OHCHR) specifies that Mehdi Karoubi, Mir Hossein Mossavi and Zahra Rahnavard "were detained after staging a rally in solidarity with protesters in Egypt, for which they had sought permission from the authorities" and have since been "kept largely 'incommunicado' in their homes" (OHCHR, 11 February 2013).

As reported by HRW in February 2013, Zahra and Narges Mousavi, daughters of Mousavi and Zahra Rahnavard, and Mohammad Hossein Karroubi, son of Mehdi Karroubi, were arrested shortly before the second anniversary of the house arrests of their parents and released on the same say (HRW, 14 February 2013). They had campaigned for their parents' release from house arrest (RFE/RL, 11 February 2013).

Human Rights Watch (HRW) states in a May 2013 press release:

> "Dozens of members of reformist parties and other government opponents are serving sentences stemming from the crackdown after the 2009 election. Many had unfair trials before Revolutionary Courts, whose judges fail to ensure basic due process standards. Courts sentenced some after mass show trials during which they were indicted on patently politically motivated charges such as 'actions against the national security,' 'propaganda against the regime,' 'membership in illegal groups,' and 'disturbing public order.'" (HRW, 24 May 2013)

The May 2013 report by the UN Secretary-General notes the following cases of detained political activists:

> "Faezeh Hashemi and Mehdi Hashemi Rafsanjani, the daughter and son of Akbar Hashemi Rafsanjani, Chief of the Expediency Council and former President of the Islamic Republic of Iran, were both arrested by the authorities. Faezeh Hashemi was arrested on 22 September to serve a six-month jail sentence, apparently linked to her participation in an opposition rally in February 2011. On 30 December, she was placed in solitary confinement. Mr. Hashemi Rafsanjani was taken into custody at Tehran airport on 24 September after returning from 36 months of exile abroad. He was held at Evin prison on charges related to his role in the 2009 post-election unrest, transmitting sensitive information to foreigners and espionage. On 17 December, he was released on bail equivalent of 8 million US dollars. Ebrahim Yazdi, Chairman of the Freedom Movement of Iran was sentenced to eight years in prison and a five-year ban on social activities on charges of activities against national security, publishing falsehood and cooperating with the Iran Freedom Movement. Mr. Yazdi, who is 80 years old was first tried in November 2010 and subsequently convicted in December 2011. He is currently freed on bail but remains at risk of detention. On 23 November 2012, members of the National Front Party, Karish Zaeim, Issa Khan Hatemi, Mohammad Owaisi and Mohsen Rahami, who were visiting Northern Khorasan, were reportedly arrested by intelligence agents and released after intensive investigations. Their arrests appeared to be linked to their political activities. [...] On 28 January 2011, Kohyar Goodarzi, a human rights activist who was arrested in July 2011, was sentenced to five years' imprisonment, on charges of membership in the Committee of Human Rights Reporters, acts against national security and disseminating misinformation about the system." (HRC, 7 May 2013, pp. 11-12)

The detentions of Faezeh and Mehdi Hashemi Rafsanjani are also reported in a BBC article of September 2012 (BBC News, 24 September 2012).

The UN Office of the High Commissioner for Human Rights (OHCHR) notes in a May 2013 press release that "[a]t least 40 journalists reportedly remain in prison across the country" and that "limitations have been imposed on the freedom of expression and opinion", adding that "the internet has been virtually shut-down, sending of text messages has sporadically been blocked and reformist or opposition websites being censored." The press release also quotes UN Special Rapporteur on freedoms of peaceful assembly and association, Maina Kiai, as saying that apart from the opposition leaders Mehdi Karoubi and Mir Hossein Mousavi, who have been under house since February 2011, "hundreds of other prisoners of conscience" remain in prison. (OHCHR, 29 May 2013)

An Amnesty International (AI) statement of July 2012 notes that "between 50 and 65 people were reportedly arrested" between 10 January 2012 and the beginning of February, in the run-up to the parliamentary elections of March 2012 (AI, 19 July 2012).

The April 2013 US Department of State (USDOS) annual report on human rights notes with regard to developments during 2012:

> "The government continued its crackdown on civil society, which intensified after the disputed 2009 presidential elections. The government and its security forces pressured, intimidated, and arrested journalists, students, lawyers, artists, women, ethnic and

religious activists, and members of their families. The judiciary continued to harshly punish, imprison, or detain without charges human rights activists, members of the political opposition, and persons linked to reform movements. The government significantly increased its surveillance and monitoring of citizens' online activities by blocking or filtering content and detaining numerous Internet users for content posted online." (USDOS, 19 April 2013, executive summary)

"Individuals could not criticize the government publicly or privately without reprisal, and the government actively sought to impede criticism. The government monitored meetings, movements, and communications of opposition members, reformists, activists, and human rights defenders. It often charged persons with crimes against national security and insulting the regime based on letters, e-mails, and other public and private communications." (USDOS, 19 April 2013, section 2a)

The situation regarding freedoms of expression, association and assembly during 2012 is summarized in the Amnesty International (AI) annual report published May 2013:

"The authorities maintained severe restrictions on freedoms of expression, association and assembly. Dissidents and human rights defenders, including minority rights and women's rights activists, were arbitrarily arrested, detained incommunicado, imprisoned after unfair trials and banned from travelling abroad. There were scores of prisoners of conscience and political prisoners. Torture and other ill-treatment were common and committed with impunity. [...]

They took steps to create a controlled, national internet, routinely monitored telephone calls, blocked websites, jammed foreign broadcasts and took harsh action against those who spoke out. Media workers and bloggers were harassed and detained. Student activists and members of minority groups were imprisoned or harassed, with some barred from higher education. Scores of prisoners of conscience arrested in previous years remained in prison and more were sentenced to prison terms in 2012. [...]

Government critics and opponents were arbitrarily arrested and detained by security forces. They were held incommunicado for long periods and denied medical care. Many were tortured or otherwise ill-treated. Tens were sentenced to prison terms after unfair trials.

Dozens of peaceful government critics detained in connection with mass protests in 2009-2011 remained in prison or under house arrest throughout the year. Many were prisoners of conscience. [...]

Human rights defenders, including lawyers, trade unionists, minority rights activists and women's rights activists, continued to face harassment, arbitrary arrest and detention, and imprisonment after unfair trials. Many, including some sentenced after unfair trials in previous years, were prisoners of conscience." (AI, 23 May 2013)

The treatment of detained human rights defenders is addressed in a report by the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, published by the UN Human Rights Council in February 2013:

> "Interviews continue to impart that human rights defenders are subjected to harassment, arrest, interrogation, and torture, and that they are frequently charged with vaguely-defined national security crimes. [...] A preponderance of human rights defenders interviewed for this report maintained that they were arrested in the absence of a warrant, and subjected to physical and psychological duress during interrogations for the purpose of soliciting signed and televised confessions. A majority of interviewees reported that they were kept in solitary confinement for periods ranging from one day to almost one year, were denied access to legal counsel of their choice, subjected to unfair trials, and in some cases, subjected to severe physical torture, rape (both of males and females, by both male and female officials), electro-shock, hanging by hands or arms, and/or forced body contortion." (HRC, 28 February 2013, p. 7)

Freedom House briefly comments on situation of opposition politicians in its report Freedom in the World 2013 (covering 2012):

> "Opposition politicians and party groupings have suffered especially harsh repression since the 2009 presidential election, with many leaders - including former lawmakers and cabinet ministers - facing arrest, prison sentences, and lengthy bans on political activity." (Freedom House, January 2013)

The May 2013 report by the UN Secretary-General states:

> "130 prisoners held on political and security related charges were pardoned or had their prison terms commuted under a clemency order issued by the Supreme Leader on the eve of Eid al-Fitr in August 2012. At the same time, hundreds of political prisoners remain imprisoned [...]" (HRC, 7 May 2013, p. 11)

As reported in the Guardian's Iran Blog by the Guardian journalist Saeed Kamali Dehghan on 29 February 2012, "the regime as stepped up its crackdown on any sign of dissent" ahead of the March 2012 parliamentary elections (Guardian, 29 February 2012).

The situation during the lead-up to the March 2012 parliamentary elections is described by Amnesty International (AI) as follows:

> "Authorities have already mounted a crackdown on opposition protesters and and temporarily cut off access to foreign email services such as Gmail, Yahoo mail and Hotmail after an Iranian opposition coalition - the Coordination Council for the Green Path of Hope, widely known as the Green Movement, urged Iranians to silently march and protest on 14 February.
>
> 'There is a real concern that Iranian security forces may again use excessive force to quell protests across the country,' said Ann Harrison, Amnesty International's interim Deputy Director for the Middle East and North Africa.

> 'The authorities must respect people's right to freedom of assembly and allow tomorrow's demonstrations to go ahead peacefully,' she said.
>
> Opposition leaders Mir Hossein Mousavi and Mehdi Karroubi have been under unofficial house arrest since February 2011.
>
> Iran has seen increasing repression of journalists, bloggers and minority groups across the country ahead of next month's parliamentary elections.
>
> A wave of arrests targeting members of Iran's ethnic and religious minorities, journalists, and individuals with alleged links to foreign media appears to be part of a strategy to restrict free public debate and to warn people not to protest ahead of the elections." (AI, 13 February 2012)

Another Human Rights Watch (HRW) press release reports that "authorities have detained at least 39 teachers since 2009 on various national-security-related charges", stating that several of them "were arrested in connection with activities unrelated to their teaching, including participation in anti-government demonstrations following the disputed 2009 presidential election and advocacy on behalf of ethnic minority rights". 32 of the teachers had been released at the time of reporting (HRW, 5 October 2012).

In January 2012, HRW reports on the arrest of a number of labour rights activists in Tehran, East Azerbaijan and Kurdistan provinces who are all described as being members of independent trade unions not authorized by the government (HRW, 30 January 2012).

The situation of activists during 2011 is briefly summarized in the USDOS annual report on human rights in 2011, published in May 2012:

> "Demonstrations by opposition groups, university students, and others increased during the first few months of the year, inspired in part by events of the Arab Spring. In February hundreds of protesters throughout the country staged rallies to show solidarity with protesters in Tunisia and Egypt. The government responded harshly to protesters and critics, arresting, torturing, and prosecuting them for their dissent." (USDOS, 24 May 2012, executive summary)

5.1.2 Treatment of family members of political dissidents living abroad

Among the sources consulted by ACCORD within time constraints no specific information could be found with regard to the treatment of family members of political dissidents who live abroad. The following reports deal with the situation of family members of Iranian journalists who live abroad and of family members of dissidents in general:

As reported by the US Department of State (USDOS), "the BBC Persian service confirmed that the government was continuing to pressure its employees by taking family members of its London-based staff hostage" (USDOS, 19 April 2013, section 2a). HRW similarly reported "harassment against family members of journalists working for BBC Persian" in 2012 (HRW, 24 May 2013).

A report by the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, published by the UN Human Rights Council in February 2013, makes reference to "reports detailing the harassment of family members of journalists that live and work abroad (HRC, 28 February 2013, p. 6).

The International Campaign for Human Rights in Iran, a US-based human rights group, states in press release of December 2012:

> "Saba said the harassment began following a screening of documentary filmmaker Maziar Bahari's Forced Confessions, which aired on BBC in early December 2012. In the two weeks since, Intelligence Ministry agents have contacted the family members of half a dozen BBC employees in several cities throughout Iran, summoning them to the Ministry of Intelligence offices in each city, Saba reported. This new wave of harassment against BBC Persian reporters follows the same pattern of arrests and official intimidation the Campaign has documented previously, most recently in the lead-up to the Parliamentary elections in March 2012. This pattern includes the harassment of arrested journalists' families, interrogation techniques aimed at extracting forced confessions, and targeting those who have any connections—perceived or real—to BBC Persian. In addition to the arrests and interrogations of family members of journalists, Intelligence Ministry interrogators have also been harassing the spouses of prisoners of conscience." (International Campaign for Human Rights in Iran, 20 December 2012)

In a report published by the UN General Assembly (UNGA) in September 2012, the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran reports on allegations by independent journalists and employees of Radio Farda and the BBC that "their family members are frequently arrested, detained, interrogated and subjected to intimidation for the purpose of placing pressure on them to cease their reporting activities, or to solicit information." The report notes the following specific cases:

> "During interviews for this report, a BBC employee reported that his/her family member was detained and ordered to contact and encourage him/her to resign from the BBC. In another case, a family member of a BBC employee was reportedly arrested and pressured to contact the employee in London, who was subsequently subjected to an online interrogation. A number of reporters have also asserted that constant surveillance, along with the threat of arrest and detention of family members, created an atmosphere of fear which discourages family and friends located in the Islamic Republic of Iran from engaging with their family members that work for foreign media, establishing a situation of virtual exile for all involved." (UNGA, 13 September 2012, p. 8)

The Amnesty International (AI) annual report 2013 (covering the year 2012) states that "[t]he authorities persistently harassed activists' families" (AI, 23 May 2013). The US Department of State (USDOS) notes in its annual report on human rights in 2012, that the government "harassed many journalists' families" (USDOS, 19 April 2013, section 2a).

The report by the UN Special Rapporteur on the situation of human rights in Iran further states with regard to the treatment of detained human rights defenders that forms of

psychological pressure to which they were subjected included "threats of arrest, detention, rape or murder of family members." (UNGA, 13 September 2012, p. 10)

In his May 2013 report to the UN Human Right Council, the UN Secretary-General informs about the following cases:

> "On 20 November 2012, Massumeh Dehghan, the wife of jailed lawyer and human rights defender Abdolfattah Soltani, was sentenced to one year in prison, suspended for five years, coupled with a five-year travel ban. She was charged with 'propaganda against the system' for travelling abroad and receiving the International Nuremberg Human Rights Award given to her husband who is serving a 13-year jail term. On 4 November, security forces had arrested Behrouz Ghobadi, the brother of exiled film-maker Bahman Ghobadi on national security charges. Since then, he has been held incommunicado and is reportedly in a fragile state of health. The former, who had not been politically active and owned a shop in the Kurdistan region of Iraq, was travelling to Tehran from Sanandaj when arrested. The arrest of Mr. Behrouz is apparently linked to the film-making activities of his brother, who has produced several films critical of the Government." (HRC, 7 May 2013, p. 13)

A HRW press release of May 2013 refers to the following case of a journalist employed by the Persian language service of the US broadcast institution Voice of America (VOA):

> "A journalist employed by Voice of America's Persian language service told Human Rights Watch that authorities recently confiscated her father's passport when he returned to Iran from a trip abroad. The authorities had previously searched his home and called him in for questioning about his daughter's work at VOA Persian, warning him that she should stop working as a journalist there." (HRW, 24 May 2013)

5.1.3 Government restrictions on non-governmental organizations and civil society

Article 26 of the Constitution of the Islamic Republic of Iran provides with regard to the formation of civil society organisations and participation in them:

> "The formation of parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the recognized religious minorities, is permitted provided they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic. No one may be preventedfrom participating in the aforementioned groups, or be compelled to participate in them." (Constitution, Article 26)

The US Department of State (USDOS) notes in its annual report on human rights in 2012:

> "The government limited freedom of association in practice through threats, intimidation, imposing arbitrary requirements on organizations, and arresting group leaders and members.
>
> The government continued to exert significant pressure on members of human rights organizations. Prominent among these was the Defenders of Human Rights Center (DHRC). Other groups that the government restricted were those advocating for women's or

> minority groups' rights [...], recognized and nonrecognized minority religious groups, trade unions, and other labor-related groups [...]." (USDOS, 19 April 2013, section 2b)

> "The government continued its crackdown on members of the One Million Signatures Campaign (OMSC), which advocated repealing laws that discriminate against women. Several members remained under suspended prison sentences and travel bans, were in prison, or were in self-imposed exile at year's end." (USDOS, 19 April 2013, section 6)

The Freedom House report Freedom in the World 2013 states:

> "[T]he security services routinely arrest and harass secular activists as part of a wider effort to control nongovernmental organizations (NGOs). In August 2012, security and intelligence forces raided a camp set up to deliver aid to victims of a devastating earthquake in East Azerbaijan Province. Authorities detained 35 volunteer relief workers on charges of "assembly and collusion against national security goals." Although NGO permits are not required by law, the Interior Ministry has been issuing them and shutting down organizations that do not seek or qualify for them. In 2011, the government began reviewing a new bill on the establishment and supervision of NGOs that could unduly restrict and severely impede their activities; the process continued at the end of 2012." (Freedom House, January 2013)

As noted in the January 2013 Human Rights Watch (HRW) annual report on the human rights situation in 2012, "[t]he government targeted civil society activists, especially lawyers, rights defenders, students, and journalists, and announced plans for the first phase of a halal (legitimate) internet" (HRW, 31 January 2013).

An overview of the treatment of civil society and opposition activists since the June 2009 elections is provided in a HRW report of December 2012:

> "Although most of the hundreds of thousands who took to the streets to protest the June 2009 presidential election result had not been political or civil society activists, they nonetheless found themselves targets of security and intelligence forces. After public protests came to an end, the authorities continued their relentless assault on all forms of dissent, targeting civil society groups and activists who had little if any connection to the protests themselves but whom they deemed to be supporters of a 'velvet revolution' working to undermine the foundations of the Islamic Republic. Along with members of the political opposition, human rights activists, journalists and bloggers, and rights lawyers bore the brunt of these attacks. Security forces arrested and detained scores of activists, including those advocating on behalf of ethnic minorities, women, and students, and subjected many to trials that did not meet international fair trial standards. Dozens remain in prison on charges of speech crimes such as 'acting against the national security,' 'propaganda against the state' or 'membership in illegal groups or organizations.'" (HRW, 13 December 2012, p. 2)

The same source reports on prosecutions against civil society and opposition activists in the aftermath of the June 2012 elections:

> "In addition to the several show trials that authorities convened before television cameras where civil society activists and members of the opposition were indicted for attempting to bring about a 'velvet revolution,' one of several landmark events which cast a chilling shadow over Iranian civil society in the months following the June 2009 election was the so called 'Iran Proxy' affair. In March 2010, the public prosecutor announced they had arrested 30 or so persons involved in what the authorities said was a plot by the US Central Intelligence Agency (CIA) to destabilize the government. The prosecutor accused those arrested of implementing a plot code-named 'Iran Proxy' under the cover of several local non-governmental organizations (NGOs). Revolutionary courts tried, convicted, and sentenced to lengthy prison sentences several of those arrested on national security charged based largely on forced confessions." (HRW, 13 December 2012, p. 2)

The same report describes the impact of the post-2009 crackdown on civil society and outlines the government's treatment of civil society activists since the election of Mahmoud Ahmadinejad to his first term as president in 2005:

> "The post-2009 crackdown has had a profound impact on civil society in Iran. No truly independent rights organizations can openly operate in the country in the current political climate. Many of the most prominent human rights defenders and journalists are in prison or exile, and other activists are subjected to constant harassment and arbitrary arrest. An indication of the lengths to which the government has gone to stifle civil society and dissent is its targeting of lawyers who have chosen to defend activists and dissidents arrested and charged by the authorities. [...]
>
> The targeting of civil society began well before 2009. The election of Ahmadinejad to his first term as president in 2005 signaled the rise of a populist conservative force, headed by Revolutionary Guards and the associated Basij forces (a paramilitary volunteer militia closely linked with the Revolutionary Guards), with the blessing of Supreme Leader Ayatollah Ali Khamenei and his allies.
>
> Under Ahmadinejad's presidency, the attitude of the government shifted from the cautious encouragement of NGOs that had characterized the approach under Ahmadinejad's predecessor, Mohamed Khatami, to one of suspicion and open hostility. The government increasingly applied a 'security framework' in its approach to NGOs, often accusing them of being 'tools of foreign agendas.' Authorities also suppressed the work of activists by denying permits to NGOs to operate, often refusing to provide written explanations when rejecting applications, as required by Iranian law." (HRW, 13 December 2012, pp. 2-3)

A note by the UN Secretary-General to the UN General Assembly (UNGA), published in September 2012, includes the follwing information based on interviews with human rights defenders who have been subject to arrest and detention:

> "In two dozen interviews with the Special Rapporteur, human rights defenders reported being arrested and held incommunicado in solitary confinement for periods ranging from several weeks to 36 months, without charge or access to legal counsel. Most of them also reported that they were subjected to severe physical torture during interrogations, which were aimed at coercing confessions or soliciting information about other human rights

> defenders and human rights organizations. Methods employed reportedly included severe beatings with batons and other objects, mock hangings, electrocution, and actual rape. Other forms of psychological torture allegedly included sleep deprivation, denial of food and/or water, and threats of arrest, detention, rape or murder of family members. Several victims also reported being drugged with hallucinogens. [...] Many of the human rights defenders interviewed by the Special Rapporteur further reported that human rights defenders in general are subjected to unfair trials and issued severe sentences, including flogging, long-term activity and travel bans, long-term exile, and prison terms ranging from six months to 20 years." (UNGA, 13 September 2012, p. 10)

An August 2012 report by the UN Secretary-General points to a draft law, that "unduly restricts the independence of civil society organizations and impedes the right to freedom of association and peaceful assembly of a wide range of actors, including human rights defenders, women's rights activists, teachers and trade associations." The report notes that the Iranian parliament has decided to further review and revise this proposed law. (UNGA, 22 August 2012, p. 13)

A March 2011 report by the Internation Campaign for Human Rights in Iran describes the situation of human rights organisations and its members as follows:

> "Human Rights organizations are an increasingly common target of state repression. In December 2008 security officials closed the Defenders of Human Rights Center (DHRC), founded by Nobel Peace Prize Laureate Shirin Ebadi and several other prominent Iranian human rights lawyers, just a few hours before the Center planned to hold a 60th anniversary celebration of the Universal Declaration of Human Rights at its Tehran office. In 2010, authorities prosecuted and convicted several lawyers associated with the DHRC [...]. In more than one of these cases, prosecutors used the lawyer's affiliation with the DHRC as evidence of criminality. [...]
>
> In September 2009, authorities shut down the Association for the Defense of Prisoners' Rights, which monitors the ill-treatment of detainees in Iran. On 21 September 2010, Branch 26 of the Revolutionary Court sentenced Emad Baghi, founder of the Association, to a six-year prison term and five years of 'civil deprivation' on charges of 'engaging in propaganda against the system' and 'colluding against the security of the regime.' [...]
>
> In 2009 and 2010 Iran authorities cracked down on the Committee of Human Rights Reporters (CHRR) arresting at least seven of its members by means of a 'group arrest warrant.' In an attempt to pursue charges of moharebeh (enmity with God), which could carry a death sentence, Tehran's prosecutor has made the highly unsubstantiated claim that CHRR is associated with the militant opposition group, Mojahedin Khalq Organization.
>
> Branch 26 of the Revolutionary Court in Tehran sentenced Navid Khanjani of the CHRR, on 31 January 2011, to 12 years in prison and cash fines on charges of 'propagating falsehoods,' 'creating public anxiety,' and 'propagating against the regime through publishing news and reports and interviewing with foreign TV and radio outlets,' and 'membership in the Central Council of the Committee of Human Rights Reporters.' [...]

Shiva Nazar Ahari, a member of the CHRR, received a sentence of six years in prison and 76 lashes on 4 September 2010. She was convicted of moharebeh, a charge her lawyer, Mohammad Sharif, says was not supported by any evidence in her case file. In January 2011, Branch 36 of Tehran's Appeals Court reduced the sentence to 4 years and 74 lashes. Currently, Ahari is free on bail awaiting a prison recall.

On 7 February 2010, Ali Kalaee, a member of CHRR, was arrested and released on 14 February. On 27 April 2010, Branch 3 of the Revolutionary Courts summoned him to appear in order to continue investigations and he has been sentenced to six years in prison.

The Iranian government has also prosecuted members of Iran's most prominent Kurdish human rights organization. Arrested in June 2007, Mohammad Sadiq Kaboudvand, founder of the Human Rights Organization of Kurdistan (HROK), is carrying out a 10-year sentence in Evin Prison on charges of 'acting against national security by establishing the Human Rights Organization of Kurdistan,' 'widespread propaganda against the system by disseminating news,' 'opposing Islamic penal laws by publicizing punishments such as stoning and executions,' and 'advocating on behalf of political prisoners.' On 30 January 2011, Branch 1 of the Revolutionary Court in Kermanshah sentenced Kaveh Ghasemi Kermanshahi, a member of the HROK central council, to five years in prison. Kermanshahi was tried on charges of 'acting against national security' because of his membership in the HROK. He was also charged with 'propagating against the regime' for news articles he wrote and interviews he gave with the media, as well as for 'contacting families of political prisoners and those executed.'" (Internation Campaign for Human Rights in Iran, March 2011, pp. 19-21)

5.2 Freedom of the media

The US Department of State (USDOS) annual report on human rights in 2012 provides the an overview of legal provisions and government agencies relevant to the activities of media workers:

"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.' The law states that 'anyone who undertakes any form of propaganda against the state' can be imprisoned for as long as one year; the law does not define 'propaganda.' The law also provides for prosecution of writers for instigating crimes against the state or national security or 'insulting' Islam; the latter offense is punishable by death. The government severely restricted freedom of speech and press, and it used the law to intimidate or prosecute persons who directly criticized the government or raised human rights issues. According to the CPJ, the government continued a campaign of press intimidation throughout the year." (USDOS, 19 April 2013, section 2a)

The USDOS states with respect to media activities during 2012:

"During the year the government banned, blocked, closed, or censored publications that were deemed critical of officials. The government did not permit foreign media organizations to film or take photographs in the country, required foreign correspondents

to provide detailed travel plans and topics of proposed stories before granting visas, and attempted to influence correspondents through pressure.

Independent print media companies existed, but the government severely limited their operations. It closed or prohibited opposition and reformist newspapers, intimidated and arrested journalists, and censored news. Government-controlled print media was also subject to censorship and temporary closures for allegedly insulting the regime. International NGOs reported that authorities had temporarily shut down at least 40 publications between 2009 and 2012." (USDOS, 19 April 2013, section 2a)

Legal provisions with relation to media activities as contained in the Constitution, the Press Law and the Penal Code are summarized in the Freedom House annual report on press freedom (covering 2011) published in May 2012:

"Constitutional provisions and laws restrict what can be covered in the press and fail to provide protections for the media. In addition, the government regularly invokes vaguely worded legislation to criminalize dissenting opinions. The Press Law forbids the publication of ideas that are contrary to Islamic principles or detrimental to public rights. 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 a year in prison, but the code leaves 'propaganda' undefined. Under Article 513, certain offenses deemed to be an 'insult to religion' are punishable by death, or prison terms of one to five years for lesser offenses, with 'insult' similarly undefined. In 2010, the government broadened the definition of the crime of moharebeh, or 'enmity against God,' in order to convict activists and journalists. Other articles provide sentences of up to 2 years in prison, up to 74 lashes, or fines 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; however, many prison sentences have been arbitrarily harsh, ranging from 6 to 10 years or more." (Freedom House, May 2012)

As noted by the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran in a report published by the UN Human Rights Council in February 2013, the "1986 Press Law [...] contains 17 categories of 'impermissible' content" (HRC, 28 February 2013, p. 6).

The US Department of State (USDOS) report of April 2013 notes with regard to legal provisions relating to censorship and libel:

"The law forbids government censorship, but it prohibits dissemination of information the government considers 'damaging.' During the year the government censored publications - both reformist and conservative - that criticized official actions or contradicted official views or versions of events. 'Damaging' information included discussions of women's rights, the situation of minorities, and criticism of government economic policy. Officials routinely intimidated journalists into practicing self-censorship. [...]

The government commonly used libel laws or cited national security to suppress criticism. According to the law, if any publication contains personal insults, libel, false statements, or

criticism, the insulted individual has the right to respond in the publication within one month." (USDOS, 19 April 2013, section 2a)

An overview of legal provisions pertaining to the use of the Internet is provided in the Freedom House report on digital media and internet freedom (reporting period January 2011 - May 2012) published in September 2012:

> "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, none of which are clearly defined. The government and judiciary regularly invoke this and other vaguely worded legislation to criminalize critical opinions. The 2009 Computer Crime Law (CCL) identifies punishments for spying, hacking, piracy, phishing, libel, and publishing materials deemed to damage 'public morality' or to be a 'dissemination of lies.' Punishments mandated in the CCL are severe. They include the death penalty for offenses against public morality and chastity, as well as long prison sentences, draconian fines, and penalties for service providers who fail to enforce government content restrictions." (Freedom House, 24 September 2012)

The USDOS report of April 2013 states with regard to internet freedom:

> "All Internet service providers (ISPs) must be approved by the Ministry of Culture and Islamic Guidance. The government also requires all owners of Web sites and blogs in the country to register with the ministry, which, along with the Ministry of Information and Communications Technology, Ministry of Intelligence and Security, and the Tehran Public Prosecutor's Office, were represented on the Committee in Charge of Determining Unauthorized Web Sites, the governmental organization that determines censoring criteria. The same laws that apply to traditional press apply to electronic media, and the PSB and judiciary used the law to close Web sites during the year. NGOs reported that the government continued to increase its control over the Internet during the year as more citizens used it as a source for news and political debate. [...]
>
> The Basij Cyber Council, the Cyber Police, the Cyber Army, and other government cyber organizations monitored Internet communications-especially on social networking Web sites, such as Facebook, Twitter, and YouTube-and collected personally identifiable information in connection with peaceful expression of views." (USDOS, 19 April 2013, section 2a)

5.2.1 Treatment of journalists and bloggers

A report by Human Rights Watch (HRW) of December 2012 states:

> "Since President Ahmadinejad took power in 2005, dozens of journalists and bloggers have left the country because of increasing limitations on the press and threats against them. [...] The Judiciary imposed harsh sentences on journalists and bloggers based on vague and illdefined press and security laws such as 'acting against the national security,' 'propaganda against the state,' 'publishing lies,' and insulting the prophets or government

> officials such as Supreme Leader Ali Khamenei or President Ahmadinejad." (HRW, 13 December 2012, p. 28)

The Committee to Protect Journalists (CPJ) states in its February 2013 annual report on press freedom in 2012 that "[s]ince the disputed re-election of President Mahmoud Ahmadinejad in 2009, the regime has continued its campaign against the press by imprisoning many dozens of journalists, harassing and intimidating others, and routinely banning reformist publications" and that "[j]ailed reporters were subject to abusive conditions that included extended solitary confinement, physical abuse, and denial of family visits and medical treatment." The CPJ indicates 45 journalists were imprisoned as of 1 December 2012, adding that "[i]n an attempt to silence critical voices, the authorities have maintained a revolving-door policy for imprisoning journalists, freeing some detainees [...] as they make new arrests" (CPJ, 14 February 2013).

A February 2013 article by the Committee to Protect Journalists (CPJ) reports on the following developments in early 2013:

> "The newest crackdown on critical journalists in Iran began on January 27, what is now called 'Black Sunday' when authorities detained at least 14 journalists affiliated with reformist news outlets. The crackdown continued with the arrest of three more journalists in the past three weeks. Mazandarani's detention brings to at least 18 the number of journalists arrested since the beginning of the crackdown. [...] News accounts have reported the release of at least three Iranian journalists from Evin Prison in the past week [...] With these new arrests and releases, at least 13 journalists from the January 27 crackdown remain in custody. Through this crackdown on the press, the Iranian government has sought to scare opposition voices in the lead-up to presidential elections this June." (CPJ, 22 February 2013)

Reporters Without Borders (RSF) notes in February 2013 that "[a] total of 58 journalists and netizens are currently detained in Iran" (RSF, 20 February 2013).

In his February 2013 report to the UN Human Rights Council (HRC), the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran notes the "arrest of at least 17 journalists, the majority of whom work for independent news outlets". Five journalists interviewed about their arrests and judicial prosecution against them are quoted as saying that they did not face public trials-by-jury as stipulated in the Press Law. Two of them stated that they were arbitrarily detained without charges and two female journalists reported that they were subjected to serious sexual harassment while in detention (HRC, 28 February 2013, p. 6).

The USDOS annual report on human rights in 2012 notes with regard to the treatment of media workers:

> "The government and its agents harassed, detained, tortured, and prosecuted publishers, editors, and journalists, including those involved in Internet-based media, for their

> reporting [...]. The government also harassed many journalists' families, and journalists in prison were often subjected to solitary confinement. [...]
>
> Early in the year [2012], security forces arrested several journalists and bloggers, including Fatemeh Kheradmand, Peyman Pakmehr, Parastoo Dokoohaki, Sahamoldin Borghani, Marzieh Rasouli, Said Madani, Shahram Manochehri, Ehsan Houshmand, Hassan Fathi, Esmail Jafar, and Reza Jelodarzadeh. Interrogators reportedly pressured them to confess that they collaborated with foreign media organizations. [...]
>
> The government prosecuted and punished several bloggers and Web masters for peaceful expression of dissenting views. According to AI, in the run-up to the March 2 legislative elections, authorities arrested at least 12 journalists and social media activists, while the BBC Persian service confirmed that the government was continuing to pressure its employees by taking family members of its London-based staff hostage." (USDOS, 19 April 2013, section 2a)

Reporters Without Borders (RSF) notes an "increase in [...] government's harassment of Iranian journalists in the final days before the 14 June presidential election" (RSF, 12 June 2013).

Human Rights Watch (HRW) notes in a press release of May 2013 that "authorities arrested more than a dozen journalists at their homes or offices, apparently in connection with their coverage of the upcoming election, subsequently releasing most of them". These arrests occurred only days after an announcement by Prosecutor General Gholam Hossein Mohseni Ejehi that journalists "collaborating with Westerners and counter-revolutionaries based abroad" would soon be arrested. (HRW, 24 May 2013)

A HRW press release of July 2012 reports on the cases of Mohammad Sadigh Kaboudvand, an "advocate of Kurdish rights in Iran, is serving a 10-and-a-half-year sentence on politically motivated charges" and Bahman Ahmadi-Amoui, "a journalist affiliated with numerous reformist publications [...] serving a five-year-prison sentence" who was transferred to incommunicado solitary confinement in June 2013. The same article notes the death of detained journalist and political activist Hoda Saber in June 2011. (HRW, 13 July 2012)

A July 2012 article by Reporters Without Borders (RSF) reports on the cases of "[f]ive detained journalists and netizens whose lives are in particular danger", including those of Mohammad Sadegh Kabodvand and Bahman Ahmadi-Amoui referred to above (RSF, 10 July 2012). Another RSF article of April 2012 covers the arrests and detentions of journalist Mehran Faraji (arrested to serve a six-month sentence in April 2011 on charges of anti-government propaganda), Rihaneh Tabatabai (arrested December 2010 and freed on bail in January 2011), and internet activist Mansoureh Behkish who was sentenced to four and half years in prison on charges of anti-government propaganda and creating the "Mothers in Mourning" movement. Behkish had been arrested together with 33 other members of "Mothers in Mourning" in January 2010 (RSF, 5 April 2012). The Human Rights Watch (HRW) annual report on the human rights situation in 2012 notes that on 4 April 2012, "a revolutionary court notified Mansoureh Behkish [...] that she had been sentenced to four-and-a half-years for 'propagating

against the regime' and 'assembly and collusion against national security'". The report refers to Behkish as a "prominent blogger and supporter of the Mourning Mothers" who "had been active on behalf of families of victims of the 2009 post-election crackdown and 1988 prison massacres" (HRW, 31 January 2013). The same report notes that on 6 November 2012, "authorities notified family members of blogger Sattar Beheshti that he had died in custody following his arrest" on 30 October 2012 (HRW, 31 January 2013). As reported by the Committee to Protect Journalists (CPJ), fellow inmates of Beheshti at Tehran's Evin Prison alleged that he had been tortured (CPJ, 14 February 2013).

On 25 January 2012, HRW reports that at least ten journalists and bloggers had been arrested since the beginning of 2012, commenting that these arrests "appear to be part of the government's most recent campaign to disrupt the free flow of information ahead of parliamentary elections" scheduled for 2 March 2012 (HRW, 25 January 2012).

The September 2012 Freedom House report on digital media and internet freedom notes that "[i]n early 2012, security forces detained at least six journalists and bloggers in what appeared to be a preemptive measure to thwart protests surrounding the March [2012] parliamentary elections" (Freedom House, 24 September 2012).

The situation of media workers during the year 2011 is briefly summarized in the USDOS annual report on human rights in 2011, published in May 2012:

> "As part of its crackdown, the government increased its oppression of media and the arts, arresting and imprisoning dozens of journalists, bloggers, poets, actors, filmmakers, and artists throughout the year. The government's suppression and intimidation of voices of opposition continued at a rapid pace at year's end." (USDOS, 24 May 2012, executive summary)

The Freedom House annual report on press freedom published in May 2012 refers to the judicial treatment of journalists up to the end of 2011:

> "The Iranian judiciary frequently denies accused journalists due process by referring their cases to the Islamic Revolutionary Court (IRC), an emergency venue intended for those suspected of seeking to overthrow the regime. Cases against journalists before the IRC have featured closed-door hearings and denial of access to an attorney or a fair jury. In July 2010, Ayatollah Mohammad Emami Kashani, a member of the powerful Assembly of Experts, forbade lawyers from defending political suspects, making it difficult for members of the legal profession to assist arrested journalists. Several prominent human rights lawyers who have defended political activists, including journalists, have themselves been prosecuted in recent years." (Freedom House, May 2012)

The situation of bloggers up to early 2012 is outlined in the Freedom House report on digital media and internet freedom as follows:

> "Since June 2009, the authorities have cracked down on online activism through various forms of judicial and extralegal intimidation. An increasing number of bloggers have been threatened, arrested, tortured, kept in solitary confinement, and denied medical care,

> while others have been formally tried and convicted. At least 50 bloggers and online activists were arrested in 2009 and 2010. Although the number of new arrests decreased in 2011, many individuals detained during the previous two years were sentenced, often harshly." (Freedom House, 24 September 2012)

A March 2011 interim report by the UN Secretary-General to the UN Human Rights Council (HRC) states:

> "Journalists, bloggers, human rights defenders and lawyers continue to be arrested or subjected to travel bans, and reports continued to be received of restrictions on media weblogs and websites. [...] The past months have been marked by a mounting crackdown on human rights activists and lawyers in Iran. Several prominent human rights defenders have been charged with national security offences and disproportionately convicted to heavy sentences and travel bans. Others, including their family members, have faced intimidation and harassment." (HRC, 14 March 2011, pp. 11-12)

5.3 Freedom of religion

5.3.1 Religious demography

The official religion of Iran is Shia Islam (MAEE, 12 December 2012). According to results of the the National Population and Housing Census 2011, presented in a report by the Statistical Centre of Iran (AMAR) of August 2012, Muslims constitute 99.4 per cent of the country's population, while Non-Muslims account for 0.30 per cent. Non-Muslim groups are referred to as being Christians, Jews and Zoroastrian and unspecified "others" (AMAR, August 2012, p. 26).

The CIA World Factbook indicates that 89 per cent of the population is Shia Muslim and 9 per cent is Sunni (CIA, 22 August 2013), while the International Federation for Human Rights (FIDH) and the Iranian League for the Defense of Human Rights in Iran (LDDHI) state that Sunni Muslims are estimated to constitute about 10 per cent of the population and that "most Kurds, Baluchis, and Turkmens are Sunnis" and that these Sunni Muslim groups "live in 16 of the 30 provinces of Iran" (FIDH/LDDHI, October 2010, p. 22). As noted by Global Security, a US-based think tank, which puts the number of Sunni Muslims at "approximately 8 to 9 percent" of the population, Sunnis also include "a minority of Arabs" as well as "small communities of Persians in southern Iran and Khorasan" (Global Security, 9 July 2011).

According to the CIA World Factbook, Non-Muslim religious groups (which include Zoroastrians, Jews and Christians and Baha'i) together compose 2 per cent of the population (CIA, 22 August 2013).

The USDOS 2012 International Religious Freedom Report, published in May 2013, provides the following demographic information regarding non-Muslim religious minorities with reference to data collected by UN, NGO, government and other sources:

> "Groups together constituting the remaining 1 percent of the population include Bahais, Christians, Jews, Sabean-Mandaeans, and Zoroastrians. The two largest non-Muslim

> minorities are Bahais and Christians. The Bahais number approximately 300,000, and are heavily concentrated in Tehran and Semnan. According to UN figures, 300,000 Christians live in the country, though some NGOs estimate there may be as many as 370,000. The Statistical Center of Iran reports there are 117,700. The majority of Christians are ethnic Armenians concentrated in Tehran and Isfahan. Unofficial estimates of the Assyrian Christian population range between 10,000 and 20,000. There are also Protestant denominations, including evangelical 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. There are from 5,000 to 10,000 Sabean-Mandaeans. The Statistical Center of Iran estimates there are 25,271 Zoroastrians, who are primarily ethnic Persians; however, Zoroastrian groups report they have 60,000 members." (USDOS, 20 May 2013, section 1)

Results of the 2011 National Population and Housing Census reported by AMAR indicate that the number of Muslims has increased from approx. 70 million in 2006 to about 74.68 million in 2011. AMAR also notes a rise in the Christian population from 109,415 in 2006 to some 117,704 in 2011. The number of Jews is indicated to have decreased from 9,252 in 2006 to 8,756 in 2011, while the number of Zoroastrians is reported to have risen from 19,823 in 2006 to 25,271 in 2011. (AMAR, August 2012, p. 26)

An undated entry on religious minorities in Iran in the Encyclopedia Britannica states:

> "Christians, Jews, and Zoroastrians are the most significant religious minorities. Christians are the most numerous group of these, Orthodox Armenians constituting the bulk. The Assyrians are Nestorian, Protestant, and Roman Catholic, as are a few converts from other ethnic groups. The Zoroastrians are largely concentrated in Yazd in central Iran, Kermān in the southeast, and Tehrān." (Encyclopedia Britannica, undated)

A Guardian article of March 2008 provides the following overview of minority religions in Iran:

> "For many, the symbol of the country since the revolution of 1979 is the face of Ayatollah Khomeini, the shia cleric who swept in after the fall of the Shah and set about establishing a form of theocracy. But Islamic Iran is only part of the story. The Jewish community of Iran is one of the oldest of the diaspora. [...] Christianity has a shorter but equally fascinating history in Iran, where it is most strongly associated with the Armenian ethnic minority. [...] The only faith native to Iran is Zoroastrianism, a monotheistic religion whose founding prophet probably lived during the 10th century BC. [...] There are about 50,000 Zoroastrians in Iran, and the desert city of Yazd is seen as their heartland. [...] The post-revolutionary years have likewise seen emigration by Zoroastrians and Christians, who, while they might not be actively harassed, are made to feel excluded by the overwhelmingly Islamic tenor of the state. And to others, of course, the Republic is barbarically intolerant: Baha'ism, a religion founded in the 19th century by the Iranian mystic, Baha'u'llah, is officially regarded as a heresy, and its followers as Muslim apostates. They have been viciously persecuted since 1979, and face arbitrary arrest and even execution." (Guardian, 20 March 2008)

As reported by the Associated Press (AP), the country's "small non-Muslim population" includes "150,000 Christians" (AP, 30 January 2013).

As indicated by the Joshua Project, a US-based organisation that maintains ethnological data with the aim to support Christian missionary work, Islam is the religion of 98.8 per cent of the population, while Christianity accounts for 0.6 per cent. Christian groups are composed of Orthodox (69 per cent of the Christian population), Independent (17.5 per cent), Roman Catholic (8.9 per cent), Protestant (3.8 per cent), Anglican (0.2 per cent) and other denominations. (Joshua Project, undated (a))

The fact-finding mission report by the Danish Immigration Service (DIS), the Norwegian Country of Origin Information Centre (Landinfo) and the Danish Refugee Council (DRC) of February 2013 quotes a "source in Iran who is well-informed about Christians" as saying that there are around 70-80,000 ethnic Christians (Armenians and Assyro-Chaldeans). As regards house churches, the source notes a lack of relevant statistics, but that the numbers of members of house churches may amount to a few hundred thousand. (DIS/Landinfo/DRC, February 2013, p. 16)

The Federal Agency for Civic Education (BPB), an agency subordinated to the German Federal Ministry of the Interior, points to the country's great religious and ethnic heterogeneity. Besides Muslims, there exist smaller communities of Jews, Baha'is, Christians (Armenians, Assyrians and Chaldaeans) and Zoroastrians. Assyrians and Chaldaeans are being referred to as "Assyro-Chaldaeans". The Armenians number about 250,000. The size of the Jewish minority is indicated as about 15,000. There are some 300,000 adherents of Baha'ism and some 50,000 Zoroastrians. (BPB, 12 June 2008)

The Israeli newspaper Haaretz states with reference to a census of 2009 that "Iran is home to some 25,000 Jews" (Haaretz, 10 July 2013) while an article by the Associated Press (AP) notes that there are "15,000 Jews" in the country (AP, 30 January 2013).

The number of Zoroastrians is indicated by the United States Commission on International Religious Freedom (USCIRF) as being "between 30,000 and 35,000 people" (USCIRF, 30 April 2013, p. 77) while the Associated Press (AP) reports that "[a]bout 20,000 Zoroastrians remain today" (AP, 30 January 2013). An undated report by the BBC puts the number of Zoroastrians at "around 45,000" (BBC News, undated (b)).

As noted by the US Department of State (USDOS), "no official statistics [are] available on the size of the Sufi Muslim population" while "some reports estimate [that] between two and five million people practice Sufism" (USDOS, 20 May 2013, section 1).

A February 2012 article by the German public broadcaster Deutschlandfunk refers to the Baha'is as "a small religious minority with not more than 300,000 adherents" (Deutschlandfunk, 21 February 2012). As indicated by the United States Commission on International Religious Freedom (USCIRF), the Baha'is "number at least 300,000" (USCIRF,

30 April 2013, p. 74) while Freedom House notes that they are "thought to number between 300,000 and 350,000" (Freedom House, January 2013).

The United States Commission on International Religious Freedom (USCIRF) mentions that the Sabean Mandaean religious community numbers "between 5,000 and 10,000 people" (USCIRF, 30 April 2013, p. 77).

5.3.2 Treatment of religious minorities

The Constitution of the Islamic Republic of Iran, adopted on 24 October 1979, contains the following provisions with regard to the official religion of Iran (Article 12), recognized religious minorities (Article 13) and the rights of non-Muslims (Article 14):

> "Article 12 [Official Religion]
>
> The official religion of Iran is Islam and the Twelve Ja'fari school, and this principle will remain eternally immutable. Other Islamic schools are to be accorded full respect, and their followers are free to act in accordance with their own jurisprudence in performing their religious rites. These schools enjoy official status in matters pertaining to religious education, affairs of personal status (marriage, divorce, inheritance, and wills) and related litigation in courts of law. In regions of the country where Muslims following any one of these schools constitute the majority, local regulations, within the bounds of the jurisdiction of local councils, are to be in accordance with the respective school, without infringing upon the rights of the followers of other schools.
>
> Article 13 [Recognized Religious Minorities]
>
> Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education.
>
> Article 14 [Non-Muslims' Rights]
>
> In accordance with the sacred verse 'God does not forbid you to deal kindly and justly with those who have not fought against you because of your religion and who have not expelled you from your homes' [60:8], the government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights. This principle applies to all who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran." (Constitution, Articles 12, 13 and 14)

An overview of the three officially recognized religious minorities (Christians, Jews and Zoroastrians) is provided in a February 2013 fact-finding mission report by the Danish Immigration Service (DIS), the Norwegian Country of Origin Information Centre (Landinfo) and the Danish Refugee Council (DRC):

> "Iran does acknowledge official religious minorities, these being Christians – Armenians, Assyrians and Chaldeans -, Jews and Zoroastrians. There are three elected Christian members of the Parliament, two Armenians and one Assyrian. There is also one elected Jewish member and one Zoroastrian member. These religious communities have a very long history in Iran. The Catholic and Protestant Churches were established during the Shah regime and there are different Catholic communities in Iran. All these churches use their own different languages during services, except for the Chaldean Catholics. They use Farsi which Iranian authorities are not too happy about." (DIS/Landinfo/DRC, February 2013, p. 7)

The US Commission on International Religious Freedom (USCIRF) also states that "[f]ive seats in the parliament are reserved for recognized religious minorities, two for Armenian Christians, one for Assyrian Christians, and one each for Jews and Zoroastrians" (USCIRF, 30 April 2013, p. 72). As noted by the US Department of State (USDOS), Sunnis do not have reserved seats in parliament (Majlis) but "are permitted to serve in the body" (USDOS, 20 May 2013, section 2).

The US Department of State (USDOS) 2012 International Religious Freedom Report of May 2013 describes the legal status of non-Shia religious groups as follows:

> "The constitution provides Sunni Muslims a degree of religious freedom, and states that, 'within the limits of the law,' Zoroastrians, Jews, and Christians are the only recognized religious minorities with protected freedom to worship freely and to form religious societies, as long as they do not proselytize. Although the Sabean-Mandaeans do not consider themselves Christians, the government regards them as Christians, and thus they are included among the three recognized religious minorities. The government does not recognize any other non-Islamic religion, and adherents of these other religious groups, such as the Bahais, do not have the freedom to practice their beliefs." (USDOS, 20 May 2013, section 2)
>
> "Non-Muslims may not engage in public religious expression, persuasion, or conversion among Muslims. Such proselytizing is punishable by death. The government restricts published religious material. Government officials frequently confiscate Christian Bibles and pressure publishing houses printing Bibles or non-sanctioned non-Muslim materials to cease operations.
>
> The Ministry of Culture and Islamic Guidance (Ershad) and the Ministry of Intelligence and Security closely monitor religious activity. The government does not require members of some recognized religious minorities to register, but the authorities closely monitor their communal, religious, and cultural events and organizations, including schools. The government requires evangelical Christian congregations to compile and submit membership lists. The government requires Bahais to register with the police.
>
> Non-Muslim religious minorities may not be elected to a representative body or hold senior government or military positions, with the exception of five of the 290 Majlis seats reserved by the government for religious minorities. There are two seats for Armenian

> Christians, one for Assyrian Christians, one for Jews, and one for Zoroastrians. Sunnis do not have reserved seats in the Majlis but are permitted to serve in the body. Sunni Majlis deputies tend to be elected from among the larger Sunni communities. The government allows religious minorities to vote; however, religious minorities, including Sunni Muslims, are ineligible to be president.
>
> Members of religious minority groups, except Sunni Muslims, may not serve in the judiciary, security services, or as public school principals. Officials screen applicants for public sector employment for their adherence to and knowledge of Islam, although members of religious minorities, with the exception of Bahais, may serve in lower ranks of government. Government workers who do not observe Islamic principles and rules are subject to penalties. Bahais are barred from all leadership positions in the government and military." (USDOS, 20 May 2013, section 2)

As noted by Freedom House, the constitutionally recognized religious minorities (Zoroastrians, Jews and Christians) "are generally allowed to worship without interference, so long as they do not proselytize" (Freedom House, January 2013)

The United States Commission on International Religious Freedom (USCIRF) notes that "[s]ince the June 2009 elections, the Iranian government has intensified its campaign against non-Muslim religious minorities", observing "[v]irulent and inflammatory statements by political and religious leaders" as well as "an increase in harassment and imprisonment of, and physical attacks against, these groups" (USCIRF, 30 April 2013, p. 74).

In its 2012 International Religious Freedom Report of May 2013, the US Department of State (USDOS) notes with regard to the treatment of religious minorities by authorities:

> "Government rhetoric and actions created a threatening atmosphere for nearly all non-Shia religious groups, most notably for Bahais, as well as for Sufi Muslims, evangelical Christians, Jews, and Shia groups not sharing the government's official religious views. Bahai and Christian groups reported arbitrary arrests, prolonged detentions, and confiscation of property." (USDOS, 20 May 2013, executive summary)
>
> "All non-Shia religious minorities suffered varying degrees of officially sanctioned discrimination, especially in employment, education, and housing." (USDOS, 20 May 2013, section 2)

The USDOS reports on societal treatment of non-Shia religious groups:

> "There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Members of non-Shia religious groups faced some societal discrimination, and elements of society created a threatening atmosphere for some religious minorities. However, reports indicated the government was the primary instigator of the abuse of religious freedom. The government's campaign against non-Shias created an atmosphere of impunity allowing other elements of society to harass religious minorities." (USDOS, 20 May 2013, executive summary)

Apostates

The US Department of State (USDOS) 2012 International Religious Freedom Report states:

> "The constitution does not provide for the rights of Muslim citizens to choose, change, or renounce their religious beliefs. The government automatically considers a child born to a Muslim father to be a Muslim and deems conversion from Islam to be apostasy, which is punishable by death." (USDOS, 20 May 2013, section 2)

The January 2013 report of the International Campaign for Human Rights in Iran explains the legal situation and judicial practices relating to apostasy:

> "Apostasy, the act of abandoning or renouncing one's religion, is not codified as a crime under Iran's Islamic penal code or any other Iranian law. However, law enforcement, prosecutors, and courts generally treat the act as a crime. In order to circumvent the lack of a codified prohibition of apostasy, prosecutors and judges invoke legal provisions in the Iranian constitution that allow courts to utilize Islamic jurisprudence. Iranian courts typically draw on jurisprudence that views the act of leaving Islam for any another religion, including variants of Islam not recognized by the state, as a capital crime; a person convicted of the act must be executed. A person can only be an apostate, these interpretations hold, if changing religion after puberty—age 9 for females, 15 for males. Before puberty one can choose a new religion freely. If one does not choose he or she automatically adopts the religion of their father. Some theologians and courts have allowed defendants to repent and renounce their new faith to avoid this sentence. This interpretation of Islamic law is not universally agreed upon. On a few occasions, lawyers have tried to invoke Islamic jurisprudence from high-ranking Shi'a clerics who take more lenient views of apostasy. For example, some clerics have issued edicts stating that leaving Islam without animus to the faith is not apostasy, or that converting to another recognized religion is not apostasy." (International Campaign for Human Rights in Iran, 16 January 2013, p. 30)

The same report notes that in 2008, the judiciary introduced a draft of a new penal code in parliament under which apostasy would have become a capital crime. The bill was not brought up for a vote in the parliament. Apostasy remains uncodified in another, new version of the penal code that was preliminarily approved in parliament in December 2011 and awaited final approval as of January 2013. This "pending penal code", however, "includes a provision, referring to Article 167 of the Iranian constitution, which explicitly instructs judges to utilize Islamic legal sources where crimes or punishments are not covered by the code." (International Campaign for Human Rights in Iran, 16 January 2013, p. 31)

The same report states that "government, judiciary, security, and intelligence agencies have increasingly treated Protestant converts as a national security threat" and that "since 2005 authorities have arrested and prosecuted Protestants most often for security crimes against the state." The report mentions "three cases of Christians charged with apostasy: those of Mehdi Dibaj, Youcef Nadarkhani, and Hossein Soodmand". (International Campaign for Human Rights in Iran, 16 January 2013, pp. 7-8)

The February 2013 fact-finding mission report by the Danish Immigration Service (DIS), the Norwegian Country of Origin Information Centre (Landinfo) and the Danish Refugee Council (DRC) states:

> "A Western embassy (3) mentioned that there had been cases of apostasy which had led to death sentences and reference was made to the case of the Christian convert Yousef Naderkhani. The embassy also mentioned that often when someone is taken in by the authorities under suspicion of being a Christian convert, he would be released again if he confirms his Muslim belief. [...]
>
> A source in Iran who is well-informed about Christians said that any conversion from Islam is considered illegal and could be subject to prosecution with capital punishment as an end result. However, that being said, there are only one or two cases known of, where the charge of apostasy led to conviction. Reference was made to a case in Mashad in 1990 where Pastor Hossein Soodmand, who was a convert to Christianity, was hanged for apostasy. In 1994, a Christian convert who also was a pastor, Pastor Mehdi Dibaj, was sentenced to death on charges of apostasy. He was released however, but found dead approximately six months later in a forest." (DIS/Landinfo/DRC, February 2013, p. 25)

The case of Christian pastor Yousef Nadarkhani is reported in the annual report of the US Commission on International Religious Freedom (USCIRF) of April 2013:

> "Christian pastor Yousef Nadarkhani, jailed since October 2009, was sentenced to death for apostasy in November 2010 by a court in Gilan province. Prosecutors acknowledged he had never been a Muslim as an adult but said the apostasy law still applies because he has Islamic ancestry. Rejecting his appeal in June 2011, the court suspended the death sentence contingent upon his recanting his faith, which he refused to do. Facing international pressure, officials released Nadarkhani in September 2012, only to rearrest him on Christmas day and then release him days later in early January 2013." (USCIRF, 30 April 2013, p. 77)

The release of Yousef Nadarkhani in September 2012 is also mentioned in a report by the UN Human rights Council (HRC), which provides the following background information on the case:

> "Mr. Nadarkhani had been arrested in October 2009 and found guilty and sentenced to death on charges of apostasy and evangelism following a trial which reportedly did not provide due process guarantees. The sentence was upheld by the Supreme Court, with the caveat that unless the accused renounced Christianity he would be executed by hanging. In early September, the judicial authorities commuted Mr. Nadarkhani's charge to 'evangelizing Muslims', and reduced his sentence to three years which he was credited with having already served." (HRC, 7 May 2013, p. 9)

For more details regarding the situation of converts from Islam to Christianity, please refer to the following section on Christians.

Christians

An overview of numbers of Christians and Christian groups is provided in a January 2013 report by the International Campaign for Human Rights in Iran:

> "There are no definitive statistics on the number of Christians, and Christian converts in particular, in Iran due to the lack of reliable polling. In 2010, the research group World Christian Database (WCD) recorded 270,057 Christians in Iran, or about 0.36 percent of the entire Iranian population of 74.7 million. In Iran, there are two main categories of Christians: ethnic and non-ethnic. The majority are ethnic Christians, which refers to Armenians and the Assyrians (or Chaldeans) who posses their own linguistic and cultural traditions. Most ethnic Christians are members of their community's Orthodox church. Non-ethnic Christians are for the most part members of Protestant churches and most, though not all, are converts who came from Muslim backgrounds. The WCD in 2010 reported approximately 66,700 Protestant Christians in Iran, which represents about 25 percent of the Iranian Christian community." (International Campaign for Human Rights in Iran, 16 January 2013, p. 6)

The International Campaign for Human Rights in Iran states with regard to converts:

> "The Iranian government does not recognize converts as Christians and many converts do not report their faith publicly due to fear of prosecution. Thus the number of converts in Iran is likely undercounted. Several Iranian Christian organizations indicated to the Campaign that the number of Christian converts could be as high as 500,000, but such estimates could not be independently confirmed." (International Campaign for Human Rights in Iran, 16 January 2013, p. 6)

The DIS/Landinfo/DRC fact-finding mission report of February 2013 notes that no statistics exist on the number of converts but quotes a "source in Iran who is well-informed about Christians" as saying that the number of members of house churches, and by implication the potential number of hidden converts "may amount to a few hundred thousand" (DIS/Landinfo/DRC, February 2013, p. 16).

A January 2013 report by the International Campaign for Human Rights in Iran notes the following developments in the government's stance towards Protestant Christian groups:

> "In 2005, coinciding roughly with the election of President Mahmoud Ahmadinejad, the Iranian government ramped up its repression of Christian house churches, Persian-language Protestant churches, and converts. It has further intensified its efforts since 2010, under the rationale that evangelicals are a deviant form of Christianity, different from state-recognized Christianity, and that the house church movement is linked to 'Western powers' and 'Zionists' who are waging a soft war against the regime. As such, Iranian government, judiciary, security, and intelligence agencies have increasingly treated Protestant converts as a national security threat." (International Campaign for Human Rights in Iran, 16 January 2013, p. 7)

The UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, in a report published by the UN General Assembly (UNGA) in September 2012, refers to interviewees who reported that Christian churches, in particular those of evangelical or protestant denomination, were forced to operate underground, holding church services in private homes, called house churches, even though it is illegal to operate without permits (UNGA, 13 September 2012, p. 12).

The US Department of State (USDOS) similarly notes:

> "Official reports and the media continued to characterize Christian house churches as 'illegal networks' and 'Zionist propaganda institutions.' Arrested members of house churches were often accused of being supported by enemy countries." (USDOS, 20 May 2013, section 2)

As noted in a May 2013 report by the UN Secretary-General to the UN Human Rights Council, "[s]ince June 2010, approximately 300 Christians have allegedly been arbitrarily arrested and detained throughout the country, including in Arak, Bandar Abbas, Bandar Mahshahr, Ardabil, Tabriz, Khoramabad, Mashhad, Hamadan, Rasht, Shiraz, Isfahan and Elam" (HRC, 7 May 2013, p. 9).

The UK Foreign and Commonwealth Office (FCO) states in its annual report for the year 2012 that "throughout 2012", it has "received reports of arrests and detentions of Christians, often without fair trial or legal representation" and that "[m]onitoring of church congregations continued, prompting many Christians to worship in private homes, known as 'house churches'". The report states that "[c]onverts were particularly targeted" and that "t]hose found by the authorities to have converted to Christianity were told to revert to Islam or face arrest and apostasy charges." (FCO, April 2013)
The US Department of State (USDOS) 2012 International Religious Freedom Report of May 2013 (covering 2012) provides the following details regarding the situation of Christians in general and evangelical Christians and converts in particular:

> "The authorities reportedly arrested several hundred Christians, including members of evangelical groups. The status of many of these cases was not known at year's end. Authorities released some Christians almost immediately, but held others in secret locations without access to attorneys. Authorities also arrested several members of 'protected' Christian groups such as Armenian Apostolics and Assyrians. Prison authorities reportedly withheld proper medical care from such prisoners, according to human rights groups. In one such case, Pastor Behnam Irani suffered in prison from a blood infection without medical attention. [...]
>
> The government enforced prohibition on proselytizing by closely monitoring the activities of evangelical Christians, discouraging Muslims from entering church premises, closing churches, and arresting Christian converts. Authorities pressed evangelical church leaders to sign pledges that they would not evangelize Muslims or allow Muslims to attend church services. Meetings for evangelical services are restricted to Sundays. Reports suggested authorities regarded the act of allowing Muslims to visit a Christian church as

proselytizing. Members of evangelical congregations were required to carry membership cards, photocopies of which had to be provided to the authorities. Authorities posted outside congregation centers subjected worshippers to identity checks. [...]

Official reports and the media continued to characterize Christian house churches as 'illegal networks' and 'Zionist propaganda institutions.' Arrested members of house churches were often accused of being supported by enemy countries." (USDOS, 20 May 2013, section 2)

A report by the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, published by the UN General Assembly (UNGA) in September 2012, states:

"It has also been reported that church officials are required to inform authorities before admitting new members to their congregations; that members of certain congregations have been required to carry membership cards, which are reportedly checked by authorities posted outside congregation centres; and that meetings for evangelical services are restricted to Sundays. It was reported that Christians have been summoned, detained and interrogated, during which they are often urged to return to Islam if it is found that they have converted to Christianity, and threatened with arrest and apostasy charges if they do not comply." (UNGA, 13 September 2012, p. 12)

The February 2013 fact-finding mission report by the Danish Immigration Service (DIS), the Norwegian Country of Origin Information Centre (Landinfo) and the Danish Refugee Council (DRC) quotes a number of different sources commenting on the situation of Christians, including members of house churches and converts:

"An international organization in Ankara stated that the authorities perceive the evangelistic networks as a sort of intelligence network and would rather go after the evangelizers and proselytizers. The authorities would not go after individual converts, but if it turns into more organized activities, it is a different issue. [...]

Regarding the possible repercussions converts could face in Iran, a Western embassy (1) informed the delegation that being a Christian as such is usually not a problem. If a person publicly converts to Christianity this could become a problem. However, even for people who convert to Christianity, the risks are – normally speaking - not high if the person keeps quiet about his conversion. On the other hand, once a person starts proselytizing, he or she enters into a new category of people who may face a risk." (DIS/Landinfo/DRC, February 2013, p. 24)

"A source in Iran who is well-informed about Christians explained that house churches have been subject to crack-downs by the authorities every year in the months between December and February for the past years. Members of churches are arrested as well as their leaders, and released after a few days. At times, the authorities keep a few in arrest, however this depends on how determined the converts are in their faith. Many will simply accept the demands from the authorities to keep a lower profile and are released. It is also very likely that such persons will go back to their house churches and meet again, however they must act discreetly." (DIS/Landinfo/DRC, February 2013, pp. 27-28)

> "According to an international organization in Ankara, the authorities do not pursue ('do not squeeze') the members of house churches. It is the act of evangelizing which is considered criminal. However, members of house churches could face problems with their own families." (DIS/Landinfo/DRC, February 2013, p. 30)

As reported by the US Department of State (USDOS) with reference to developments in 2012, "Muslim converts to Christianity faced harassment, arrest, and sentencing". The report adds that "[m]any arrests took place during police raids on religious gatherings, when the government also confiscated religious property." (USDOS, 20 May 2013, section 2)

Sunni Muslims

In its report Freedom in the World 2013, Freedom House states that while "Sunnis enjoy equal rights under the law", they "face discrimination in practice" and notes that "there is no Sunni mosque in Tehran" and that "few Sunnis hold senior government posts" (Freedom House, January 2013).

The US think tank Global Security provides the following overview of the relationship between Shia and Sunni Muslims:

> "Generally speaking, Iranian Shias are inclined to recognize Sunnis as fellow Muslims, but as those whose religion is incomplete. Shia clergy tend to view missionary work among Sunnis to convert them to true Islam as a worthwhile religious endeavor. Since the Sunnis generally live in the border regions of the country, there had been little occasion for Shia-Sunni conflict in most of Iran. In those towns with mixed populations in West Azarbaijan, the Persian Gulf region, and Baluchestan va Sistan, tensions between Shias and Sunnis existed both before and after the Revolution. Religious tensions have been highest during major Shia observances, especially Moharram." (Global Security, 9 July 2011)

The 2013 Annual Report of the United States Commission on International Religious Freedom (USCIRF) of April 2013 refers to the situation of Sunnis as follows:

> "Muslim minorities continue to face repression. Several of the country's ethnic minorities—Arabs, Baluchis, Kurds, and Turkmen—practice Sunni Islam. These groups are subject to discriminatory policies based on both their ethnic identity and their faith. Sunni Muslim leaders regularly are intimidated and harassed by intelligence and security services and report widespread official discrimination in government employment, particularly in leadership positions in the executive and judicial branches. [...]Sunni leaders report widespread abuses and restrictions on their religious practice, including detentions and abuse of Sunni clerics, as well as bans on Sunni teachings in public schools and Sunni religious literature, even in predominantly Sunni areas. [...] The Sunni community still has not been able to build a mosque in Tehran and, in recent years, Sunni mosques were destroyed in eastern Iran near Zabol, Sistan- Baluchistan, and Mashhad. In recent years, dozens of Sunni clerics reportedly were arrested for spreading Sunni teachings, including in Kurdistan, Kermanshah, Baluchistan, West Azerbaijan, Ahvaz, Tavalesh, and Khorassan provinces." (USCIRF, 30 April 2013, p. 73)

The US Department of State (USDOS) 2012 International Religious Freedom Report notes:

> "There were reports of arrests and harassment of Sunni clerics and congregants. Many Sunnis claimed they were discriminated against; however, it was 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 Sunnis in the city, as a prominent example. Sunni leaders reported bans on Sunni religious literature and teachings in public schools, even in predominantly Sunni areas. Sunnis also noted the underrepresentation of Sunnis in government-appointed positions in the provinces where they form a majority, such as Kurdistan and Khuzestan, as well as their inability to obtain senior government positions. Residents of provinces with large Sunni populations, including Kurdistan, Khuzestan, and Sistan-va-Baluchestan, reported discrimination, lack of basic government services, and adequate funding for infrastructure projects. [...]
>
> Security officials continued to raid prayer sites belonging to Sunnis and prevented them from holding religious ceremonies marking the Feast of the Sacrifice (Eid al-Adha)." (USDOS, 20 May 2013, section 2)

Amnesty International (AI) reports on the following cases:

> "In August [2012], the authorities arrested at least 19 Sunni Muslims in Khuzestan province and 13 in West Azerbaijan, apparently on account of their beliefs. Eight others were arrested in Kordestan in October [2012]. It is not known whether any were charged or faced further questioning." (AI, 23 May 2013)

A report of the UN Secretary-General to the UN Human Rights Council (HRC), published in May 2013, states:

> "[M]inorities [...] such as the Sunni community, also faced severe restrictions of their freedom of religion and belief. On 26 October 2012, the most important Muslim holiday, security forces reportedly banned Tehran's Sunnis from holding their own Eid al-Adha gathering and prayers. Although this was the first time that they were prevented from marking Eid al-Adha, they had previously been stopped from holding Eid al-Fitr prayers for three consecutive years, and from building mosques and houses of worship in the city. Discrimination against Sunni students in accessing higher education institutions has also been reported. The management of universities asserted that security officials had forbidden Sunni students from receiving higher education. In late September 2012, following pressure from security officials and the Ministry of Education, the Education Department of Iranian Kurdistan banned more than 17 senior Sunni teachers from teaching throughout the province." (HRC, 7 May 2013, p. 9)

The International Federation for Human Rights (FIDH) and the Iranian League for the Defense of Human Rights (LDDHI) note in a joint report published in October 2010:

> "There is no official IRI [Islamic Republic of Iran] policy that discriminates against Sunni Muslims, and the Constitution mandates that they freely practise their own social customs and religious rules (Article 12). That official policy, however, is far from reality. In recent

years, pressure on Sunni Muslims has increased throughout Iran. For instance, the authorities have removed a special annex for the Sunni Muslims from school textbooks taught in the Turkmen Sahra region. In the same region, the Sunni clerical teachers who teach religious subjects are forced to sign teaching contracts, that describe them as sport instructors. Furthermore, Sunni clerics are no longer allowed to take the entrance examination for the School of Theology of Tehran University that would enable them to seek employment after graduation. Sunni sources have reported that they are not given permission to publish their religious books." (FIDH/LDDHI, October 2010, p. 22)

Jews

The 2013 Annual Report of the United States Commission on International Religious Freedom (USCIRF) of April 2013 (mainly covering the year 2012) notes:

> "Official government discrimination against Jews continues to be pervasive, fostering a threatening atmosphere for the approximately 20,000-25,000 member Jewish community." (USCIRF, 30 April 2013, p. 78)

The US Department of State (USDOS) 2012 International Religious Freedom Report of 20 May 2013 provides the following overview regarding the situation of members of the Jewish community:

> "With some exceptions, there was little government restriction of, or interference with, Jewish religious practice. However, the Jewish community experienced official discrimination. Government officials continued to make anti-Semitic statements, organize events designed to deny the Holocaust, and sanction anti-Semitic propaganda. Such propaganda involved official statements, media outlets, publications, and books. The government's anti-Semitic rhetoric, as well as the perception among radical Muslims that all Jewish citizens of the country supported Zionism and the state of Israel, continued to create a hostile atmosphere for Jews." (USDOS, 20 May 2013, section 2)

> "Anti-Semitism remained a problem. Many Jews sought to limit their contact with or support for the state of Israel due to fear of reprisal. Anti-American and anti-Israeli demonstrations included the denunciation of Jews, in contrast to the past practice of denouncing only "Israel" and "Zionism." In November, a Jewish woman in Isfahan was reportedly stabbed to death and her body was mutilated during a land dispute. Her family members had been receiving threats as they pursued legal action to claim back part of their house that had been expropriated and attached to a neighboring mosque. The family could not definitively state the crime was religiously motivated." (USDOS, 20 May 2013, section 3)

The USDOS report further states:

> "The government reportedly allowed Hebrew instruction but limited the distribution of Hebrew texts, particularly nonreligious texts, making it difficult to teach the language. The government required Jewish schools to remain open on Saturdays, a violation of Jewish

> religious law, to conform to the schedule of other schools." (USDOS, 20 May 2013, section 2)

In its annual report covering the year 2012, the UK Foreign and Commonwealth Office (FCO) notes that "[r]eports emerged at the end of the year about an increase in persecution of the small Jewish community in Iran" (FCO, April 2013).

A human rights activist of Kurdish origin in London is quoted by the Danish Immigration Service (DIS), the Norwegian Country of Origin Information Centre (Landinfo) and the Danish Refugee Council (DRC) as saying that the Jewish communities that exist in Iran are "under a lot of pressure and live very discreetly in small families" (DIS/Landinfo/DRC, February 2013, p. 18).

With regard to freedom of movement of members of the Jewish community, the USDOS notes that "Jewish citizens are free to travel out of the country" and that "the government generally does not enforce legal restrictions on travel to Israel by Jewish citizens" whereas "[o]ther citizens may not travel to Israel." (USDOS, 20 May 2013, section 2)

An October 2009 article by the British newspaper The Telegraph states:

> "Iran is home to the biggest population of Jews in the Middle East outside Israel. While the community faces limited discrimination, it is largely free to exercise the same rights as Muslims enjoy in the Islamic republic. Like the country's Armenian, Assyrian and Zoroastrian minorities, it has one reserved seat in parliament." (Telegraph, 3 October 2009)

Zoroastrians

A report by the BBC states with regard to Zoroastrians in Iran that "emigration, conversion to Islam and centuries of oppression mean their numbers in Iran have dwindled to around 45,000" (BBC News, undated (b)). A January 2013 article by the Associated Press (AP) notes that after the 1979 Islamic Revolution, "many Zoroastrians emigrated to the U.S., and their festivals were strongly discouraged" (AP, 30 January 2013).

The 2013 Annual Report of the United States Commission on International Religious Freedom (USCIRF), published in April 2013, states:

> "In recent years, members of the Zoroastrian community [...] have come under increasing repression and discrimination. In 2011, a Zoroastrian man, Mohsen Sadeghipour, began serving a four-and-a-half year prison term for propaganda of the Zoroastrian faith. Three others—Mojtaba Ahmadi, Pouria Shahpari, and Mohammad Javad Shahpari—were convicted and imprisoned in 2010 on blasphemy and other trumped-up security-related charges. All four remain in prison." (USCIRF, 30 April 2013, p. 77)

As indicated by the USDOS, Zoroastrians "reported detentions and harassment". The same source adds that "[t]here was no information on the whereabouts or trial of Yashin Jamshidi, a

Zoroastrian in Karaj, whom Ministry of Intelligence agents arrested in October 2011." (USDOS, 20 May 2013, section 2)

Sabean Mandaeans

The 2013 Annual report of the United States Commission on International Religious Freedom (USCIRF) notes:

> "Over the past few years, the unrecognized Sabean Mandaean religious community, numbering between 5,000 and 10,000 people, has been facing intensifying official harassment. Reports continue about Sabean Mandaeans facing societal discrimination and pressure to convert to Islam, and being denied access to higher education. Many families have fled the country." (USCIRF, 30 April 2013, p. 77)

The USDOS states:

> "Authorities also harassed and repressed the Sabean-Mandaean religious community in ways similar to its harassment of other minority religious groups, including often denying members of the Sabean-Mandaean community access to higher education." (USDOS, 20 May 2013, section 2)

> "There were reports during the year that members of the Sabean-Mandaean community experienced societal discrimination and pressure to convert to Islam." (USDOS, 20 May 2013, section 3)

An article by Al Arabiya of December 2011 reports that "[m]ore than 300 Iranian families were forced to leave their homeland in the western province of Khuzestan after facing a series of discriminatory acts for following the faith Sabian Mandaeism which is not officially acknowledged" in Iran. The article quotes a Sabean-Mandean man as saying that while Sabean-Mandaeans had been an integral part of the Iranian social and national fabric, especially in Khuzestan where most of the community used to live, this is no longer the case since the fall of the Shah and that they are not allowed to talk about their faith or rituals and that Iranians harbour hatred for Mandaeans and Arabs in general, of whom they are considered part. A Sabaean-Mandaean woman is quoted as saying that she and others in the community suffered "dual persecution" for being Arab and Mandaean. (Al Arabiya, 6 December 2011)

Bahaís

The UN Office of the High Commissioner for Human Rights (OHCHR) notes in a press release of May 2013:

> "Iran's constitution officially recognizes and protects four religions: Islam, Christianity, Judaism and Zoroastrianism. Baha'is in turn fall outside domestic constitutional safeguards." (OHCHR, 13 May 2013)

Amnesty International (AI) states in its annual report for the year 2012 that "[p]ersecution of Baha'is intensified" and that "[a]t least 177 Baha'is [...] were detained for their beliefs." (AI, 23 May 2013)

The 2013 Annual Report of the United States Commission on International Religious Freedom (USCIRF) comments on the situation of Baha'is as follows:

> "The Baha'i community has long been subject to particularly severe religious freedom violations. Iranian authorities view Baha'is, who number at least 300,000, as 'heretics,' and repress them for 'apostasy' and other baseless charges. [...] Baha'is may not establish places of worship, schools, or any independent religious associations. 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 also are 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. The Baha'i community faces severe economic pressure, including denials of jobs in both the public and private sectors and of business licenses. Iranian authorities often pressure employers of Baha'is to dismiss them from private sector employment.
>
> During the past two years, Baha'is have faced increasingly harsh treatment, including increasing arrests and detentions and violent attacks on private homes and personal property. More than 650 Baha'is have been arbitrarily arrested since 2005. As of February 2013, at least 110 Baha'is are being held in prison solely because of their religious beliefs, twice the number held in early 2011. Throughout 2012 and early 2013, Baha'i-owned businesses and personal property were the target of arson attacks in several cities, with police doing nothing to find the perpetrators. [...]
>
> According to human rights groups, more than 500 Baha'is have active cases pending against them, despite having been released from detention. [...]
>
> Iranian authorities have gone to great lengths in recent years to collect information on Baha'is and monitor their activities. During the reporting period, dozens of Baha'is were arrested throughout the country, including in Tehran, Babolsar, Karaj, Nazarabad, Shahrekord, Semnan, Mashhad, Bandar Abbas, Shiraz, and Ghaemshahr. In most of these cases, Ministry of Intelligence officials appeared at their homes, searched the premises and confiscated computers, books and other materials, and then made arrests. In most cases, no formal charges were filed. [...]
>
> Although the Iranian government maintains publicly that Baha'is are free to attend university, a de facto policy of preventing Baha'is from obtaining higher education remains in effect. [...]
>
> In recent years, militant societal actors emboldened by Iranian law and policy have physically attacked Baha'i individuals and property with impunity. Since October 2010 in Rafsanjan, dozens of shops have been attacked and more than 20 Baha'i homes and businesses have received letters warning Baha'is of severe consequences for forming friendships with Muslims." (USCIRF, 30 April 2013, pp. 74-76)

The International Religious Freedom Report of the US Department of State (USDOS) of May 2013 (covering the year 2012) indicates:

> "Since the 1979 Islamic Revolution, the government has executed more than 200 Bahais, although there were no reports of Bahai executions during the year. The government frequently prevented many Bahais from leaving the country, harassed and persecuted them, and generally disregarded their property rights.
>
> The government arrested at least 60 Bahais arbitrarily during the year, and released some. At year's end, at least 116 Bahais were in detention and 524 Bahai cases were still active in the judicial system, according to human rights groups. In many cases the government charged them with violating Islamic penal code articles 500 and 698, relating to activities against the state and spreading falsehoods, respectively. The government also often charged Bahais with 'espionage on behalf of Zionism,' partly because Bahai world headquarters is located in Israel. These charges were more acute when the government found that Bahais were communicating with or sending monetary contributions to the Bahai headquarters. Often the charges were not dropped upon release, and those with charges pending against them reportedly feared arrest at any time. [...]
>
> Seven Bahai leaders (Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naeimi, Behrouz Tavakkoli, Saeid Rezaie, Vahid Tizfahm, and Mahvash Sabet) remained in detention at year's end, serving sentences extended by the authorities in 2011 to 20 years. They were charged in 2011 with'spionage for Israel, insulting religious sanctities, and propaganda against the Islamic Republic.' [...]
>
> The government raided Bahai homes and businesses and confiscated large amounts of private and commercial property, as well as religious materials. [...] The government generally prevented Bahais from burying their dead in accordance with their religious tradition, and many of their cemeteries were destroyed in previous years. [...]
>
> Although the government maintained publicly that Bahais were free to attend university if they did not identify themselves as Bahai, public and private universities continued to deny admittance and expel Bahai students, indicating the implicit policy of preventing Bahais from obtaining higher education remained in effect. [...]
>
> The government's on-going seizure of Bahai personal property and its denial of access to education and employment eroded the Bahai community's economic base and threatened its survival." (USDOS, 20 May 2013, section 2)

The same report states:

> "Article 297 of the amended 1991 Islamic Punishments Act authorizes collection of equal diyeh (blood money) as restitution to families for the death of both Muslims and non-Muslims. According to law, Bahai blood is considered 'mobah,' meaning it can be spilled with impunity and Bahai families are not entitled to restitution. [...]
>
> The government, since the Islamic Revolution, formally denies Bahai students access to higher education. [...]

Bahais are banned from the social pension system. In addition, Bahais are regularly denied compensation for injury or criminal victimization and the right to inherit property. The government does not recognize Bahai marriages and divorces but allows a civil attestation of marriage to serve as a marriage certificate.

The government allows recognized religious minority groups to establish community centers and certain self-financed cultural, social, athletic, or charitable associations. However, the government prohibits the Bahai community from officially assembling or maintaining administrative institutions and actively closes such institutions as part of this policy." (USDOS, 20 May 2013, section 2)

Societal treatment of Baha'is is reported by the same source as follows:

"There were reported problems for Bahais at different levels of society around the country. Bahais experienced continued personal harassment, including receiving threatening notes, compact discs, text messages, and tracts. There were reported cases of Bahai children being harassed in school and subjected to Islamic indoctrination. Students and educators especially targeted Bahai girls in an attempt to create sectarian tensions between parents and children." (USDOS, 20 May 2013, section 3)

The May 2013 report of the UN Secretary-General to the UN Human Rights Council (HRC) states:

"Serious discrimination in law and practice against ethnic and religious minorities continues to be reported, especially of the Baha'i community. Although participation in community activities is a foundational element of the Baha'i faith and an integral part of their religious practice, in recent years many Baha'is have been asked, under threat and duress, to sign statements undertaking not to participate in their community's gatherings and other collective activities. [...] An ongoing anti-Baha'i media campaign resulted in increasing attacks on its members and their properties. [...] As of late November 2012, a notable increase in imprisonment of Baha'is had been observed, with over 100 Baha'is detained apparently because of their religious beliefs. In most cases, security forces, who conduct these arrests, also searched Baha'i homes and/or workplaces in order to seize materials related to their faith" (HRC, 7 May 2013, pp. 8-9)

A report by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, published in February 2013, states:

"Of 30 Baha'is detained in the city of Semnan two are women nursing infant children. On 22 September 2012 Mrs. Zohreh Nikayin (Tebyanian) began serving a sentence of 23 months for 'disturbing national security' and 'propaganda against the regime'. Mrs. Torabi (Ehsani) also began serving a 2.5 year sentence, reportedly for 'setting up and running an illegal organization'. The status of a third mother of an infant child, Mrs. Elham Ruzbehi (Motearefi), sentenced on 25 January 2012 to three years of imprisonment (2.5 years on charges of 'collusion and assembly against national security' plus six months for 'propaganda against the regime'), remains unknown.

> Multiple sources reported that authorities raided at least 24 Baha'i homes in the city of Gorgon and the surrounding province, on 17 October 2012 and in the days after, resulting in 25 Baha'i arrests. Authorities also reportedly arrested four Muslims associated with these Baha'i; as of November 2012 all but one of these Muslim detainees was released. As of mid-November 2012 Baha'is arrested in and around Gorgon remained in custody [...].
>
> In November 2012, authorities from three different universities expelled five Baha'i students [...]." (HRC, 28 February 2013, p. 31)

Sufis

Freedom House states in its report Freedom in the World 2013:

> "Sufi Muslims have also faced persecution by the authorities. Since the leader of the Sufi order Nematollahi Gonabadi was arrested in 2009 and sentenced to four years in prison, security forces have repeatedly clashed with members of the order in Gonabad and Kavar." (Freedom House, January 2013)

Minority Rights Group International (MRG) indicates in its report State of the World's Minorities and Indigenous Peoples 2012, published in June 2012:

> "Sufi Muslims have faced growing government repression of their communities and religious practices, including harassment and imprisonment of prominent Sufi leaders and destruction of prayer centres. In January, three lawyers who had defended Sufi members were put on trial. They were reportedly sentenced to 6–7 months' imprisonment for 'propagating lies and creating public anxiety'. Over 60 people, mostly dervishes (members of a Sufi religious order), were arrested in September. In the same crackdown, a member of the Nematollahi Gonabadi Sufi order was reportedly killed. By 2012, at least 11 remained in detention. Also in September, four lawyers who were representing the detainees were also arrested; they were charged in December for spreading lies and membership in a 'deviant group'." (MRG, 27 June 2012, p. 198)

The USDOS International Religious Freedom Report for the year 2012 notes:

> "Harassment and arrests of Sufis also continued during the year. [...] The government repressed Sufi communities and their religious practices. Intelligence and security services increased their harassment and intimidation of prominent Sufi leaders. Government restrictions on Sufi groups and husseiniya (houses of worship) have become more pronounced in recent years. Government officials destroyed Sufi homes, businesses, and religious sites during the year." (USDOS, 20 May 2013, section 2)

The 2013 Annual Report of the United States Commission on International Religious Freedom (USCIRF) of April 2013 states:

> "During the past year, arrests and harassment of Sufi Muslims increased significantly. Sufi Muslims – who come from the Shi'i Muslim tradition – face government repression of their communities and religious practices, including harassment and imprisonment of prominent Sufi leaders and the destruction of prayer centers and hussainiyas (places of worship).

> Since the 2011 denunciation of Sufis by some Shi'i clerics, government restrictions on Sufi groups and places of worship have become more pronounced.
>
> Over the past few years, authorities have detained hundreds of Sufi Muslims, particularly Nematollahi Gonabadi dervishes, sentencing many to imprisonment, fines, and floggings. In September and October 2011, a Gonabadi dervish was killed and several were injured during a government crackdown in southwestern Iran, Fars province, during which the Basij militia arrested at least 60 Sufis. [...]
>
> Furthermore, during the reporting period Iranian state television aired a series of programs designed to denigrate and demonize Sufism, particularly the Nematollahi Gonabadi order. In January 2013, several prayer centers of the Gonabadi order have been demolished or attacked by Iranian authorities. Reportedly, the government is considering banning Sufism." (USCIRF, 30 April 2013, pp. 73-74)

In his report published by the UN General Assembly (UNGA) in September 2012, the UN Special Rapporteur on the human rights situation in Iran states with regard to the situation of Sufi Dervishes:

> "Reports submitted to the Special Rapporteur allege that Gonabadi Dervishes endure attacks on their places of worship, and are frequently subjected to arbitrary arrest, torture and prosecution. [...] On 3 September 2012, the authorities, in a letter confirming the arrest of 200 followers of the Gonabadi Dervishes order, reported that with the exception of Saeed Goodarze, Masood Jafari Nokande, Gholam Reza Khojaste, Mohammad Hassan Janat, Abbas Haghneya, Hassan Jahaze, Davood Mozame Goodarze, Mohammad Goodarze, Abdolali Hooshmande, Abdul Saleme, Mohammad Reza Rezaifard and Fatollah Haghneya, cases against the others had been dismissed by the court owing to a faulty indictment." (UNGA, 13 September 2012, p. 12)

Human Rights Watch (HRW) reports in July 2013:

> "Iran's judiciary should abandon charges and quash the verdicts against 11 members of a Sufi sect convicted in unfair trials and informed of their sentences in July 2013. [...]
>
> The evidence suggests that all 11 were prosecuted and convicted solely because of their peaceful activities on behalf of the largest Sufi order in Iran or in connection with their contributions to a news website dedicated to uncovering rights abuses against members of the order. [...]
>
> On July 18, four of the defendants learned that Branch 2 of the Revolutionary Court in Shiraz had sentenced them to prison terms ranging from one year to three years, followed by periods of internal exile, which bars them from living in their hometowns. The four are out on bail.
>
> On July 10, a revolutionary court in Tehran announced prison sentences against seven Sufis ranging from seven-and-a-half to ten-and-a-half years. They were banned from

> social, legal, and journalistic activities related to the Sufi order for five years after their release. All are in Tehran's Evin Prison." (HRW, 25 July 2013)

5.4 Treatment of minority ethnic groups

The US Department of State (USDOS) annual report on human rights in 2012, published in April 2013, refers to the overall situation of ethnic minorities as follows:

> "The government disproportionately targeted minority groups, including Kurds, Arabs, Azeris, and Baluchis, for arbitrary arrest, prolonged detention, and physical abuse [...]. These groups reported political and socio-economic discrimination, particularly in their access to economic aid, business licenses, university admissions, permission to publish books, and housing and land rights. The government blamed foreign entities, including a number of foreign governments, for instigating some of the ethnic unrest." (USDOS, 19 April 2013, section 6)

Amnesty International (AI) states in its annual report covering the year 2012:

> "Members of ethnic minorities, including Ahwazi Arabs, Azerbaijanis, Baluch, Kurds and Turkmen, were discriminated against in law and practice, being denied access to employment, education and other economic, social and cultural rights on an equivalent basis with other Iranians. The use of minority languages in government offices and for teaching in schools remained prohibited. Activists campaigning for the rights of minorities faced official threats, arrest and imprisonment." (AI, 23 May 2013)

In its May 2013 concluding observations considering Iran's state party report on the implementation and application of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the UN Committee on Economic, Social and Cultural Rights (CESCR) expresses concern about "land expropriation and forced evictions caused by some development projects and that this has disproportionately affected minority groups, including the Kurdish and Baloch communities". The CESCR also notes that "ethnic minorities face severe restrictions in practice with regard to education in their mother tongue, including Azeri, Kurdish, and Arabic" and that "ethnic minorities, including Kurds, Arabs, Azeris and Baluch, do not fully enjoy their right to take part in cultural life, including as a consequence of closures of publications and newspapers in minority languages" (CESCR, 17 May 2013, pp. 6-7).

Source: CIA – Central Intelligence Agency: Iran Country Profile: Ethnoreligious Distribution, 2004 (available at University of Texas – Perry Castañeda Library, Map Collection) http://www.lib.utexas.edu/maps/middle_east_and_asia/iran_ethnoreligious_distribution_2004.jpg

5.4.1 Kurds

For information specifically regarding the situation of Kurdish political activists, please refer to section 3.4 of this compilation:

According to a November 2012 report by the US broadcast institution Voice of America (VOA), "[a]n estimated 12 million Kurds live in Iran, mostly in the northwest of the country bordering Kurdish-majority areas of Iraq and Turkey" (VOA, 19 November 2012). The USDOS states that "[t]here are an estimated eight million Sunni ethnic Kurds in the country, who have frequently campaigned for greater regional autonomy" (USDOS, 19 April 2013, section 6).

An April 2012 report by the Iran Human Rights Documentation Center (IHRDC) provides the following demographic overview of the Kurdish minority:

> "Today, Kurdish Iranians comprise about 10% of Iran's total population and are spread throughout Iran's northwestern region in the provinces of Kurdistan, Kermanshah, Ilam, and West Azerbaijan. Although most Kurdish tribes were formerly semi-nomadic, presently the Kurdish population is mostly concentrated in urban centers like Sanandaj, the provincial capital of Kurdistan, and other cities including Kermanshah, Mariwan, Saqqez, Mahabad and Paveh. Following Iran's ethnic Azeri population, centered in the far northwestern provinces of Iran, the Kurds rank as the second largest ethnic minority population within Iran's borders. While accurate statistics are hard to come by, it is estimated that the majority of Kurdish Iranians are Sunni Muslims, while a sizable minority are adherents of Shi'a Islam [...]." (IHRDC, April 2012, p. 2)

The same report states that the constitution "does not contain any discriminatory provisions targeting Kurdish Iranians or any other minorities, and indeed, it prohibits such mistreatment". In practice, however, Iranian officials "have often targeted Kurds for any manner of public display of their ethnic culture, language or traditions." (IHRDC, April 2012, p. 3)

The USDOS annual report on human rights in 2012 states:

> "The government continued to use security laws, media laws, and other legislation to arrest and prosecute Kurds for exercising their right to freedom of expression and association. The government reportedly banned Kurdish-language newspapers, journals, and books and punished publishers, journalists, and writers for opposing and criticizing government policies. Although the Kurdish language is not prohibited, schools did not teach it." (USDOS, 19 April 2013, section 6)

Minority Rights Group International (MRG) states in its annual report on minorities and indigenous peoples of June 2012:

> "In terms of land rights, there are high levels of property confiscation and governmental neglect in the Kurdish region of north-west Iran – Iranian Kurdistan, Kermanshah and Ilam provinces. The Kurdish region has abundant water resources. Dams have been built by the government to facilitate water irrigation and for hydroelectric power generation, but Kurds are generally excluded from the benefits of this investment. They experience poor housing and living conditions because of forced resettlement, and the expropriation of rural land for large-scale agricultural plantations and petrochemical plants which pollute the surrounding environment." (MRG, 27 June 2012, p. 197)

5.4.2 Arabs

A February 2013 report by the human rights group Justice for Iran (JFI) provides a chronological overview of developments relating to the situation of Arabs:

> "Similar to other ethnic minorities in Iran, Arabs who mainly live in the southwest of Iran - in a province which has been named Khuzestan since 1925/1926 [Persian year: 1304] - have been subject to numerous pressures and suppressions from the time 'Iran' was

> formed by the first Pahlavi [Reza Shah Pahlavi]. [...] Although the mother tongue of the majority of people of this region is Arabic, teaching Persian is mandatory from the beginning of schooling. [...] The deprivation of privileges for Arabs in Iran is not only limited to their language and cultural practices in public places, but it also includes the deprivation of Arabs for centuries from managing political and economic affairs in their region. [...]
>
> In the last ten years, public protests have all started in the outskirts of Ahwaz, which is the focal point of concentration of the population of Arabs who are subject to deprivation and discrimination. [...]
>
> The biggest public protests of the last ten years in this region of Iran began on 9 April 2005 when people from different cities poured onto the streets and protested against the distribution of a circular attributed to Mohammad Ali Abtahi, former Vice President in the Parliamentary Legal affairs of the President (Mohammad Khatami). [...]
>
> Successive explosions in Ahwaz in 2005/2006 [Iranian year: 1384], which many believe to be a reaction to the violent suppression of public protests, intensified the security of the area. Several people were charged with the offence of involvement in public protests, which the IRI calls disturbances or taking part in terrorist activities. They were subsequently arrested, tried and either sentenced to death or issued long prison terms. [...]
>
> The execution of Arab activists has continued from 2005 to date. The last case was in June 2012 when four Arab activists (two of whom were brothers), Abbas Heidarian, Taha Heidarian, Abdul-Rahman Heidarian and Ali Naemimi (Sharifi), were executed in Karoun Prison." (JFI, February 2013, pp. 6-9)

In his February 2013 report to the UN Human Rights Council (HRC), the UN Special Rapporteur on the human rights situation in Iran states that there have been "reports from members of the Arab community regarding arrests, detentions, and prosecutions" of persons who engaged in "activities that promote social, economic, cultural, linguistic and environmental rights." The report continues:

> "A majority of interviewees reported that they were arrested in the absence of a warrant, and that they were ill-treated during their arrests. Interviewees maintained that they were detained without charges for periods ranging from several days to several weeks. Several individuals reported being psychologically and physically tortured during their interrogations, including by floggings, beatings, and being made to witness executions, threats against family members, and the actual detention of family members for the purpose of implicating others, or to compel others to report to the authorities." (HRC, 28 February 2013, p. 16)

The USDOS annual report on human rights in 2012 states with regard to Ahwazi Arabs:

> "Ahwazi Arabs claimed their community, estimated to number between 1.5 and two million in the southwest, faced oppression and discrimination. In his March 6 report, the UN

> special rapporteur cited reports describing the arrest and detention of 65 ethnic Arabs in Khuzestan Province since late 2011. The alleged motives for the detentions were their calls for a boycott of the March Islamic Consultative Assembly elections and antigovernment slogans." (USDOS, 19 April 2013, section 6)

Saeed Kamali Dehghan, a journalist working for the Guardian, states in an article published on the Guardian's Iran Blog in March 2013:

> "Ahwazi Arabs in Iran often face state discrimination in spheres including education, employment politics and culture. In recent years, many members of the community have taken to the streets in protest at the discrimination against them. Groups advocating a separate Arab state have also been demonstrating, but not all protesters have been separatists. Many Ahwazi Arabs have been put to death in recent years in Iran, including Abd al-Rahman Heidarian, Taha Heidarian and Jamshid Heidarian, who were executed in June 2012 after being sentenced to death in an unfair trial." (Guardian, 27 March 2013)

In a joint statement published in July 2013, Amnesty International (AI), Human Rights Watch (HRW) and the Iran Human Rights Documentation Center (IHRDC) report on the following case concerning four members of the Ahwazi Arab minority facing execution:

> "Iran's judiciary should stop the executions of four members of Iran's Ahwazi Arab minority because of grave violations of due process, Amnesty International, the Iran Human Rights Documentation Center, and Human Rights Watch said today. [...]
>
> The court sentenced Ghazi Abbasi, Abdul-Reza Amir-Khanafereh, Abdul-Amir Mojaddami, and Jasim Moghaddam Payam to death for the vaguely-defined 'crimes' of moharebeh ('enmity against God') and ifsad fil-arz ('corruption on earth'). These charges related to a series of shootings that allegedly led to the death of a police officer and a soldier.
>
> The court sentenced three other defendants - Shahab Abbasi, Sami Jadmavinejad, and Hadi Albokhanfarnejad - to three years in prison in the northwestern city of Ardebil for lower-level involvement in the shootings." (AI, 26 July 2013)

5.4.3 Baluchis (Balochs)

As indicated by the US Department of State (USDOS) in its annual report on human rights in 2012, the size of the Sunni Baluchi minority is "estimated to be between 1.5 and two million persons" (USDOS, 19 April 2013, section 6). The Unrepresented Nations and Peoples Organization (UNPO) holds that "the Baloch population in Iran is estimated to be approximately four million people" although adequate state data are absent (UNPO, 16 May 2012).

The International Federation for Human Rights (FIDH) and the Iranian League for the Defense of Human Rights (LDDHI) state that the province of Sistan-Baluchistan is "the main location of the Baluchi people" (FIDH/LDDHI, October 2010, p. 16).

Minority Rights Group International (MRG) reports in its annual rerport covering the year 2011:

> "Baluchistan has the lowest per capita income in Iran, a high infant mortality rate, and the average life expectancy is at least eight years below the national average. As Sunni Muslims, Baluchis have also come under pressure from the government to convert to Shi'a Islam if they want to find employment and access education." (MRG, 27 June 2012, p. 198)

In his February 2013 report to the UN Human Rights Council (HRC), the UN Special Rapporteur on the human rights situation in Iran notes with regard to the situation of Baluchis in Sistan-Baluchistan province:

> "Sistan-Balochistan is arguably the most underdeveloped region in Iran, with the highest poverty, infant and child mortality rates, and lowest life expectancy and literacy rates in the country. The Balochi are reportedly subjected to systematic social, racial, religious, and economic discrimination, and are also severely underrepresented in state apparatuses. It has also been reported that linguistic rights of the Baloch are undermined by a systematic rejection of Balochi-language publications and limitations on the public and private use of their native languages [...]. Moreover, the application of the Gozinesh criterion, which requires state officials and employees to demonstrate allegiance to Islam and to the concept of velayat-e faqih (Guardianship of the Islamic Jurist), further exacerbates their socioeconomic situation, by limiting employment opportunities. [...]
>
> Baloch activists have reportedly been subject to arbitrary arrests and torture. The Sistan-Balochistan province experiences a high rate of executions for drug-related offenses or crimes deemed to constitute 'enmity against god' in the absence of fair trials. Allegations were also received that the Government has used the death penalty as a means to suppress opposition in the province. In a plea to the international community, the Balochistan People's Party reported that two Baloch prisoners in Zahidan Prison were sentenced to death following a demonstration in Rask City and other towns in the Sarbaz area in May 2012. Political prisoners in the detention center who reportedly protested against the death sentences were punished with exile.
>
> It was also reported that netizen Abdol Basit Rigi and political activists Abdoljalil Rigi and Yahyaa Charizahi were charged with 'enmity against God', and sentenced to death following forced confessions. One of the political prisoners, Abdol Basit Rigi, was arrested three years ago, reportedly kept in solitary confinement for eleven months, and allegedly tortured. It is further reported that two of the activists were transferred to solitary confinement in the Intelligence Ministry two days before their execution, where they were subjected to violent torture and forced to record a televised confession." (HRC, 28 February 2013, p. 17)

The USDOS report states that "[l]ocal and international human rights groups alleged serious economic, legal, and cultural discrimination" against Sunni Baluchi during 2012 and that "Baluchi journalists and human rights activists faced arbitrary arrest, physical abuse, and unfair trials, often ending in execution" and points to the following cases:

> "On October 20, government officials executed three Baluchi political prisoners, Abdol Basit Rigi, Abdol Jalil Kahrazehi, and Yahya Chakarzahi, on charges of moharebeh in Zahedan. According to HRANA [Human Right Activists News Agency Iran], the three men

> were tortured in detention and forced to make a televised confession that they were members of a banned organization." (USDOS, 19 April 2013, section 6)

The Unrepresented Nations and Peoples Organization (UNPO) notes in a statement of May 2012 with regard to the Baluchi minority:

> "Over the course of several decades they have been systematically deprived of their cultural, social and economic rights. Within Iran they face discrimination, particularly with regards to political participation, education and employment prospects. The dissemination of Baloch culture and language is a declared act of treason against the state and therefore a crime." (UNPO, 16 May 2012)

5.4.4 Azerbaijani (Azeri) Turks

The USDOS annual report on human rights in 2012 states:

> "Ethnic Azeris, who constituted approximately 13 million persons or 16 percent of the population, were well integrated into government and society and included the supreme leader among their numbers. Nonetheless, Azeris reported the government discriminated against them by prohibiting 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.'" (USDOS, 19 April 2013, section 6)

As noted in a May 2012 press release by the International Federation for Human Rights (FIDH), "Azeri cultural and rights activists have been facing severe persecution for many years" (FIDH, 23 May 2012).

The October 2010 joint report by the International Federation for Human Rights (FIDH) and the Iranian League for the Defense of Human Rights (LDDHI) states:

> "The main problems that the Iranian Azeri Turks face concern cultural discrimination. Many people believe that languages other than Persian should be promoted in Iran and their speakers be allowed access to education in their own language. Azeris have also complained of disrespect for their culture and language. Some controversial cartoons in the government newspaper, daily Iran, depicted cockroaches speaking Azeri Turkic in May 2006, and caused uproar in many cities of the north-western Iranian provinces and parts of Tehran. Scores of demonstrators were arrested, some were injured and four were said to have died in Naqadeh, a city in the West Azerbaijan province of Iran. Since then, the Iranian Azeri cultural activists commemorate what is known as the 'cartoons anniversary' every year, which the authorities try to contain through a policy of detainment; 31 activists were arrested in May 2010. [...] Detentions also occur frequently in July every year, when thousands of Iranian Azeris gather at Fort Babak (Qaleh Babak) near the town of Kalibar in East Azerbaijan province to mark the birthday of an Iranian leader by the name of Babak, who rebelled against the Arab Islamic rulers 1,200 years ago." (FIDH/LDDHI, October 2010, p. 15)

The Freedom House report Countries at the Crossroads 2012 states:

> "[T]he government responded with force to several 2011 protests in the Azeri-populated northwest by environmental activists demanding greater care for Lake Orumieh, one of the world's largest saltwater lakes. Protesters blamed the government and its policies for the rapid drying of the lake. In recent years, the region has been the scene of multiple clashes between ethnic Azeris and security forces, who have been accused of brutality." (Freedom House, 20 September 2012)

A Human Rights Watch (HRW) press release provides the following details regarding the government response to the aforementioned protests in late August and early September 2011 over environmental issues concerning Lake Orumieh (Urmia) in the provinice of Western Azerbaijan:

> "The mass arrests in recent weeks took place in cities throughout Iran's Azerbaijan region. [...] The first round of arrests was on August 24, when security forces raided a private gathering in the home of Sadeq Avazpour in Tabriz, the capital of East Azerbaijan province. The guests had gathered for a ceremony marking eftar, the breaking of the day's fast during the holy month of Ramadan. The security forces arrested approximately 30 people. Family members said that none of the detainees had been freed. Azeri activists based both inside and outside Iran told Human Rights Watch that security forces also have arrested activists and demonstrators who had gathered beginning on August 27 in Tabriz, Orumiyeh, Ardebil, and other cities throughout the Azerbaijan region to protest what they consider to be the government's unwillingness to rescue Lake Urmia. Several thousand demonstrators, some of whom clashed with riot police, attended a large rally in Orumiyeh on August 27. Authorities arrested approximately 300 demonstrators in Orumiyeh alone, local activists told Human Rights Watch, but have since released dozens. Dozens of others were arrested in Tabriz, Orumiyeh, and several other cities on September 3 after local activists called for additional demonstrations." (HRW, 10 September 2011)

5.4.5 Qashqai (alternative spellings: Ghashghai, Ghashghay, Gashgai, Gashgay, Kashkai, Qashqay, Qashqa'i)

The Joshua Project, a US-based organisation that maintains ethnological data with the aim to support Christian missionary work, refers to the Qashqai (spelled Qashqa'i here) as a nomadic people in southwestern Iran (Joshua Project, undated (b)).

The undated Qashqai.net website, which describes itself as an ethnographic project, gives the following overview of the Qashqai:

> "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." (Qashqai.net, undated)

In September 2008, Reza Molavi and Mohammad M. Hedayati-Kakhki, scholars at Durham University, prepared a report for the UK Advisory Panel on Country Information (APCI) evaluating the UK Home Office's Country of Origin Information Report on Iran. The authors state with regard to the 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." (Molavi/Hedayati-Kakhki, 23 September 2008, pp. 51-52)

Among the sources consulted by ACCORD within time constraints no further information could be found on the Qashqai.

5.5 Treatment of women

5.5.1 Dress and gender segregation

Dress Code

Article 638 of the Penal Code of Iran, adopted on 30 July 1991, provides that "[a]nyone who explicitly violates any religious taboo in public beside being punished for the act should also be imprisoned from ten days to two months, or should be flogged (74 lashes)" and that "women who appear in public without a proper hijab should be imprisoned from ten days to two months or pay a fine of 50,000 to 500,000 Ryal" (Islamic Penal Code of Iran, 30 July 1991, Article 638). The US Commission on International Religious Freedom (USCIRF) indicates that "[b]y law, Iranian women, regardless of their religious affiliation or belief, must be covered from head to foot while in public" (USCIRF, 30 April 2013, p. 78, see also USDOS, 20 May 2013, section 2).
The US Department of State (USDOS) annual report on human rights 2012 notes the absence of "a clear legal definition of 'appropriate hijab' or the punishment" (USDOS, 19 April 2013,

section 6, see also Freedom House, 3 March 2010, p. 6) and according to Freedom House, "there has never been a consensus among the ulema on the meaning and extent of Islamic hijab" (Freedom House, 3 March 2010, p. 28). The USDOS reports that given the lack of a clearly defined dress code, women are "subject to the opinions of disciplinary forces or judges" (USDOS, 19 April 2013, section 6).

The USDOS 2012 International Religious Freedom Report states that "[a]lthough enforcement of rules for such conservative dress eases at times, the government periodically punishes 'un-Islamic dress'" (USDOS, 20 May 2013, section 2). The US Congressional Research Service (CRS) states that "[w]omen are required to be covered in public, generally with a garment called a chador", but that the enforcement of this requirement varies (CRS, 17 June 2013, p. 19).

The Freedom House report Freedom in the World 2013 notes a "crackdown in recent years on women deemed to be dressed immodestly" (Freedom House, January 2013). In its report Countries at the Crossroads 2012, the same source states that young women (and men) "whom police find to be inappropriately dressed are harassed, detained, or forced to pay fines" (Freedom House, 20 September 2012). As reported by the Guardian in July 2013, "[e]ach summer, [...] the religious police go out on to the streets to watch out for loose hijabs, inappropriate dress or hairstyles" (Guardian, 2 July 2013).

A June 2010 article by Agence France-Presse (AFP) states that the punishment for women contravening the dress code is "a fine of up to 13 million rials" (AFP, 14 June 2010).

The International Federation for Human Rights (FIDH) and the Iranian League for the Defense of Human Rights (LDDHI), in a joint submission to the UN Committee on Economic, Social and Cultural Rights (CESCR), report as follows on the implementation of the dress code:

> "A scheme to enforce the dress code on women, known as 'hijab and efaf', which is being enforced by the police and other security forces, has been combined with employment of violence against women. While the police commanders have denied the use of violence, video clips posted on the Internet provide evidence to the contrary. There have also been reports of disciplinary measures and physical violence against female university students who fail to abide by 'appropriate' dress code, including expulsion from dormitories. [...]
>
> Women who fail to abide by the dress code may also be sentenced to payment of fine or flogging. The prosecutor of the city of Mashhad in north-eastern Iran, Mr. Mahmood Zoghi, announced in May 2010 that such women could be fined up to 13 million rials. Furthermore, Hojatoleslam Mohseni Eje'i, the prosecutor-general, stated in July 2010 that Article 638 of the Islamic Penal Code provided for imprisonment ranging from 10 days to two months and 74 lashes or payment of fine for women who failed to abide by the dress code. Importers and traders of such clothing could be sentenced to closure of their businesses from three to six months as well as lashing or cash fine." (FIDH/LDDHI, April 2012)

The USDOS states in its 2012 International Religious Freedom Report of May 2013:

> "There were reports of increased enforcement of dress codes; those arrested were subject to fines or other punishment, including whipping. Ahmad Rouzbehani, head of the 'morality police,' stated in May [2012] that '70,000 police officers are being deployed to confront dress code violations on the street.' There were reports in June [2012] that an actress was arrested for 'inappropriate hijab' when she was en route to a concert in Tehran. A number of women attending the same event were also reportedly arrested on the same charges." (USDOS, 20 May 2013, section 2)

A Guardian article of June 2011 reports:

> "Thousands of special forces have been deployed in Tehran's streets, participating in the regime's "moral security plan" in which loose-fitting headscarves, tight overcoats and shortened trousers that expose skin will not be tolerated for women, while men are warned against glamorous hairstyles and wearing a necklace." (Guardian, 14 June 2011)

As reported by Amnesty International (AI), "[w]omen breaching a mandatory dress code faced expulsion from university" (AI, 23 May 2013).

The February 2013 joint fact-finding mission report by the Danish Immigration Service (DIS), the Norwegian Country of Origin Information Centre (Landinfo) and the Danish Refugee Council (DRC) quotes a Western embassy as indicating that crack-downs on women not properly dressed were "quite common". The same embassy source is quoted as saying that while premarital relations would be less of a problem in North Tehran, even in this part of the capital a young couple could be arrested by the police if the girl or woman is not wearing a proper hijab. In such cases, the parents would be contacted to pick them up at the police station and to bring proper clothing for the girl (DIS/Landinfo/DRC, February 2013, p. 35).

Gender Segregation

The US Department of State (USDOS) annual report on human rights 2012 notes:

> "The government enforced gender segregation in most public spaces, including for patients during 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." (USDOS, 19 April 2013, section 6)

As reported by the USDOS 2012 International Religious Freedom Report, gender segregation is enforced "throughout the country without regard to religious affiliation." (USDOS, 20 May 2013, section 2)

As reported by the NGO Justice for Iran (JFI) in March 2013, "Iran segregates all public spaces such as schools, city buses, beaches, sport stadiums, and mosques on the basis of gender" (JFI, 14 March 2013, p. 7).

Amnesty International (AI) reports that gender segregation has been introduced in "[s]ome higher education centres" (AI, 23 May 2013).

5.5.2 Freedom of movement

As reported by Freedom House, "[w]omen's freedom of movement is restricted by both cultural traditions and legal restrictions" (Freedom House, 3 March 2010, p. 10).

The US Department of State (USDOS) notes in its annual report on human rights 2012:

> "Women, especially in rural areas, sometimes faced official and unofficial harassment for traveling alone. Rural women's freedom of movement outside the home or village was particularly restricted, often requiring a male guardian's permission or a male chaperone." (USDOS, 19 April 2013, section 2d)

Freedom House states in a report on women's rights of March 2010:

> "[T]he domicile of a married woman is considered to be that of her husband under Article 1005 of the civil code, and she must reside in the house determined by her husband under Article 1114 unless she reserves the right to live elsewhere in their marriage contract. Certain public spaces are segregated by sex and select services are completely out of reach for women. For example, women are not allowed to attend soccer games, and a woman cannot stay in a hotel unless she is accompanied by a male relative, even though there are no laws specifically barring women from such places." (Freedom House, 3 March 2010, pp. 10-11)

An article by the Guardian of January 2013 reports on the situation of women wishing to travel abroad:

> "At the moment, unmarried women and men above the age of 18 can leave the country if they have a passport [...].
>
> Married women in Iran always need their husband's permission to be able to hold a passport [...].
>
> Husbands can ban their wives from leaving the country at any time. Divorced women, however, are currently free to hold a passport and leave the country without permission. [...]
>
> Single women whose guardian denies them permission could dispute the decision in a court." (Guardian, 15 January 2013)

As indicated by Payvand news agency, single women who are 18 or older can leave the country without permission from their parent or legal guardian or court while married women of any age need permission from their husband in order to travel abroad (Payvand, 20 November 2012).

A February 2013 report by the UN Human Rights Council (HRC) states:

> "A married woman may not obtain a passport or leave the country without her husband's written permission. In November 2012 the Chair of the Parliament's (Majlis) National Security and Foreign Policy Commission announced an amendment to the country's

> passport laws that would require unmarried women under age 40 and males under the age of 18 to acquire the consent of their guardian or the ruling of a sharia judge in order to acquire a passport. Although this amendment was finally rejected,, it was reported that the National Security and Foreign Policy Commission of the Parliament (Majlis) announced further amendments to the passport bill which would continue to allow single women over the age of 18 to obtain a passport without the aforementioned permission, but would now require them to obtain permission from their father or guardian from the paternal line in order to leave the country." (HRC, 28 February 2013, p. 15)

5.5.3 Social and economic rights

Access to education

The US Department of State (USDOS) reports in its annual report on human rights 2012 of April 2013:

> "While women had access to primary and advanced education, and approximately 65 percent of university students were women, according to UN statistics one in five women in the country was illiterate. Quotas and other restrictions limited women's university admissions in certain fields, such as medicine and engineering, as well as to master's degree and doctoral programs." (USDOS, 19 April 2013, section 6)

According to statistical information published by the UNESCO (reference year 2008), the literacy rate for the overall adult population (15 years and older) is 89.3 per cent for men and 80.7 per cent for women. As for the youth population (those aged 15 to 24), the literacy rate is 98.8 per cent for men and 98.5 per cent for women (UNESCO, 2012, p. 164). The Global Gender Gap Report 2012 of the World Economic Forum (WEF) also indicates that the literacy rate for women is 81 per cent while being 89 per cent for men. Female enrolment in primary, secondary and tertiary education is indicated as being 100 per cent, 80 per cent and 43 per cent respectively (while it is 99 per cent, 92 per cent and 43 per cent for men) (WEF, 2012, p. 206).

As reported by Amnesty International (AI), "[s]ome higher education centres introduced gender segregation, or restricted or barred women from studying certain subjects" (AI, 23 May 2013).

A report by the UN Secretary-General to the UN General Assembly (UNGA), published in August 2012, says:

> "The authorities have been working towards comprehensive gender segregation in universities and other institutions of higher education. [...] Since September 2011, several universities have received authorization to implement gender segregation. Authorities have also been encouraging women students to study in their home cities and require those wishing to study elsewhere to produce authorizations from their father or husband." (UNGA, 22 August 2012, p. 7)

The March 2013 report by Justice for Iran (JFI) states with regard to restricted admission of women to certain fields of study and effects on employment prospects:

> "Findings based on data from 22,800 courses offered during the current academic year at Iranian public universities indicates there no women are admitted into approximately 14 fields of study from petroleum engineering to law. [...] Admission into those public universities affiliated with governmental agencies, also guarantees students employment at government offices. Therefore, by admitting no female applicants in most fields, relevant government offices move through a gradual process of gender discrimination culminating in eradication of female employees. Accordingly, women face diminishing chances of government employment. In addition to the public job market, gender-based quotas in fields involving the sciences and mathematics will affect employment opportunities in the private sector, causing many fields to be dominated by men. Aside from those fields in which admission of female applicants is entirely banned, in many other fields, gender-based quotas seem to violate the rights of women to free and equal access to higher education and entry into the job market." (JFI, 14 March 2013, p. 11)

A September 2012 press release by Human Rights Watch (HRW) reports on the introduction of gender-based restrictions on access to university education:

> "The most recent restrictions are outlined in an annual manual published in August [2012] by the Science and Technology Ministry, which regulates higher education. [...] It reveals that 36 public universities across the country have banned female enrollment in 77 fields, according to the semi-official Mehr News Agency. The manual also indicates that universities have barred male enrollment in a number of majors. [...]
>
> Banned majors for women include computer science, chemical engineering, industrial engineering, mechanical engineering, and materials engineering at Arak University; natural resource engineering, forestry, and mining engineering at Tehran University; and political science, accounting, business administration, public administration, mechanical engineering, and civil engineering at Esfahan University. At Emam Khomeini University, in Qazvin, all 14 social sciences majors were restricted to males." (HRW, 22 September 2012)

Access to employment

Article 1117 of the Civil Code of the Islamic Republic of Iran provides that "[t]he husband can prevent his wife from occupations or technical work which is incompatible with the family interests or the dignity of himself or his wife" (Civil Code of the Islamic Republic of Iran, 23 May 1928, Article 1117).

A June 2013 report by the International Federation for Human Rights (FIDH) notes the following legal provisions pertaining to women's access to work:

> "Aside from Article 1117 of the Civil Code, which empowers husbands to bar their wives from taking employment, there are laws specifically regulating women's employment. [...] The Islamic Consultative Assembly (Majlis) passed the Law for Part-Time Services of Ladies in December 1983 to cover women working in government institutions. [...] This original Law has been amended slightly a couple of times, the latest in 2010, though its basic

> content has not changed. As indicated in the title, the Law allows women to apply to work half the regular time worked by men, with one amendment providing for working three-quarters of the regular time. The latest amendment in 2010 made it easier for women who have disabled children to benefit deom its provisions." (FIDH, June 2013, p. 21)

As reported on the World Bank website, "Iranian women have been playing an increasingly important role in the economy", yet "their market participation and employment rates remain limited" (World Bank, April 2013).

The US Department of State (USDOS) notes in its annual report on human rights in 2012:

> "Social and legal constraints limited women's professional opportunities. Women were represented in many fields, including in the legislature, on municipal councils, on police forces, and as firefighters, but a woman must seek her husband's consent before working outside the home. Despite the high proportion of women in universities, the unemployment rate for women was nearly twice that of their male counterparts. [...] Women cannot serve in many high-level political positions or as judges, except as consultant or research judges without the power to impose sentences." (USDOS, 19 April 2013, section 6)

The August 2012 report of the UN Secretary-General states:

> "The number of women in management positions in the Ministry of Education is reported to have increased from 45 in 2005 to 482 in 2011. [...] Against this backdrop, the number of women representatives in Parliament remains low. Women face restrictions in their appointment to certain decision-making positions. No woman can serve as President of the country and no woman has ever been appointed to the Council of Guardians or the Expediency Council. Women may act as advisory judges, but cannot preside over a court." (UNGA, 22 August 2012, p. 7)

The Global Gender Gap Report of the World Economic Forum (WEF) indicates labour force participation as being 33 per cent for women and 76 per cent for men. The female-to-male ratio in terms of estimated earned income is shown as 0.21 (WEF, 2012, p. 206).
The June 2013 report of the International Federation for Human Rights (FIDH) provides the following comparative figures on male and female labour and unemployment:

> "While 38.3% of the total male and female population older than 10 years – around 24.3 million – was 'economically active' in 2010, only 14.1% of women in that age group were economically active. This is to be compared to 62.1% of men. These rates fell further in 2011: 12.6% for women compared to 60.7% for men. Women's share of employment in the industrial sector is much lower: 8.5% of total. [...]
>
> The overall figures including all age groups indicate that the gap between unemployed men and women increased substantially from 2009 (10.8% for men versus 16.8% for women), 2010 (11.9% vs. 20.5%), 2011 (10.5% vs. 20.9%) to 2012 (10.4% vs. 22.1%). The rate of unemployment was particularly high among young women in the 15-24 age groups: 32.4% (2009), 41.3% (2010), 42.7% (2011), and 43.8% (2012). 76 The high rate

> is also particularly high among women who have been through higher education: 48.1% of the total, in comparison with 14.7 for men in 2012." (FIDH, June 2013, pp. 24-25)

As reported in a written statement submitted by the Austrian development NGO Verein Südwind Entwicklungspolitik to the UN Human Rights Council (HRC), the unemployment rate for women has increased from 33 per cent in 2005 to 44 per cent in 2010, according to official statistics. Women comprise 5 per cent of the total labour force, although female workers in the informal sector are often not counted in these official statistics (Verein Südwind Entwicklungspolitik, 21 May 2013, p. 3).

5.5.4 Marriage, divorce, and adultery

Marriage

As noted in the March 2010 Freedom House report on women's rights, Article 1034 of the Civil Code of the Islamic Republic of Iran ("It is lawful to ask for the hand of a woman to whose marriage there is no obstacle" (Civil Code of the Islamic Republic of Iran, 23 May 1928, Article 1034)), defines marriage "as being between a man and woman" and provides that "a man may become the suitor of any eligible woman" (Freedom House, 3 March 2010, p. 11).

Article 1070 of the Civil Code of the Islamic Republic of Iran states with regard to mutual consent as a requirement for an enforceable marriage contract:

> "Consent of the marrying parties is the condition upon which depends the enforcement of the marriage contract, and if a party showing at first reluctance authorises the making of the contract subsequently, the contract will be binding unless the reluctance is so acute that the reluctant person cannot be considered as having been in possession of any intention." (Civil Code of the Islamic Republic of Iran, 23 May 1928, Article 1070)

Article 1041 of the Civil Code provides "[m]arriage before the age, of majority is prohibited" (Civil Code of the Islamic Republic of Iran, 23 May 1928, Article 1041). The March 2010 Freedom House report specifies that "[t]he 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" (Freedom House, 3 March 2010, p. 11, see also AI, 2 August 2012). As reported by AI, "fathers can apply to the courts for permission for their daughters to marry from the age of nine lunar years", and "[i]n the Iranian year 1389 (March 2010-March 2011), 716 girls under the age of ten are reported to have been married" (AI, 2 August 2012, p. 2).

As reported by Human Rights Watch (HRW), "[a] woman needs her male guardian's approval for marriage regardless of her age" (HRW, 31 January 2013).

Articles 1043 and 1044 of the Civil Code contain the following provisions:

"Article 1043

The marriage of a girl who has not married previously is dependent on the permission of her father or her paternal grandfather even if she has reached the full age of majority If, however, the father or the paternal grandfather withhold the permission without justifiable reason, the girl can refer to the Special Civil Court giving full particulars of the man whom she wants to marry and also the terms of the marriage and the dowry money agreed upon and notify her father or her paternal grandfather through that Court of the foregoing particulars The Court can issue a permission for marriage fifteen days after the date of notification to the guardian if no response has been received from the guardian to satisfy refusal.

Article 1044

If the father or the paternal grandfather are not present in the place and obtaining their permission is customarily impossible and the girl is in need of marriage, she can marry. Note - Registration of such a marriage in the Marriage Registry shall be pending on proving the above - cited instances in the Special Civil Court." (Civil Code of the Islamic Republic of Iran, 23 May 1928, Articles 1043 and 1044)

Article 1059 of the Civil Code of the Islamic Republic of Iran states that "[m]arriage of a female Moslem with a non-Moslem is not allowed" (Civil Code of the Islamic Republic of Iran, 23 May 1928, Article 1059).

The US Department of State (USDOS) notes in its annual report on human rights in 2012:

> "The law permits a man to have as many as four wives and an unlimited number of 'temporary wives' (sigheh) based on a Shia custom in which a woman may become the time-limited wife of a Muslim man after a simple religious ceremony and a civil contract outlining the union's conditions. Temporary wives and any resulting children are not granted rights associated with traditional marriage, but the contract is enforceable." (USDOS, 19 April 2013, section 6)

The February 2013 joint fact-finding mission report by the Danish Immigration Service (DIS), the Norwegian Country of Origin Information Centre (Landinfo) and the Danish Refugee Council (DRC) reports with reference to a source referred to as "a well-educated Iranian woman with links to the international community":

> "An Iranian man can take a second wife provided his first wife consents to this. If a man enters into a temporary marriage, he does not need his wife's permission. It was explained that a form of brief ceremony will be performed before a mullah in connection with a temporary marriage and a contract is signed. The source explained that in this way, the law supports men's extramarital relations." (DIS/Landinfo/DRC, February 2013, p. 37)

A commentary posted by Fazel Hawramy, editor of Kurdishblogger.com, on the Guardian's Iran Blog in March 2012 states with reference to temporary marriage:

> "[A] man and a woman can marry for a fixed period of time after performing specific religious rituals, in a practice called sigheh. The marriage can last for a few minutes up to several years without need to be officially registered. The man can end the sigheh almost at any time, but there is no divorce right for women in temporary marriages." (Guardian, 6 March 2012)

A November 2011 report by Amnesty International (AI) notes with regard to impacts of temporary marriages on women:

> "According to Shi'a Islam, Iranian men can already take any number of 'temporary wives' without informing their first wife. The length of a temporary marriage is defined in advance and can last anything from hours to decades. Temporary wives generally face social ostracism, and their children may face difficulties in accessing public services such as education because if the marriage is unregistered, it may be hard for the mother to prove paternity." (AI, 30 November 2011)

Divorce

Article 1120 of the Civil Code of the Islamic Republic of Iran provides that "[m]arriage may be dissolved by cancellation, by divorce, or by waiver of the remaining period in the case of a temporary marriage." (Civil Code of the Islamic Republic of Iran, 23 May 1928, Article 1120).

Articles 1121 through 1132 set out the circumstances under which cancellation of a marriage may be obtained, including "[m]adness of either of the married people" (Articles 1121 and 1125), "impotency" of the man (Articles 1122 and 1125) and certain physical "defects" (Articles 1122, 1123 and 1124). A wife may refer to an Islamic judge and request a divorce in case of a husband's refusal or inability to provide for the maintenance of the wife (Article 1129). (Civil Code of the Islamic Republic of Iran, 23 May 1928, Articles 1121-1132)

With regard to divorce, Article 1133 of the same Code provides that "[a] man can divorce his wife whenever he wishes to do so" (Civil Code of the Islamic Republic of Iran, 23 May 1928, Article 1133).

The USDOS annual report on human rights in 2012 states:

> "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 is not required to cite a reason for divorcing his wife. Traditional interpretations of Islamic law recognize a divorced woman's right to part of shared property and to alimony. These laws were not enforced. In June 2011 the Supreme Court ruled that women could withhold sex from their husbands if the husbands refuse to pay personal maintenance allowance. Under the law such an allowance can be requested during the marriage as well as after a divorce. According to ISNA [Iran Student News Agency], if the allowance is not paid, the wife can "reject all legal and religious obligations" to her husband. If the allowance is not

paid after the divorce, the woman can sue her former husband in court. Despite this ruling, the ability of a woman to seek divorce was still extremely limited in practice.

The law provides divorced women preference in custody for children up to age seven; divorced women who remarry must give the child's father custody. After the child reaches age seven, the father is entitled to custody unless he has been proven unfit to care for the child. Courts determine custody in disputed cases.

Women sometimes received disproportionate punishment for crimes, such as adultery, including death sentences (see sections 1.a. and 1.e.). The testimony of two women is equal to that of one man. The blood money paid to the family of a woman who was killed is half the sum paid for a man." (USDOS, 19 April 2013, section 6)

The March 2010 Freedom House report on women's rights notes:

"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 fi les 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." (Freedom House, 3 March 2010, p. 12)

Adultery

Article 63 of the Islamic Penal Code of Iran, adopted on 30 July 1991, defines adultery as "the act of intercourse, including anal intercourse, between a man and a woman who are forbidden to each other, unless the act is committed unwittingly" (Islamic Penal Code of Iran, Article 63). The Penal Code includes the following provisions on ways of proving adultery in court:

"Article 74: Adultery, whether punishable by flogging or stoning, may be proven by the testimony of four just men or that of three just men and two just women.

Article 75: If adultery is punishable only by flogging it can be proven by the testimony of two just men and four just women.

Article 76: The testimony of women alone or in conjunction with the testimony of only one just man shall not prove adultery but it shall constitute false accusation which is a punishable act." (Islamic Penal Code of Iran, 30 July 1991, Articles 74, 75 and 76)

Punishments provided under the Penal Code include death, stoning and flogging (Islamic Penal Code of Iran, 30 July 1991, Articles 82-102).

As reported by the US Department of State (USDOS), "[w]omen convicted of adultery may be sentenced to death, including by stoning" (USDOS, 19 April 2013, section 6).

A June 2013 press release by Human Rights Watch (HRW) reports on adultery provisions contained in an amended draft penal code:

> "The Guardian Council, composed of 12 religious jurists, reinserted the stoning provision into a previous version of the draft law which had omitted stoning to death as the explicit penalty for adultery. [...]
>
> The amended draft penal code explicitly identifies stoning as a form of punishment for people convicted of adultery or sex outside of marriage. Under article 225, if a court and the head of the judiciary rule that it is 'not possible' in a particular case to carry out the stoning, the person may be executed by another method if the authorities proved the crime on the basis of eyewitness testimony or the defendant's confession.
>
> The revised code also provides that courts that convict defendants of adultery based on the 'knowledge of the judge,' a notoriously vague and subjective doctrine allowing conviction in the absence of any hard evidence, may impose corporal punishment sentences of 100 lashes rather than execution by stoning. The penalty for people convicted of fornication, or sex outside of marriage that involves an unmarried person, is 100 lashes." (HRW, 3 June 2013)

The same press release also states:

> "No official statistics are available, but human rights groups estimate that the Iranian authorities currently hold at least 10 women and men who face possible execution by stoning on adultery charges. At least 70 people have been executed by stoning in Iran since 1980. The last known execution by stoning was in 2009." (HRW, 3 June 2013)

The February 2013 fact-finding mission report by the Danish Immigration Service (DIS), the Norwegian Country of Origin Information Centre (Landinfo) and the Danish Refugee Council (DRC) reports on the prevalence and judicial treatment of adultery with reference to different sources:

> "Regarding the prevalence of relations outside of marriage, a Western embassy (3) considered it common and widespread among the educated middle classes. It was added that the high increase seen in the sales of birth control, more specifically the morning-after pill, is an indicator of this fact. However, it goes on in a discreet manner because of the strict social control prevailing in Iranian society. However, among the poor, uneducated, religious and conservative part of the population, the social norms and attitudes when it comes to relations outside of marriage might be very different. [...]
>
> Regarding cases of adultery before the court, a Western embassy (3) stated that it is very difficult to sentence an individual on adultery charges due to the requirement of four

witnesses stated in the law. Asked about adultery cases in which the defendants have been convicted by means of other evidence than that stipulated in the law, the embassy stated that it was not aware of such judgments. [...]

A Western embassy (2) mentioned that adultery is very difficult to prove because of the requirement of four witnesses. However, if the judge bases his argument on his knowledge, i.e. 'knowledge of the judge', he is given free hands to issue whatever sentence he sees fit. The same charge could lead to different verdicts according to which judge and in which city, the case is handled. According to the source, the most recent case was that of Ja'far Kiani, a man who was stoned to death in July 2007 in Iran's north-western province of Qazin and according to the source that verdict was based on the knowledge of the judge.

The source pointed out that in the existing Penal Code, the punishment for adultery has never been mentioned. The new Penal Code is still pending approval in the Guardian Council. In the new Code, stoning is not mentioned. Jurists argue that even if stoning was not mentioned, it does not mean that Sharia Law will not allow for a judge to pass a judgment involving stoning. The source mentioned that recently (October 2012), a news story about the stoning of four women in Iran surfaced. However, it was not known whether these women had been stoned because of adultery or for other reasons, and the news story itself could not be verified. The news had been reported on one political website and was later withdrawn.

On the subject of cases of 'illicit relations' or adultery, AIIS [Amnesty International's International Secretariat] stated that in general the system wishes to avoid these cases. But once a case is brought before the court it is treated as it is a crime against God, not against the people.

AIIS was aware of cases where women accused of some form of sexual indiscretion or 'crime' were not released, in contravention to law, but for their own safety, in the event she be at risk of violence meted out by family members, and against which the authorities have little ability to protect.

On the other hand, women convicted of adultery while married cannot ever be released under law: the only way to do so would be for their sentence – stoning – to be implemented. As Iran looks unlikely to implement stoning sentences, those women are in a legal limbo resulting in indefinite detention.

According to two lawyers with criminal law experience, adultery cases fall under the criminal courts. Asked about prevalence of adultery cases before the courts, the lawyers stated that adultery is usually not reported to the police or to the court. If there is no private plaintiff, there is no case. Asked who would potentially act as a plaintiff in a case regarding adultery, it was explained that it would usually be a husband or a father to a girl. However, few cases are reported and therefore it is very rare that a case of adultery reaches the courts. Adultery is a personal matter and it is not common to report such a case. [...]

> When asked about the legal consequences of adultery, a well-educated Iranian woman with links to the international community explained that if a man commits adultery and his wife takes the case to court, the only thing she can hope to achieve is divorce. And if the husband argues before the court that his wife was not available to him, she might not even be granted a divorce.
>
> If a woman is tried in court due to her adultery, she will most likely lose all her rights, such as the right to financial support and often also the children. The only thing she will never lose is the dowry. Dowry is the only thing that is not negotiable according to Sharia law. Regarding punishment for adultery, a well-educated Iranian woman with links to the international community explained that it very much depends on how far the husband wants to take the case. It was further explained that many women are 'saved' by the fact that the husband for fear of shame will not proceed with a case through the court system, so only few women end up in jail due to adultery. It was stated that these cases were often solved within the family.
>
> Regarding possible punishment for adultery, a well-educated Iranian woman with links to the international community mentioned flogging, jail and stoning. However, it was added that adultery is difficult to prove. [...]
>
> Asked about regional differences and differences between urban and rural areas with regard to how cases are handled by the courts, two lawyers with criminal law experience stressed that the law is applied equally throughout the entire country. It was added that there have been cases of judges being caught breaching the law and who consequently have been charged on that basis." (DIS/Landinfo/DRC, February 2013, pp. 36-39)

5.5.5 Honour killings

The USDOS annual report on human rights in 2012 of April 2013 states:

> "According to the law, if a father or paternal grandfather kills his child or grandchild, he will not be convicted and punished for murder. The law permits a man to kill his adulterous wife and her consorts if he is certain she consented. Women convicted of adultery may be sentenced to death, including by stoning. There were no official reports of murders motivated by 'honor' during the year, although human rights activists reported that they occurred." (USDOS, 19 April 2013, section 6)

A report by the Norwegian Country of Origin Information Centre (Landinfo) on honour killings in Iran states:

> "Honour killings are perpetrated throughout Iran and occur among all ethnic groups. However, it is generally assumed that the collective and ritual honour killing is not a tradition among Persians or in Persian-dominated areas. In other words, the Iranian environment does not exert social pressure on men to abuse or kill female relatives who break the traditional code of honour. Although conservative voices may understand men sanctioning female family members' behaviour through violence, there is no traditional expectation among Persians that this must be done to restore the family's honour. 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." (Landinfo, 22 May 2009, p. 7)

5.5.6 Female genital mutilation (FGM)

Article 479 of the Islamic Penal Code of Iran, adopted on 30 July 1991, provides that "[i]f a woman's genital is totally severed she shall be entitled to her full blood money and if only half of her genital is severed half of her blood money is due her" (Islamic Penal Code of Iran, 30 July 1991, Article 479).

The March 2010 Freedom House report on women's rights states:

> "Women are protected by law from harmful traditional practices such as female genital mutilation (FGM) and forced marriage. Article 479 of the penal code establishes qisas for the cutting of women's genitalia; the amount of blood money owed to the woman depends on the extent of the damage done. In practice, however, FGM is sporadically practiced in certain parts of Iran, in particular Iranian Kurdistan. However, research indicates that as awareness regarding the hazards of FGM increases, educated parents are refusing to impose the practice." (Freedom House, 3 March 2010, p. 28)

Austrian development NGO Verein Südwind Entwicklungspolitik reports in a statement submitted to the UN Human Rights Council (HRC) in May 2013:

> "In some regions where ethnic groups such as the Kurds, Lors, Baluches and the Arabs live, the rate of suicide and self-burn is high. Female circumcision is also practiced in some regions. The Islamic Penal code (articles 630 and 220) regarding honour killing has led to the increase in violence against women in the regions where violent cultural practices already existed. In 2010, of 11 cases of pregnant women's death in one of the provinces, 5 were due to self-burn. Violence and discrimination against women exist in many areas of civil code and Islamic Penal Code which include: the age of criminal responsibility for girls, honour killings law, imposed Hejab, minimum age for marriage for girls, polygamy, marital duties and responsibilities, travel, divorce, inheritance, custody of children, employment, appointment as judge in the court of law, bear witness in the court of law." (Verein Südwind Entwicklungspolitik, 22 May 2013, p. 4)

An August 2010 article published by Gozaar, a monthly web journal on democracy and human rights in Iran, reports as follows:

> "Based on the reports in Iran, it seems that female circumcision is prevalent mostly in the provinces of Khuzestan, Lorestan, and Kurdistan. The city of Hormozgan and the ports of Bandar Kang and Jask are among southern cities where female circumcision is customary. In southern Iran, it is commonly believed that this custom was brought into the country through maritime exchange with India and Somalia. Female circumcision is practiced in western Iran as well: in Uramanat (in Kurdistan), Baneh, Nosud, Paveh, Piranshahr and even in the vicinity of Orumiyeh. In fact, it is considered an Islamic tradition among certain

> Sunni and Shafi'i Muslims. In these parts, girls are usually circumcised between the ages of four and six with a knife or sharp razor and, afterwards, some ash is applied to their circumcised genitals. The locals believe that circumcision helps keep girls chaste and that circumcised girls preserve their virginity before marriage and make faithful wives. Another local custom is chehel tigh (forty razors), which is believed to take away girls' sexual urges and make them smell more pleasant to men and render them more sexually pleasing to men." (Gozaar, 11 August 2010)

As reported by Human Rights Watch (HRW) in June 2010, studies have revealed "that FGM is practiced in Kurdish communities in Iran" (HRW, 16 June 2010).

In a research article published in the Journal of Women's Health Care in May 2012, the authors T. Pashaei et al. present the following results of a study on the prevalence of FGM in Ravanshar that was conducted between August 2011 and February 2012:

> "The total number of interviewed females was 348; the prevalence of FGM among women was 55.7%. The majority of FGM operations (87.7%) had been perform by traditional local female circumcisers. The respondents were also asked about their intention of subjecting their daughters to FGM in the future. About 47% of the respondents replied that their daughters should undergo FGM. Educational level of the mothers and women were negatively correlated with FGM [...]." (Pashaei/Rahimi/Ardalan/Felah/Majlessi, 22 May 2012, pp. 1-2)

5.5.7 Trafficking

The US Department of State (USDOS) notes in its Trafficking in Persons Report 2013 of June 2013:

> "Iranian and Afghan boys and girls residing in Iran are allegedly forced into prostitution within the country. In Tehran, there has reportedly been a recent significant increase in the number of teenage girls in prostitution. Iranian women, boys, and girls are purportedly subjected to sex trafficking in Iran, as well as in Pakistan, the Persian Gulf, and Europe. Azerbaijani women and children are also believed to be subjected to sex trafficking in Iran. According to some estimates, there are 35,000-50,000 children forced by their parents or other adults to beg in the streets of Tehran or to work in sweatshops; some of these children are also reportedly forced into prostitution in Iran and abroad. [...]
>
> The Government of Iran made no discernible law enforcement efforts against human trafficking during the reporting period. A 2004 law prohibits trafficking in persons by means of threat or use of force, coercion, abuse of power or of a position of vulnerability of the victim for purposes of prostitution, slavery, or forced marriage. The prescribed penalty under this law reportedly is up to 10 years' imprisonment, which is sufficiently stringent, but not commensurate with penalties prescribed under Iranian law for other serious crimes, such as rape. The Constitution and labor code both prohibit forced labor and debt bondage; the prescribed penalty of a fine and up to one years' imprisonment is not sufficient to deter these serious crimes. In addition, the labor code does not apply to work in households. NGOs reported that these laws remained unenforced due to a lack of

political will and widespread corruption. There were no reports of investigations or prosecutions of trafficking cases or convictions of trafficking offenders. It was reportedly extremely difficult for female trafficking victims to obtain justice; Iranian courts accorded legal testimony by women only half the weight accorded to the testimony by men, and women who were victims of sexual abuse were liable to be prosecuted for adultery, which is defined as sexual relations outside of marriage and is punishable by death. The government did not report efforts to investigate or punish government employees complicit in trafficking-related offenses. There were reports that government officials were involved in the sex trafficking of women and girls; some officials that operated shelters for runaway girls reportedly forced them into prostitution rings. [...]

The Government of Iran made no discernible efforts to protect victims of trafficking during the reporting period. There is no evidence that the government has a process to identify trafficking victims among vulnerable populations found in the country. Iran has deported large numbers of undocumented Afghans without attempting to identify trafficking victims among them. The government also has reportedly punished victims of sex trafficking for unlawful acts committed as a direct result of being subjected to human trafficking, for example, adultery and prostitution. There were reports that government officials raped individuals held in detention, some of whom may have been trafficking victims. There were no reports that the government referred trafficking victims to protective services. Some welfare organizations unrelated to the government may have helped Iranian trafficking victims. The government reportedly opened several shelters for street children in Tehran, though it is unclear what type of services were available to children in these shelters or if the shelters served any child victims of trafficking. There is no information to indicate the government provided assistance to repatriated Iranian victims of trafficking. The Iranian government did not provide foreign victims of trafficking with a legal alternative to removal to countries in which they may face hardship or retribution." (USDOS, 19 June 2013)

The February 2013 fact-finding mission report by the Danish Immigration Service (DIS), the Norwegian Country of Origin Information Centre (Landinfo) and the Danish Refugee Council (DRC) notes with regard to human trafficking in the border area between Iran and Turkey:

"Due to the stricter control of borders between Iran and Turkey, an increasing number of people who enter Turkey illegally seem to prefer crossing into Turkey over the Turkish-Iraqi border, according to Nihat Ali Özcan, TEPAV [Türkiye Ekonomi Politikaları Araştırma Vakfı]. [...]

The source further informed the delegation that smuggling activities between the mostly Kurdish villages on both sides of the borders of Turkey and Iran as well as Turkey and Iraq are widespread. The most commonly smuggled goods are oil, cigarettes and food. In addition, there is extensive smuggling of drugs and human trafficking. The people on both sides of the border who are involved in smuggling belong to the same tribes, are often related and have common economic interests in such enterprises. [...]

> Nihat Ali Özcan, TEPAV, mentioned that it is generally difficult to control the borders between Iraq and Turkey due to the geographical conditions. [...]
>
> The source found that there is a growing interest in human trafficking as the economical gains are high and possible punishments for this activity relatively low. When it comes to human trafficking, the city Van is a gathering point. It is typically from Van that further transportation of illegal migrants can be arranged either by smugglers or by other means. It was added that there are many Turkish bus companies that run daily from Van to Istanbul as well as to other parts of Turkey.
>
> Asked about how much it would cost to be smuggled from Iran through Turkey and into Europe, Nihat Ali Özcan stated that he had heard stories involving amounts up to 10,000 USD for being taken to Van.
>
> According to a Western embassy (2) there are (also) reports of smuggling across the border between Iraq and Iran, and reports that smugglers have been shot by the Iranian authorities. The source made reference to a recent report published by International Campaign for Human Rights in Iran about smugglers being killed in the border areas.41 Another Western embassy (1) doubted the effectiveness of the control at Iran's borders with Iraq." (DIS/Landinfo/DRC, February 2013, pp. 76-77)

A report by the UN Human Rights Committee in November 2011 mentions "persistent trafficking in women and children, particularly young girls from rural areas, often facilitated by temporary marriages ('siqeh')" (UN Human Rights Committee, 4 November 2011, p. 5).

5.6 Treatment of children

5.6.1 Access to education

The US Department of State (USDOS) notes in its annual report on human rights in 2012 of April 2013:

> "Education: Although primary schooling up to age 11 is free and compulsory for all, the media and other sources reported lower enrollment in rural areas, especially for girls." (USDOS, 19 April 2013, section 6)

Humanium, a humanitarian relief organisation with offices in Switzerland, France and Germany, states in a March 2012 article published on its website:

> "Education is free and required up to age 11. In rural areas, however, school attendance is low, particularly among girls." (Humanium, 15 March 2012)

As indicated by the United Nations Children's Fund (UNICEF), the literacy rate for youth (aged 14 to 24 years, both male and female) was 99 per cent during the 2007-2011 period. The secondary school net enrolment ratio for the 2008-2011 period is indicated as 92 per cent for males and 80 per cent for females. (UNICEF, May 2013, p. 116-117)

According to statistical data published on the website of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the net primary enrolment rate for the year

2011 was 100 per cent. The estimated net secondary enrolment rate for the same year is indicated as 81 per cent (82 per cent for males and 80 per cent for females). (UNESCO, 2011)

An overview on the World Bank website, updated in April 2013, states:

> "Virtually all children of the relevant age group were enrolled in primary schools in 2009 and enrollment in secondary schools increased from 66 percent in 1995 to 84 percent in 2009. As a result, youth literacy rates increased from 77 percent to 99 percent over the same period, rising significantly for girls." (World Bank, April 2013)

The CIA World Factbook indicates an estimated literacy rate (dating from 2008) of 85 per cent for the total population 15 years of age and older (89.3 per cent for men and 80.7 per cent for women) (CIA, 22 August 2013).

In its concluding observations considering Iran's state party report on the implementation and application of the International Covenant on Economic, Social and Cultural Rights (ICESCR) of May 2013, the UN Committee on Economic, Social and Cultural Rights (CESCR) expresses its concern about "the high drop-out rates of girls in rural schools upon reaching puberty and of indigenous Arab children, [...] the high illiteracy rates among Ahwazi Arabs as well as Azeris, [...] the lack of female teachers in rural areas; and [...] the stark differences in teaching staff capacities and material equipment between schools in urban and rural areas" (CESCR, 17 May 2013, p. 6).

Iran Focus, a non-profit media source with alleged ties to the exiled opposition movement Mojahedin-e Khalq Organization (MKO), reports in an article of May 2013:

> "According to recent statistics, as many as 3 million or 22% of Iranian children under the age of 18 are not attending school. At least half of these children (1.5 million) are estimated to be in the work force." (Iran Focus, 1 May 2013)

As noted in anarticle by UNICEF updated in May 2012, the province of Sistan and Baluchestan has the worst indicators for adult literacy and primary school enrolment among all provinces. The article explains:

> "All family members are expected to do what they can to bring home income, and this means children are often taken out of school. Girls must do the household chores and look after younger siblings while boys run errands and do odd jobs to earn money. As a result of isolation and poverty, many communities view education as a luxury and cultural attitudes towards women mean that more girls than boys are denied an education." (UNICEF, 25 May 2012)

5.6.2 Violence against children

The US Department of State (USDOS) annual report on human rights in 2012 of April 2013 (covering events of 2012) reports as follows :

> "Child Abuse: There was little information available to reflect how the government dealt with child abuse. Abuse was largely regarded as a private family matter. According to

> ISNA, more than 7,000 cases of child abuse were officially reported during the year. In December 2011 the managing director of the Office for Protection of Vulnerable Citizens stated that his office received calls from more than 215,000 persons during the year, of which approximately 93,000 were calls directly from victims and 47,000 were by medical professionals who treated emergency cases. [...]
>
> Sexual Exploitation of Children: The legal age requirements for consensual sex are the same as those for marriage, and sex outside of marriage is considered illegal. The law prohibits all forms of pornography, including child pornography." (USDOS, 19 April 2013, section 6)

In an article posted in October 2011, Iran Human Rights Voice (IHRV), a website referring to itself as a media outlet that monitors human rights violations in Iran, states:

> "During the past week, in an interview, the deputy of Social Affairs and Prevention of the Social Security office reported that there are 6,000 cases of child abuse in the Islamic Republic." (IHRV, 23 October 2011)

The March 2012 Humanium article states:

> "There are currently an estimated 200,000 children living in the streets. [...] Vulnerable and unsupervised, these Iranian children are easy prey for adult predators who take any opportunity to abuse them. More than 60% of these girls have been victims of sexual abuse within the first week of living in the streets. Every six days, a girl is raped and killed in Tehran." (Humanium, 15 March 2012)

Among the sources consulted by ACCORD within time constraints no further information could be found on violence against children in Iran.

5.6.3 Child labour and street children

As provided in Section 79 of the Labour Code of the Islamic Republic of Iran of November 1990, "[i]t shall be prohibited to employ any person under 15 years of age" (Labour Code of the Islamic Republic of Iran, 20 November 1990, Section 79). Section 80 provides that "[a] worker between 15 and 18 years of age, hereinafter referred to as a 'young worker', shall undergo a medical examination by the Social Security Organisation prior to commencing employment" (Labour Code of the Islamic Republic of Iran, 20 November 1990, Section 80).

In its concluding observations considering Iran's state party report on the implementation and application of the ICESCR of May 2013, the UN Committee on Economic, Social and Cultural Rights (CESCR) states that "a very high number of children are living and/or working in the street, in particular in Tehran, Isfahan, Mashdad and Shiraz" with "limited access to health services and education". The CESCR also states that "child labour is prevalent, in particular in rural areas" and that "child labour is permitted in agriculture, domestic service, and some small businesses", adding that "domestic legislation does not consistently determine the minimum age for employment" and that "child labour legislation is ineffectively and inadequately monitored and enforced". (CESCR, 17 May 2013, p. 5)

In a January 2013 report, the International Campaign for Human Rights in Iran notes with reference to government statistics from 2012:

> "According to statistics released in the summer of 2012, the rate of economic participation of children between the ages of 10 and 14 was stated as 2.9% (page 35 of the report). According to the definitions supplied in the report (page 18), Economic Participation indicates the ratio of those active in this age group compared to the overall population in the same age group. As this population's employment rate is indicated as 91.2% (page 35), it is safe to say that more than 2.5% of the entire 10-14 population of Iran are considered 'employed,' according to the definition provided by the Statistical Center of Iran." (International Campaign for Human Rights in Iran, 19 January 2013)

The March 2012 article on the Humanium website states:

> "Street children have become a serious concern in Iran. Most of these children are not orphans, but usually have drug-addicted parents, which forces them to live in the streets. Others are children of refugees or unemployed parents, which forces the children to work to help support their families. There are currently an estimated 200,000 children living in the streets. They sleep in abandoned buildings, shipping containers, or vehicles and must find work in order to fulfill their own needs or those of their families. [...] An estimated 14% of Iranian children are forced to work in dangerous and unsanitary conditions. These children usually work in the streets, in automobile or rug factories, or in the sex industry." (Humanium, 15 March 2012)

A November 2012 article by Radio Zamaneh, a Netherlands-based Persian radio service, states with reference to Iranian news agency reports:

> "Iranian children's rights activist Ali Akbar Esmailpour has spoken out against the lack of close supervision of child labour in Iran. Esmailpour told ILNA [Iranian Labour News Agency] on Tuesday that the Iranian government fails to accurately report on just how many child workers are used in workshops in Iran. He said: 'The only information at hand is the statistics regarding street children, because they are very visible, but this does not give the complete picture.'
>
> The head of the Association for the Protection of Children's Rights said the Ministry of Labour is responsible for regularly inspecting workshops and following up on the situation of child workers, adding that 'children sometimes work between 12 to 16 hours under very bad conditions without the slightest safety or hygienic considerations.' Esmailpour explained that the sixth parliament passed a law that exempted workshops with fewer than 10 employees from following labour laws. He emphasized: 'This is why the ministry does not stand accountable for the child workers in such workshops.' Tehran city officials reported in September that the number of child workers rounded up across the city has increased by 15 percent, and the number is continually on the rise. The head of the Social Welfare Commission of Parliament told Fars News in September that children are not legally allowed to work and they must be given the protection of welfare organizations." (Radio Zamaneh, 28 November 2012)

5.6.4 Trafficking

The US Department of State (USDOS) notes in its annual report on human rights in 2012:

> "Children were trafficked within the country for commercial sexual exploitation, sometimes through forced marriages in which girls' new 'husbands' forced them into prostitution and involuntary servitude as beggars or laborers to pay debts, provide income, or support the drug addiction of their families. [...] The government did not report any law enforcement efforts during the year to punish trafficking offenders and no victim protection measures existed. There was no information available about penalties for trafficking." (USDOS, 19 April 2013, section 6)

The same soource states in its Trafficking in Persons Report 2013, published in June 2013:

> "Iranian and Afghan boys and girls residing in Iran are allegedly forced into prostitution within the country. In Tehran, there has reportedly been a recent significant increase in the number of teenage girls in prostitution. Iranian women, boys, and girls are purportedly subjected to sex trafficking in Iran, as well as in Pakistan, the Persian Gulf, and Europe. Azerbaijani women and children are also believed to be subjected to sex trafficking in Iran. According to some estimates, there are 35,000-50,000 children forced by their parents or other adults to beg in the streets of Tehran or to work in sweatshops; some of these children are also reportedly forced into prostitution in Iran and abroad." (USDOS, 19 June 2013)

Iran Focus, a non-profit media source with alleged ties to the exiled opposition movement Mojahedin-e Khalq Organization (MKO), reports:

> "Human trafficking and child labor have become increasingly prevalent in Iran, which according to reports is now one of the worst offenders of children rights in the world. The Iranian government has done little to resolve this issue, and has in fact been implicated in human trafficking and the exploitation of children." (Iran Focus, 1 May 2013)

The March 2012 article on the Humanium website states:

> "Iran is a virtual revolving door for prostitution and child trafficking. Many Iranian children are sold into the sex trade in Pakistan, Turkey, the UAE, Bahrain, or Europe. Young girls and boys between the ages of 9 and 14 can be sold for USD$15-20. In Iran, the principal buyers are usually truck drivers, religious leaders, and Afghani immigrant workers." (Humanium, 15 March 2012)

5.7 Treatment of LGBTI individuals

5.7.1 Legal situation and treatment by the state

According to a report by Amnesty International (AI) of February 2012, lesbians, gay men and bisexual and transgender (LGBT) people "face harassment and persecution, cruel punishment of flogging or even the death penalty for same-sex sexual activities" (AI, 28 February 2012, p. 46).

The following overview is provided by the US Department of State (USDOS) in its annual report on human rights in 2012:

> "The constitution does not bar discrimination based on sexual orientation or gender identity. [...]
>
> The law criminalizes consensual same-sex sexual activity, which may be punishable by death, lashes, or flogging. The Special Protection Division, a volunteer unit of the judiciary, monitored and reported on 'moral crimes,' including same-sex sexual activity. [...] Punishment for same-sex sexual activity between men was more severe than for such conduct between women. [...]
>
> The law defines transgender persons as mentally ill, but the government provided transgender persons financial assistance in the form of grants up to 4.5 million tomans ($3,670) and loans up to 5.5 million tomans ($4,486) to undergo gender confirmation surgery. Human rights activists and NGOs reported, however, that some LGBT persons were advised to undergo gender confirmation surgery to avoid legal and social consequences." (USDOS, 19 April 2013, section 6)

A December 2010 report by Human Rights Watch (HRW) states:

> "According to Iran's Islamic Penal Code, same-sex crimes are subject to hudud, a class of punishment that is fixed pursuant to Shari'a or divine [Islamic] law, where the claimant is deemed to be God." (HRW, 15 December 2010, p. 19)

As indicated by HRW, the Islamic Penal Code of Iran defines "sodomy" (lavat) as consummated sexual activities between men, whether penetrative or not, and thafiz as non-penetrative sex between men (HRW, 15 December 2010, pp. 19-20).

A report by the Israeli daily newspaper Jerusalem Post (JP) notes that "[i]n cases where penetration has occurred, and where both partners are 'mature, of sound mind, and acted of free will,' lavat is punishable by death, usually hanging." (JP, 17 May 2012)

The Islamic Penal Code of Iran contains the following provisions with regard to "sodomy" (lavat) and thafiz:

> "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. [...]

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." (Islamic Penal Code of Iran, 30 July 1991, Articles 108-113, 121, 122)

The following articles of the Penal Code define the ways of proving the occurrence of "sodomy":

"Article 114: By confessing four lashes to having committed sodomy, punishment is established against the one making the confession. [...]

Article 117: Sodomy is proved by the testimony of four righteous men who might have observed it. [...]

Article 120: The Shariajudge may act according to his own knowledge which is derived through customary methods. [...]

Article 126: If sodomy or Tafhizis proved by confession and thereafter he repents the Shariajudge may request the leader (Valie Amr) to pardon him." (Islamic Penal Code of Iran, 30 July 1991, Articles 114, 117, 120, 126)

The Penal Code provides with regard to lesbianism (Mosahegheh):

"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." (Islamic Penal Code of Iran, 30 July 1991, Articles 127-131)

Small Media, a non-profit group based in London, notes that "there are no official statistics concerning exactly how many gay men and women have been executed in Iran" but points to what it refers to as a "conservative estimate" according to which "at least 1,000 homosexual Iranians have been convicted and sentenced to death since the Iranian Revolution in 1979" (Small Media, May 2012, p. 36).

A March 2012 report by the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran (published by the UN Human Rights Council, HRC) notes that "Iranian officials often qualify homosexuality as a disease, and insist on applying stringent punishment for acts perceived as homosexual in nature". The Special Rapporteur states that in "September 2011, three men were reportedly executed under the country's sodomy laws." (HRC, 6 March 2012, p. 19)

A report by Human Rights Watch (HRW), published in December 2010, deals extensively with the treatment of sexual minorities by state authorities:

> "[P]eople charged with sexual crimes often endure summary trials that do not adhere to principles of fairness. Judges overseeing sodomy cases often ignore strict evidentiary guidelines within Iran's penal code and use questionable investigative methods and evidence that should be inadmissible to decide guilt or innocence. Convictions frequently rely on confessions obtained through torture and extreme psychological pressure, and courts have convicted defendants of sodomy charges based solely on 'knowledge of the judge' despite the existence of exculpatory evidence and a lack of inculpatory evidence." (HRW, 15 December 2010, p. 4)
>
> "Although Iranian law prescribes the death penalty for non-penetrative sex acts between men and lesbianism, the overwhelming majority of reported prosecutions, convictions, and executions of individuals in Iran relate to boys or men charged with sodomy. It is extremely difficult to determine whether those charged and executed for same-sex conduct are in fact members of Iran's LGBT community. It is equally difficult to confirm the frequency of executions for same-sex conduct. [...]
>
> Finally, Iranians who have been convicted of lavat and then executed have rarely, if ever, been charged solely with that crime. In most cases the court also convicted them on other charges, some of which carry the death penalty." (HRW, 15 December 2010, pp. 27-28)
>
> "Human Rights Watch has also documented several cases where individuals have been convicted of sodomy and are awaiting execution. Many of these individuals were children under the age of 18 at the time of the alleged offense. Moshen G., from Shiraz, and Nemat Safavi, from Ardebil were accused and convicted in 2009 in separate cases of committing consensual same-sex acts when they were under the age of 18. [...]
>
> In July 2010, a court in the northwestern city of Tabriz issued an execution order for Ebrahim Hamidi. Hamidi was initially charged and convicted, along with three of his friends, of raping a young man. The four were initially convicted of lavat based on the testimony of the alleged rape victim. Later, the victim withdrew his accusation and merely

alleged that it was his belief that the four had attempted to rape him. Three of the four defendants were eventually acquitted of the charge, but Hamidi was convicted of forcible sodomy based on article 120 of the penal code allowing judges to find defendants guilty of sodomy based on their 'knowledge.' Hamidi was 16-years-old, and thus a child, at the time of his alleged offense and when he was charged with committing sodomy." (HRW, 15 December 2010, pp. 30-31)

"For many LGBT persons, the bonds with their families are often strained—and even severed—leaving many more vulnerable to abuse than they otherwise might be with such a support system. These tensions, which often manifest themselves at an early age, lead family members to strictly monitor their children's lives, lash out against them in frustration, anger, or shame, and sometimes abandon them altogether." (HRW, 15 December 2010, p. 34)

"Iranian law does not criminalize homosexuality per se, yet Iran's sexual minorities face regular harassment and abuse by members of Iran's police, security, and intelligence forces in public spaces throughout the country." (HRW, 15 December 2010, p. 44)

"Human Rights Watch has not uncovered evidence suggesting that abuses perpetrated by Iran's security forces are part of a systematic targeting campaign to identify and root out Iran's sexual minorities. However, research reveals that harassment, arbitrary arrest, and abuse perpetrated by security forces against Iran's sexual minorities on account of their public appearance are not uncommon. Some of these abuses ostensibly occur under the pretext of enforcing Iran's penal code, while others are carried out by renegade security forces who take the law into their own hands." (HRW, 15 December 2010, p. 49)

"Human Rights Watch has gathered testimony indicating that security forces use physical abuse and torture, including beatings and whippings, against LGBT persons who are held in their custody." (HRW, 15 December 2010, p. 61)

"For lesbians, in particular, the fear of discovery is well-founded. Societal as well as official scrutiny of 'deviant' behavior among non-conforming women is widespread in Iran, and it is exacerbated by the fact that women have less freedom to move than their male counterparts. It is not uncommon for lesbians to report familial violence, forced marriages, and forced medical treatment." (HRW, 15 December 2010, p. 74)

"In cases where someone is intersex (or possesses biological features of both men and women), the state encourages the individual to choose between the two and undergo sex reassignment surgery (SRS). Iran is, somewhat unique, however, in that it also allows such surgeries for transgender individuals." (HRW, 15 December 2010, p. 79)

As reported by the UK Foreign and Commonwealth Office, "[i]n May [2012], four men were reportedly hanged in secret on charges of homosexuality" (FCO, April 2013).

A September 2011 article by the Guardian reports on the execution of the three men in Ahvaz (Khuzestan province) who had been convicted under Articles 108 and 110 of the Islamic Penal Code of Iran, according to a judiciary official quoted by Isna news agency. As reported by the

NGO Iran Human Rights, they were convicted for "lavat" (sexual intercourse between men). According to Isna, they were also convicted of robbery and kidnapping. The Guardian article states that "[i]n the past, Iran has executed convicts for homosexuality but they were typically simultaneously convicted of other charges that carried the death sentence, such as male rape" (Guardian, 7 September 2011). As noted in a February 2012 report by Amnesty International (AI), "[a]t least three men were executed in 2011 following their conviction of 'sodomy'" while "[a]t least three other men, alleged to have taken part in sexual acts between men, were reportedly under sentence of death", one of whom "was under the age of 18 at the time of the alleged offence" (AI, 28 February 2012, p. 46).

The May 2012 report by the Jerusalem Post (JP) states with reference to information provided by the Human Rights Activists News Agency (HRANA) that the judiciary has "upheld the death penalty for four men convicted of sodomy". The four men are reported as being all from the city of Charam in the province of Kohgiluyeh and Boyer-Ahmad. (JP, 17 May 2012)

The February 2013 report by the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran (published by the UN Human Rights Council, HRC) states:

> "Interviews with 24 members of the Iranian LGBT community for this report reinforce many of the concluding observations forwarded by the Human Rights Committee‟s periodic review of Iran. Fifteen interviewees believed that they were arrested at least once for their sexual orientation or for associating with other LGBT persons. Thirteen reported that once in detention, security officers subjected them to some form of torture or physical abuse; including punches, kicks and baton strikes to the head or body and, in a few cases, sexual assault and rape. Several people reported that they were coerced into signing confessions. Iran‟s criminalisation of same-sex relations facilitates physical abuse in the domestic setting as well. A majority of these individuals reported that they were beaten by family members at home, but could not report these assaults to the authorities out of fear that they would themselves be charged with a criminal act." (HRC, 28 February 2013, p. 20)

The March 2013 report by Justice for Iran (JFI) notes with respect to the treatment of transgender persons that "[t]here are reports of harassment and being assaulted by members of the police force and being placed in a prison cell for wearing attire worn by the opposite sex" (JFI, 14 March 2013, p. 8). The same report adds:

> "It would seem that the Islamic Republic of Iran is in effect leaving transgender persons with two options which pose an equal risk to their health and safety: to seek risky, costly and invasive hormonal treatments and surgical operations or to continue a dangerous and clandestine life unremittingly overshadowed by harassment, discrimination in employment and education, arbitrary arrest and detention, and risk of killing, physical attacks, rape and torture." (JFI, 14 March 2013, pp. 8-9)

5.7.2 Treatment by members of society

As noted by AI, LGBT people "face hostility from a society that is intolerant of sexual identities other than heterosexuality" (AI, 28 February 2012, p. 45).

The March 2013 report of Justice for Iran (JFI) states:

> "Homosexuality is such a taboo that members of the LGBT community suffer greatly throughout their lives. To be lesbian, gay, bisexual or transgender (LGBT) in Iran is to live a life predominantly marked by stigma, fear, exclusion and violence. Iranian law, through provisions in the Islamic Penal Code, provides for the arrest, prosecution and execution of persons who engage in homosexual acts of their own free will. For example, Iran divides individuals who live outside dimorphic, hetero-normative gender relations into two distinct, yet interrelated, categories: transsexual patients and (homo) sexual perverts. The former encompasses individuals who suffer from a 'gender identity disorder' (ekhtelal-i hoviat-i jensy) and must be 'cured' through hormonal conversations and sex reassignment surgery while the latter includes morally bankrupt individuals who engage in sinful (homo)sexual behaviour outside the bounds of gender normalcy and must be prosecuted and have appropriate punishment meted out to them." (JFI, 14 March 2013, p. 6)

> "Many of the lesbian and transgender persons that Justice for Iran interviewed held that their stigma, rejection and experiences of violence led them to make the decision to have sex reassignment surgery. [...] One of the individuals interviewed by Justice for Iran states that 'after all, being transsexual is a more acceptable identity,' leading to the decision to go through the surgery. Another interviewee reports being beaten by her father who sad that she had become brainwashed (for being a lesbian), she also reports harassment at school and being prevented from participating in school activities." (JFI, 14 March 2013, p. 8)

Human Rights Watch (HRW) notes in its December 2010 report:

> "As in many other countries, Iran's sexual minorities suffer much harassment, discrimination, and abuse at the hands of private actors, including members of their family and society at large. An overwhelming majority of the individuals interviewed by Human Rights Watch during the course of its investigations maintained that many of the problems suffered by sexual minorities stemmed from abuse and neglect at home.
>
> Yet in Iran sexual minorities are particularly vulnerable to such abuse because state law criminalizes same-sex conduct and imposes the death penalty for certain same-sex acts. Not only are sexual minorities prevented from availing themselves of the general protections afforded under the law, they must also fear possible prosecution under the law should they seek help from authorities. Iranian law, therefore, creates a 'chilling effect' on the ability (and desire) of victims to report abuses against them, and renders them more vulnerable to harassment, abuse, blackmail, and extortion by private actors." (HRW, 15 December 2010, p. 33)

5.8 Treatment of persons with disabilities

In its concluding observations considering Iran's state party report on the implementation and application of the International Covenant on Economic, Social and Cultural Rights (ICESCR) of May 2013, the UN Committee on Economic, Social and Cultural Rights (CESCR) expresses its

concerns about "the lack of access to education of children with disabilities and children of nomadic communities" in Iran (CESCR, 17 May 2013, p. 7).

The US Department of State (USDOS) notes in its April 2013 annual report on human rights 2012:

> "Human rights generally, as well as minority rights, disability rights, and women's rights were particular problems." (USDOS, 19 April 2013, section 5)
>
> "The law generally prohibits discrimination against persons with disabilities by government actors. No information was available regarding authorities' effectiveness in enforcing the law. However, the laws did not apply to private actors, and electoral laws prohibit blind and deaf persons from running for seats in the Islamic Consultative Assembly. While the law provides for state-funded vocational education for persons with disabilities, according to domestic news reports, vocational centers were confined to urban areas and unable to meet the needs of the entire population.
>
> There are laws ensuring public accessibility to government-funded buildings, and new structures appeared to comply with the standards in these provisions. There also were efforts to increase disabled persons' access to historical sites. However, government buildings that predated current accessibility standards remained largely inaccessible, and general building accessibility for persons with disabilities remained a widespread problem. There was limited access to information, education, and community activities by persons with disabilities in the country.
>
> The Welfare Organization of Iran is the principal governmental agency charged with protecting the rights of persons with disabilities." (USDOS, 19 April 2013, section 6)

Among the sources consulted by ACCORD within time constraints no further information could be found on the treatment of persons with disabilities.

5.9 Treatment of failed Iranian asylum-seekers upon return to Iran

Among the sources consulted by ACCORD within time constraints, no reports published later than 2011 could be found on the treatment of failed Iranian asylum-seekers.

Referring to information obtained from several sources, the Swiss Refugee Council (SRC) describes the authorities' practice of dealing with returned asylum-seekers as "arbitrary" and "unpredictable". An unnamed Iranian judge is quoted as saying that rejected asylum-seekers returning to Iran are questioned, regardless whether they were politically active in Iran or abroad. According to the judge, they are guilty if they attempted to engage in "propaganda" against Iran, and remain in detention until a verdict has been delivered by a judge. Returning asylum-seekers are thus placed in detention for several days until the police have verified that they had not engaged in any political activities, after which they are released. However, if a person was active politically, whether in Iran or abroad, he or she will be prosecuted and punished (SRC, 18 August 2011, p. 6).

An Amnesty International (AI) Urgent Action of May 2011 reports on the following case:

> "In February 2011, Rahim Rostami, a 19-year-old member of Iran's Kurdish minority who had arrived in Norway as an unaccompanied minor, and whose asylum claim had been rejected by the Norwegian authorities, was forcibly returned by Norway to Iran where he was reportedly arrested. He is believed to still be detained, with bail reportedly having been denied. On 17 February 2011, an article written by a former Supreme Court judge appeared in Iran newspaper, a daily paper published by the Iranian government. Referring to existing laws that enable Iran's judiciary to bring charges against Iranians for alleged violations of Iranian law committed while outside Iran, the article stated that failed asylum-seekers could be prosecuted for making up accounts of alleged persecution. On 26 April 2011, Kayhan newspaper, which is controlled by the Office of the Supreme Leader, also reported that Iranians are seeking asylum 'on the pretext of supporting the opposition'." (AI, 6 May 2011)

A June 2011 Urgent Action by AI reports on the following case:

> "Arash Fakhravar is now known to be held in Section 209 of Evin prison, a part of the prison believed to be under the control of the Ministry of Intelligence. His family has been warned by the authorities not to talk to the media about his case. Arash Fakhravar was an asylum-seeker in France where he took part in demonstrations against the Iranian government in March and April 2011. He was arrested at Tehran's airport upon his return to Iran on or around 29 April. The circumstances of his return remain unclear to Amnesty International." (AI, 7 June 2011)

Background information to the case of Arash Fakhravar is provided by AI in an Urgent Action of May 2011: Mohammad Reza (Arash) Fakhravar, whose eldest brother is secretary-general of the pro-western student movement Confederation of Iranian Students (CIS) and a former political prisoner, was arrested in December 2010 after participating in anti-government demonstrations in December 2009. In January 2011, Arash Fakhravar was "tried on charges of 'insulting the Supreme Leader'" and "given a suspended prison sentence", after which he fled to Iraq where he was registered with UNHCR as an asylum-seeker. On 29-30 January 2011, he travelled to France, where he was an asylum seeker and "took part in demonstrations against the Iranian government". (AI, 6 May 2011)

The August 2011 report of the Swiss Refugee Council (SRC) mentions the case of a young male Iranian who was transferred from a European country to the Dublin country in charge of processing his asylum claim, from where he was returned to Iran. He was arrested immediately upon his arrival and subjected to ill-treatment in prison. He was waiting for his verdict at time of reporting. In another case, a female asylum-seeker was arrested after her deportation to Iran although she had no political profile. She was reportedly released on bail, with no information available on the charges brought against her. (SRC, 18 August 2011, pp. 3-4)

An April 2010 article by the International Campaign for Human Rights in Iran quotes the following comments made by the then minister of justice Morteza Bakhtiari:

> "Referring to political refugees, Morteza Bakhtiari said: 'People who do not have political cases inside the country and have merely introduced themselves as political activists to foreign countries in order to receive residency in those countries, will be reviewed. Our general policy is to provide the basis for the return of Iranians to Iran.' Bakhtiari did not elaborate on the purpose and tools used to return political refugees to Iran and what shape the review of these individuals' cases would take and what guarantees there are for their security inside Iran. Referring to the Director of Tehran's Judiciary and the Head of the Revolutionary Courts preparedness in this area, he said judicial and security organizations have representatives on the Council and these representatives will decide on returning political refugees to Iran. Quoting Bakhtiari, Mehr News Agency said that '90% of contacts made by Iranians to outside Iran are of a legal and judicial nature.'" (International Campaign for Human Rights in Iran, 6 April 2010)

The Norway-based human rights organisation Iran Human Rights (IHR) states in March 2011 that Iranian authorities have recently signalized that Iranians who have applied for asylum abroad should be charged for "dissemination of false propaganda against the Islamic Republic of Iran" and punished for that (IHR, 23 March 2011).

A February 2011 report by the state broadcasting corporation Islamic Republic of Iran Broadcasting (IRIB) quotes the following statement made by the country's prosecutor-general:

> "Hojatoleslam Gholam-Hossein Mohseni-Eje'i, Iran's prosecutor general, stated that: 'Very obviously the Iranians who have committed a crime outside the country, while they are abroad, or even those who are not citizens of Iran, and take action against our national security, can be prosecuted.' He added: 'Now there are those abroad who once claimed to be patriots in this country, but they are now working with America and Britain to act against their own people and country.' Mohseni-Eje'i emphasized that the chief prosecutor would undoubtedly open court cases for them, and that they would be punished if they ever returned to Iran, and if they did not return to Iran, the chief prosecutor must sentence them through the international authorities." (IRIB, 28 February 2011)

6 Rule of Law/Administration of Justice

6.1 General overview of the Iranian judicial system

According to the Iranian Constitution, the judiciary "is an independent power, the protector of the rights of the individual and society, responsible for the implementation of justice" and is entrusted with the following duties:

> "1. investigating and passing judgement on grievances, violations of rights, and complaints; the resolution of litigation; the settling of disputes; and the taking of all necessary decisions and measures in probate matters as the law may determine;
>
> 2. restoring public rights and promoting justice and legitimate freedoms;
>
> 3. supervising the proper enforcement of laws;
>
> 4. uncovering crimes; prosecuting, punishing, and chastising criminals; and enacting the penalties and provisions of the Islamic penal code; and
>
> 5. taking suitable measures to prevent the occurrence of crime and to reform criminals." (Constitution, Article 156)

Article 157 of the Iranian Constitution stipulates that the Head of Judiciary is the highest judicial authority and shall be appointed by the Supreme Leader for a period of five years (Constitution, Article 157). The functions of the Head of Judiciary are regulated as follows in Article 158:

> "1. Establishment of structure necessary for the justice commensurate with mentioned under Article 156.
>
> 2. Drafting judiciary bills appropriate for the Islamic Republic.
>
> 3. Employment of just and worthy judges, their dismissal, appointment, transfer, assignment to particular duties, promotions, and carrying out similar administrative duties, in accordance with the law." (Constitution, Article 158)

Article 160 stipulates that the Head of Judiciary proposes persons for the post of Minister of Justice:

> "(1) The Minister of Justice owes responsibility in all matters concerning the relationship between the judiciary on the one hand and the executive and legislative branches on the other hand. He will be elected from among the individuals proposed to the President by the head of the judiciary branch.
>
> (2) The head of the judiciary may delegate full authority to the Minister of Justice in financial and administrative areas and for employment of personnel other than judges in which case the Minister of Justice shall have the same authority and responsibility as those possessed by the other Ministers in their capacity as the highest ranking government executives." (Constitution, Article 160)

Moosa Akefi Ghazi, scholar at the Islamic Law Department of the Islamic Azad University, a private chain of universities with its headquarters in Tehran, published a paper on the Iranian Judiciary in 2011. He states that "[t]he entire judicial system 'from the Supreme Court to regional courts, all the way down to local, revolutionary, military, administrative, clerical and press courts' are whether directly or indirectly, under the purview of the supreme leader of the state, implementing through his appointed head of judiciary [...]" (Ghazi, 2011, p. 46). With regard to the chief officials of the judiciary, Ghazi writes that "the chief Attorney General and the President of the Supreme Court and of course the head of judiciary power must be Shi'a 'mujtahids' jurists" and "the judges of all the courts must be familiar in Shi'a jurisprudence" (Ghazi, 2011, p. 47).

Reuters reports on 15 August 2009 that Ayatollah Sadeq Larijani has been appointed as the new head of the country's judiciary, thus replacing Ayatollah Mahmoud Hashemi-Shahroudi after Hashemi-Shahroudi's 10-year term ended. According to Reuters, Larijani, a cleric born in Iraq's holy Shi'ite city of Najaf and a brother of parliament speaker Ali Larijani, is "a member of Iran's hardline constitutional watchdog the Guardian Council" and will serve a five-year term (Reuters, 15 August 2009). In a paper published in August 2009, Mehdi Khalaji, senior fellow at The Washington Institute, a US think tank specialised on US Middle East policy, also mentions Sadeq Larijani as the new head of judiciary. In his paper, Khalaji describes the Iranian judiciary as being under the close control of Supreme Leader Ayatollah Ali Khamenei:

> "Widespread reports suggest that Sadeq Larijani, a young and inexperienced cleric with close ties to Iran's military and intelligence agencies, will officially replace Mahmoud Hashemi Shahroudi as head of the Iranian judiciary on August 16.
>
> [...] Khamenei keeps close control of the Iranian judiciary: he not only appoints its head, but also gives unofficial recommendations to other high-ranking judiciary officials. Often a micromanager, Khamenei has been known to go over the judiciary's head, exemplified by his recent order to close the Kahrizak detention center in Tehran (a move that usually requires a court order). [...]
>
> Although the Iranian constitution mandates that the judiciary supervise all juridical and legal processes, some bodies, such as the Special Court of Clerics, work under Khamenei's direct supervision outside the judiciary's framework. Moreover, even though the IRGC, Basij, police, Intelligence Ministry, and Special Court of Clerics run many of Iran's detention centers, the judiciary has no jurisdiction over any of them. Further complicating matters, Khamenei is constitutionally the final arbiter in any dispute between government officials, with the right to overrule Islamic law when necessary to safeguard the interests of the regime. As such, the judiciary uses Islamic law as the basis for its decisions only when Khamenei sees such use as not in conflict with the regime's interests - as he defines it.
>
> Not only is the judiciary empowered to ignore Islamic law, it also bypasses the country's criminal law, particularly in politically related cases. This has led to harsh criticism by secular lawyers as well as clerics in the last two decades. [...]

> Iran's judiciary - under the watchful eye of Iran's top leader - has a great deal of power to shape the country's legal system and environment. Sadeq Larijani's ties to the IRGC and intelligence agencies provide ample reason to believe that he will use his new powers to crack down even further on human rights and civil liberties than did his predecessors. Moreover, Larijani's appointment signals that the judiciary, the IRGC, and the intelligence agencies will be more closely aligned then [sic] ever." (The Washington Institute, 13 August 2009)

In his paper on the Iranian Judiciary, Ghazi describes the ideological basis of the judicial system and the meaning of human rights norms therein:

> "The Islamic Republic of Iran is a system based on belief in exclusive sovereignty of God, right to legislate, and the necessity of submission to His commands. It is believed that the regime is based on Divine revelation and its fundamental role in setting forth the law and the justice of God in creation and legislation (Iranian Constitution, 1998: §2). Divine law or in a comprehensive judgment Islamic 'shari'ah' is a concept which should be narrated by official readings of governmental jurists fully qualified Faqihs on the basis of the 'Koran' (Iranian Constitution, 1998: §2.6). Islamic law, as a sacred law, is the most classic expression of the Islamic way of life and is the most important part of political Islam. All laws and regulations including civil and criminal, financial, economic, administrative, cultural, military, political or otherwise, should be in accordance to Islamic principles (Iranian Constitution, 1998: §4).
>
> Under this comprehension, human rights and their universally accepted norms have no vast room within the process of legislation to bring about efforts to comply laws corresponding to international norms. On the other hand, the Constitution does not oblige itself to observe human rights norms, rather it is prepared to pursue 'shari'ah' even if inconsistent with accepted norms of human rights by civilized nations, since the primary aim of the Constitution is to 'islamicize' wholly entire governmental system including the Iranian judiciary whose features are different from other forms of modern judicial reforms in the west. In addition, preamble to the Constitution holds that peoples' rights should be in line of Islamic movement and the main task of the judiciary is to prevent the ideological deviations within the Islamic nation. It seems that restoring to international norms could be felt as into deviations of nation from true path of Allah." (Ghazi, 2011, pp. 37-38)

6.1.1 Court structure

Hadi Ghaemi writes in a chapter of the Iran Primer, published by the United States Institute of Peace (USIP) in 2010, that the legal system in Iran has many layers of courts and distinguishes between the courts based on the constitution and those based on decrees by revolutionary leader Khomeini which have not been incorporated into constitutional clauses:

> "Iran's legal system has many layers of courts. The constitution calls for civil and criminal courts, as well as military courts. Prosecutions originate in lower courts and can be appealed to higher courts. The Supreme Court reviews cases of capital offenses and rules on death sentences. It is also tasked with ensuring proper implementation of the laws and uniformity of judicial proceedings.

> But the Islamic Republic also has Revolutionary Courts and the Special Court for the Clergy. Both sets of tribunals were based on decrees by revolutionary leader Ayatollah Ruhollah Khomeini. They have never been incorporated into the constitutional clauses defining the role and structure of the Judiciary. Legal experts critical of these tribunals have repeatedly challenged their legal standing. The Special Court for the Clergy has also been used as a political tool against clerics who urge reforms, criticize the regime or challenge the role of the supreme leader. It has been compared to the Inquisition courts of the Middle Ages." (Ghaemi, 2010)

GlobaLex, an electronic legal publication provided by the Hauser Global Law School Program at New York University School of Law, published a guide to the legal system of Iran updated in February 2011 which is authored by Omar Sial, an advocate based in Karachi, Pakistan. In this guide, three types of courts are distinguished, namely Public Courts, Clerical Courts and Revolutionary Courts. The Public Courts, also called regular courts, are classified into four types:

> "1. Civil Courts,
>
> 2. Special Civil Courts,
>
> 3. First Class Criminal Courts; and
>
> 4. Second Class Criminal Courts.
>
> These courts mainly deal with the civil and criminal matters of the common public in Iran. In the first instance, family matters, including marriage, divorce and custody, come under the jurisdiction of the Special Civil Court allocated to family affairs. Whereas personal status matters such as citizenship and probate come under the jurisdiction of the Public Civil Courts. All non-financial matters and financial affairs evaluated at above 2,000,000 RI from these courts can be appealed to the appellate courts. Criminal courts fall into two categories: first and second level criminal courts. The first level courts have jurisdiction over prosecution for felony charges, while the second level courts try cases that involve lighter punitive action. There are nearly 600 Public Courts in Iran." (GlobaLex, February 2011)

With regard to Clerical Courts and Revolutionary Courts, the GlobaLex guide elaborates:

> "The Clerical Courts are entrusted with the task of trying and punishing misdeeds by the clergy although it has also taken on cases involving lay people. There is a Special Clerical Court that holds operations independent of the regular judicial system and is accountable to the Supreme Leader of Iran. Judgments handed down by the Clerical Courts are final and cannot be appealed.
>
> The Revolutionary Courts rule on serious offences related to the country's security, drug trafficking, etc. There are two Revolutionary Courts in Iran. The judgments given by these courts cannot be challenged in any Court in Iran. The Revolutionary Courts do not allow for the involvement of defense attorneys in Court proceedings related to various legal matters addressed by these Courts." (GlobaLex, February 2011)

Ghazi describes the tasks of the High Court of Administrative Justice, the Special Courts for the Clergy and the Revolutionary courts:

> "In addition to the regular courts, which hear criminal and civil suits, the government established clerical tribunals, revolutionary tribunals, and the High Court of Administrative justice. The High Court of Administrative Justice (Iranian Constitution, 1998: §173) is under the supervision of the head of the judicial branch authorized to investigate any complaints or objections by people with respect to government officials, organs, and statutes. In this line, revolutionary and special clerical courts are the initial achievements of the Islamic Republic of Iran. The Special Courts for the Clergy are out of bounds of the judiciary and functions independently under the control of the Supreme leader, so they are accountable only to him. They are empowered to try any clerical dissident. The Special Clerical Court handles crimes allegedly committed by clerics 'roohaniyat' whether Shi'a or Sunni. The judgments of these kinds of courts are final without appeal. Revolutionary courts also investigate and try any criminal activity against; 1) The domestic or foreign security of the Islamic Republic of Iran and decay on earth; 2) Any insulting attitude against the founder of the Islamic Republic and/or its leader; 3) Any conspiracy against the Regime or engaging in terrorism or demolition of public buildings or facilities with the aim of confronting the Islamic state; 4) Spying for foreigners; and 5) Drug trafficking or related crimes (Procedural code of public and revolutionary courts 1994) and in general 'crimes against God.'" (Ghazi, 2011, pp. 43-44)

Mirjam Künkler from Princeton University details in her paper on the Special court of the clergy (SCC):

> "Set up in the early years of the revolution and subsequently out-phased, the SCC was formally re-established in 1987 by decree of rahbar (Leader) Ayatollah Khomeini (Ettelāʿāt, June 12, 1987). The official function of the SCC is to investigate criminal transgressions of the clergy, but the court has since the mid-1990s been used increasingly as an instrument for the suppression of dissident clerics, and at times even non-clerical culprits. Court proceedings take place behind closed doors and the accused are not permitted to choose their own defense counsel. The court runs its own security and prison systems, and operates on a budget independent from the judiciary and not approved by the Majles, as all budgets should be according to the constitution, but by the Expediency Council, a council appointed by and only answerable to the rahbar. Since the court is outside the official judiciary, the personnel is not subject to any oversight such as the Judges Disciplinary Court, but subservient to the office of the Leader only." (Künkler, 13 May 2009, p. 2)

Künkler continues in her paper with regard to the function and history of the SCC:

> "Apart from a scarcity of sources on the operations and functions of the Special Courts of the Clergy, there are several misrepresentations of the courts in the academic literature. One pair of authors claims the courts were only established in 1997 to more effectively suppress members of Khatami's reform coalition. The courts, however, have been functioning since the early days of the revolution and were formally established by a decree of Khomeini in 1979, subsequently out-phased and re-established by another

decree of his in 1987. Another group of authors presents the courts as if they only existed in Tehran and were part of the official court structure. A defining characteristic of the SCC is, however, that they function outside of the judiciary, that the judiciary has no jurisdiction over these courts and that the personnel of the courts, because the courts do not exist within the framework of the constitution, does not feel bound to abide by any of the constitutional liberties or guarantees emanating from international covenants Iran has ratified, as opposed to the judiciary. A third author claims the courts were established by Khamenei in 1990 in order to have an institutional arm at disposal to deal with dissident clergy not subservient to his wanting theological credentials. While Khamenei did not establish the courts, it is true that he expanded them in 1990 by establishing the SSC in ten cities other than Tehran and by endowing them with an ordinance (ahkām-i hokumati) of 47 articles, which was amended and expanded in 2005 (see below)." (Künkler, 13 May 2009, pp. 12-14)

The US Department of State (USDOS) writes in his April 2013 report on human rights practices with regard to the Special Clerical Court:

> "Numerous human rights groups continued to question the legitimacy and secrecy of the Special Clerical Court, which is headed by an Islamic legal scholar and overseen by the supreme leader. The court is not provided for in the constitution and operates outside the judiciary's purview. It is charged with investigating alleged offenses committed by clerics and issuing rulings based on independent interpretation of Islamic legal sources. Critics alleged that clerical courts were used to prosecute clerics for expressing controversial ideas and participating in activities outside the sphere of religion, such as journalism or reformist political activities." (USDOS, 19 April 2013, section 1e)

For further details on the mandate and functions of the SCC, see Künkler (13 May 2009, pp. 18-26) and a report by the Iran Human Rights Documentation Center (IHRDC, August 2010).

Article 161 of the Constitution regulates the establishment and tasks of the Supreme Court:

> "The Supreme Court is to be formed for the purpose of supervising the correct implementation of the laws by the courts, ensuring uniformity of judicial procedure, and fulfilling any other responsibilities assigned to it by law, on the basis of regulations to be established by the head of the judicial branch." (Constitution, Article 160)

Ghazi notes with regard to the appellate jurisdiction of the Supreme Court:

> "Appeals lie to the Supreme Court from any judgment, decree or final order of courts in the territory of Iran, whether in civil, criminal or other proceeding except revolutionary courts. It is an appellate court that also reviews decisions of the lower courts to ensure their conformity with the laws of the country. The Supreme Court is the ultimate judicial authority for establishing judicial practice and uniform practice. It has administrative control on lower courts across the state." (Ghazi, 2011, p. 45)

Ghazi continues that judicial review is not a task assigned to the Supreme Court by the Constitution. This task is assigned to the Guardian Council, which is the only institution that can declare a law enacted by the parliament as unconstitutional. (Ghazi, 2011, pp. 45-46)

The Constitution also provides for the establishment of Military courts "to investigate crimes committed in connection with military or security duties by members of the Army, the Gendarmerie, the police, and the Islamic Revolution Guards Corps" and stipulates that these Military courts and the office of the military prosecutor "form part of the judiciary and are subject to the same principles that regulate the judiciary". (Constitution, Article 172)

6.1.2 Information on fair trial guarantees and safeguards against double jeopardy

In his May 2013 report to the UN Human Rights Council (HRC), the UN Secretary-General notes:

> "42. Although the Iranian Constitution, Penal Code and Code of Penal Procedure contain fair trial safeguards and procedural guarantees, special procedure mandate holders have continued to express serious concerns about allegations of detention without charges, incommunicado detention and lack of access to lawyers. According to reports received, accused persons are often unaware of the charges against them, or charges were pronounced only when they were brought before the court. On-camera confessions, disproportionately heavy bail forfeits and the handing down of heavy sentences after only brief hearings were commonly reported patterns." (HRC, 7 May 2013, p. 13)

The US Department of State (USDOS) writes in its annual report on human rights in 2012 with regard to the right to a fair trial:

> "According to the constitution and criminal procedure code, a defendant has the right to a fair trial, a 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. Public trials were usually 'show trials.' Defendants rarely had the opportunity to confront their accusers, and were granted access to government-held evidence infrequently.
>
> The government charged persons with vague crimes, such as 'antirevolutionary behavior,' 'moral corruption,' 'siding with global arrogance,' 'enmity towards God' (moharebeh), and 'crimes against Islam.' Prosecutors imposed strict penalties on government critics for minor violations. When postrevolutionary statutes did not address a situation, the government advised judges to give precedence to their knowledge and interpretation of Islamic law (Sharia). Under Sharia law judges may find a person guilty based on their own 'divine knowledge' or they may issue more lenient sentences for persons who kill others considered 'deserving of death,' meaning that the victim was thought to have done something serious and contrary to Sharia. AI and numerous other NGOs reported that secret summary trials lasting only five minutes frequently occurred. Other trials were designed to publicize coerced confessions.

> During the year human rights groups noted the absence of procedural safeguards in criminal trials. According to AI, there were many examples of the prosecution providing fabricated evidence, forced confessions, and trials closed to the public. Courts admitted as evidence confessions made under duress or torture (see section 6, Minorities)." (USDOS, 19 April 2013, section 1e)

In November 2011, the UN Human Rights Committee states in its concluding observations considering the state party report of the Islamic Republic of Iran on the implementation and application of the International Covenant on Civil and Political Rights (ICCPR) that it is "deeply concerned about the frequent violations of fair trial guarantees provided for under the Covenant, especially in the Revolutionary Courts and the Evin Prison Court." The Committee "is also concerned about the invocation by judicial officials of the mahdoor-ol-dam (deserving of death) definition in their rulings." (UN Human Rights Committee, 29 November 2011, p. 5)

In its third periodic state party report on the implementation of the International Covenant Civil and Political Rights (ICCPR) submitted to the UN Human Rights Committee in October 2009 and published in May 2010, the Iranian government writes with regard to double jeopardy:

> "570. There is no mention of 'double jeopardy' in Iranian laws. However, there is an article in the Islamic penal code that has been subjected to various interpretations. Some jurists and judges interpret it in such a manner as to legitimize double jeopardy in the case of Iranian citizens, while others have a contrary interpretation. Various interpretations of the Islamic penal code is discussed in the main Appendix 50." (UN Human Rights Committee, 31 May 2010, para. 570)

The mentioned article of the Iranian penal code can be found in an English translation provided by the Iran Human Rights Documentation Center (IHRDC). Please note that reports indicate that a new penal code has been signed into law by President Ahmadinejad and published in May 2013 (AFP, 30 May 2013; AI, 2 August 2013, p. 1). Therefore the number of the article and/or the content of the quoted provision may have changed in the meantime:

> "Article 7- In addition to the cases mentioned in articles 5 and 6, any Iranian who commits a crime outside Iran and is found in Iran shall be punished in accordance with the criminal laws of the Islamic Republic of Iran." (IHRDC, 4 April 2013)

In a paper published by the Journal of Financial Crime in 2004, Mansour Rahmdel, Attorney at Law in Tehran, discusses the "Ne bis in idem" (double jeopardy) rule in Iranian criminal law and refers to Article 7 of the penal code and its genesis:

> "On 12th October, 1982, the Iranian legislator adopted the Penal Code (later reformed in 1991). In Art. 3 of the code the legislator treated the question of jurisdiction concerning offences committed abroad, but removed the regulations of transnational criminal law relating to the ne bis in idem rule, and in para. (d) referred to the principle of active personality without any exception, making punishable all crimes committed abroad by Iranian nationals whether the accused were prosecuted and punished abroad or not.

On 29th July, 1991, the legislator reformed some articles of this code and changed para. (d) of the 1982 code to Art. 7, without changing the substance of the paragraph.

This Article has caused some problems for people who have committed offences abroad and have been punished. When they come back to Iran, especially when there is a private complainant, the court prosecutes the accused. Most problems arise from the difference between the kinds of punishment in Iranian law and those in other penal systems, especially of non-Islamic countries, because in Islamic countries many similar acts are criminalised, but some of these acts committed in non-Islamic countries either are not criminalised or have shorter sentences.

The post-revolutionary legislator in Iran does not accept not only the ne bis in idem rule but also the reduction of punishment rule, because it considers foreign judgments to have no validity and says 'every Iranian national who commits an offence abroad will be punished according to Iranian penal laws upon return', whether he has been punished or not and whether he returns to Iran voluntarily or not, and in some cases the accused can be punished twice." (Rahmdel, 2004, p. 279)

With regard to interpretation of Article 7 by judges, Rahmdel concludes:

"The ambiguity of Art. 7 of the Iranian penal code has led judges to make differing interpretations. Some judges believe that whether the accused has been convicted abroad or not, he could still be prosecuted and punished in Iran." (Rahmdel, 2004, p. 280)

In a reply to a query of the Swedish embassy in Tehran regarding double jeopardy, a counsel of trust writes in October 2008:

"1- According to the Iranian Penal Procedure Act, the double proceeding has not been recognized.

Notwithstanding to the above, in practice, the Iranian Prosecution Office and the criminal courts accept to examine the complain of a private party for further examination of the case in order to apply the Iranian Law when the punishment is Qesas and Hodoud punishment. This issue of double proceeding is currently practiced by the Iranian Legal system and reflected in the newspapers and I have not noted any law for outruling the above.

2- The risk of being exposed to double proceeding, occurs when a private party who sustained damages resulting from a crime committed by an Iranian in abroad, or a victim of the crime, complains to the Public Prosecutor Office and the Penal Court and request examination of the case according to Islamic Penal Code in order to rule the punishment of the Qesas and Hodoud, in which case, all the criteria for proving the case, such as hearing the witnesses and confession, etc. and other Islamic evidences would be required by the court.

3- There is no difference between the crimes. All crimes which are considered under the Qesas and Hodoud, will be examined and the punishment will be ruled by the court subject to the requirement for proving the case according to the Iranian Legal System.

4- There is no higher or lower risk for any particular groups or individuals with regard to double proceeding.

5- For initiating the double proceeding, there must be a private complaint and the crime must be Hodoud or Qesas." (Swedish embassy in Tehran, 17 October 2008)

6.1.3 Bail requirements

The US Department of State (USDOS) notes in its April 2013 report on human rights:

> "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. Persons released on bail did not always know how long their property would be retained or when their trials would be held, which effectively silenced them for fear of losing their families' property." (USDOS, 19 April 2013, section 1d)

The February 2013 fact-finding mission report by the Danish Immigration Service (DIS), the Norwegian Country of Origin Information Centre (Landinfo) and the Danish Refugee Council (DRC) quotes a Western embassy in Tehran providing details on the use of bail:

> "Regarding use of bail, a Western embassy (2) said that bail is possible for any type of crime. In theory, it is not possible for certain political crimes, like crimes of national security, espionage, etc., and for the most serious crimes such as crimes resulting in death penalty. There are, however, a few examples of exceptions and persons being released on bail. It was considered that bail is used as a sort of Damocles sword, as it usually involves huge amounts of money tied up to property deeds for example with the threat of authorities confiscating this. The bail guarantees that the person in question does not leave the country or do anything that could be considered an offence by the authorities. In the event that a person leaves or commits new offences, the bail will be confiscated. Asked if a person on bail would be informed of the charges he or she has been held on, the source considered that the person in question would most probably be aware of this." (DIS/Landinfo/DRC, February 2013, p. 61)

Another Western embassy in Tehran also elaborates on the issue of bail and how it is set:

> "On the issue of bail and how it is set, a Western embassy (5) stated that bail is used in all types of cases, also in political cases and cases regarding corruption. The embassy stated that it had no information on how bail was set and whether or not a grant of bail would be allowed in cases regarding drug crimes punishable with execution and in cases where a victimized family was involved. The embassy explained that bail can be set as high as 700,000 EUR down to 20,000 – 30,000 EUR. It was added that the mentioned sums are sums that the embassy read about in the news." (DIS/Landinfo/DRC, February 2013, pp. 61-62)

The fact-finding mission team also interviewed two Iranian lawyers with criminal law experience on the subject of the use of bail:

> "On the subject of the use of bail, two Iranian lawyers with criminal law experience explained that a request for bail is an option in almost all criminal cases. After a

> preliminary investigation, it is a judge who will decide whether bail can be given or not. [...] Asked what is considered by a judge in order to set an appropriate bail, it was explained that the criteria are set by the law. For instance, in a case involving fraud, the amount of bail would be twice the amount of the estimated amount swindled. In cases involving major crimes, a deed to a property or a bank deposit are required as a guarantee. However, in cases involving minor crimes, bail could be a business permit or license." (DIS/Landinfo/DRC, February 2013, p. 62)

A representative of Amnesty International's International Secretariat (AIIS) in London was also interviewed on the issue of bail:

> "AIIS stated that the organization did not have much information on issues related to bail. There had been reports of one case where a family's property had been seized by the authorities after the person guaranteed had left the country while out on bail. It was considered that this sort of thing is probably more common than we know of. Bail and how it is used by the authorities, is a means of pressuring activists and others not to be active. Additionally, there had been reports that once the case is over with, the return of documents given to the court, often the property deeds, can be difficult. This is also a means of maintaining pressure on the family." (DIS/Landinfo/DRC, February 2013, p. 62)

In its January 2013 report on the situation of Christians and converts, the International Campaign for Human Rights in Iran quotes Mansour Borji of the Iranian Christian rights group Article 18:

> "Mansour Borji told the Campaign that most Christians arrested by authorities are eventually released, often with heavy bails. [...] Borji's observations correspond to statements made by several Christians the Campaign interviewed, who reported they were released, often on bail, with looming charges or open files. Bails reported to the Campaign range from US$2,000 to US$200,000. The interviewees said that in order to cover bail amounts, they were often forced to post home deeds as collateral." (International Campaign for Human Rights in Iran, 16 January 2013, p. 43)

Christian Solidarity Worldwide (CSW) reports in March 2013 that five members of the Church of Iran "were handed exorbitant bail terms" by a judge at the 14th Branch of the Revolutionary Court in Shiraz. They were charged with "disturbing public order, evangelising, action against national security and an internet activity against the system". The bail for one of them, Mohammed Roghangir, was set at US$ 200,000, for the others it was set at US$ 80,000 each (CSW, 12 March 2013). Reporters Without Borders (RSF) reports in March 2013 that five journalists arrested on 27 January were released on bail of 100 million toman (150,000 euros) (RSF, 7 March 2013).

6.2 Independence of the judiciary

The following three articles of the Iranian Constitution contain regulations that relate to the independence of the judiciary:

> "The powers of government in the Islamic Republic are vested in the legislature, the judiciary, and the executive powers, functioning under the supervision of the absolute

> religious Leader and the Leadership of the Ummah, in accordance with the forthcoming articles of this Constitution. These powers are independent of each other." (Constitution, Article 57)
>
> "The judiciary is 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: [...]" (Constitution, Article 156)
>
> "A judge cannot be removed, whether temporarily or permanently, from the post he occupies except by trial and proof of his guilt, or in consequence of a violation entailing his dismissal. A judge cannot be transferred or redesignated without his consent, except in cases when the interest of society necessitates it, that too, with the decision of the head of the judiciary branch after consultation with the chief of the Supreme Court and the Prosecutor General. The periodic transfer and rotation of judges will be in accordance with general regulations to be laid down by law." (Constitution, Article 164)

The US Department of State (USDOS) notes in its annual report on human rights in 2012 with regard to the independence of the judiciary:

> "The constitution provides that the judiciary be 'an independent power.' In practice the court system was subject to political influence and judges were appointed 'in accordance with religious criteria.' The supreme leader appoints the head of the judiciary, and in practice the heads of the judiciary, the Supreme Court, and the prosecutor general have been clerics. International observers, including the UNHRC, independent legal experts, and human rights NGOs, including AI, HRW, and Reporters without Borders (RSF), continued to criticize the lack of independence of the country's judicial system and judges and maintained that trials disregarded international standards of fairness." (USDOS, 19 April 2013, section 1e)

In November 2011, the UN Human Rights Committee expresses its concerns in its concluding observations considering the state party report of the Islamic Republic of Iran on the implementation and application of the International Covenant on Civil and Political Rights (ICCPR):

> "22. The Committee is concerned that the independence of the judiciary is not fully guaranteed and is compromised by undue pressure from the Executive power, including the Office for Supervision and Evaluation of Judges, as well as senior clerics and high-ranking Government officials ahead of trials. The Committee is also concerned that judges have used Shari'a law and fatwas to reach a verdict that was in contravention of the rights and principles as laid down in the Covenant (art. 14)." (UN Human Rights Committee, 29 November 2011, pp. 5-6)

In a December 2010 article on the website of the Iran Primer published by the United States Institute of Peace (USIP), Hadi Ghaemi, executive director of the International Campaign for Human Rights in Iran, mentions an"[i]ncreasing politicization of the judiciary" and states that "[t]he last vestiges of the rule of law and an independent judiciary seriously diminished in 2010". Ghaemi continues that the Intelligence Ministry and Revolutionary Guards "had a

growing role in investigations, arrests, detentions, interrogations, trials, sentences, and bail decisions." (Ghaemi, 16 December 2010)

In February 2013, the UN Human Rights Council (HRC) published a written statement submitted by Amnesty International on the human rights situation in Iran stating that "[t]he independence of the judiciary is being severely compromised with intelligence bodies increasingly involved in the administration of judicial cases." (HRC, 25 February 2013, p. 4)

In his May 2013 report to the UN Human Rights Council (HRC), the UN Secretary-General mentions "grave implications on the adequate functioning and independence of the justice system" following serious concerns on "the ongoing campaign of persecution of human rights lawyers" which were expressed by a group of special procedures (HRC, 7 May 2013, p. 12).

The February 2013 fact-finding mission report of the DIS, Landinfo and the DRC documents statements of a representative of Amnesty International's International Secretariat (AIIS) in London on the administration of justice in Iran:

> "AIIS stated that information they have suggests that the manner in which the administration of justice is conducted varies considerably across the country, but that adherence to the rule of law is, at this time, weak. Case outcomes, they suggested, appear to depend more on the type of case; the people involved and the differing forms of power, or leverage that parties to the matter might have rather than the objective merits of a given case. There is anecdotal evidence that the administration of justice in the provinces is even weaker than in Tehran." (DIS/Landinfo/DRC, February 2013, p. 64)

6.3 Arbitrary arrest and detention

The US Department of State (USDOS) notes in its report on human rights practices in 2012 that "[a]lthough the constitution prohibits arbitrary arrest and detention, these occurred frequently during the year." The report details:

> "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. In practice authorities often violated these procedures. Authorities held some detainees, at times incommunicado, 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 intelligence arm of the IRGC reportedly conducted arrests during the year, sometimes without a warrant. In addition, 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." (USDOS, 19 April 2013, section 1d)

The USDOS further states that "[a]uthorities commonly used arbitrary arrests to impede allegedly illegal antiregime activities." The report continues:

"Often plainclothes officers arrived unannounced at homes or offices, arrested persons, conducted raids, and confiscated private documents, passports, computers, electronic media, and other personal items without warrants or other assurances of due process. Individuals often remained in detention facilities for long periods without charges or trials and were sometimes prevented from informing others of their whereabouts for several days. Authorities often denied detainees access to legal counsel during this period and imposed travel bans on the individuals if they were released pending trial.

[...] Pretrial detention was often arbitrarily lengthy, particularly in cases involving alleged violations of national security laws. Approximately 25 percent of prisoners held in state prison facilities were reportedly pretrial detainees. According to HRW, a judge may prolong detention at his discretion, and pretrial detention often lasted for months. Often pretrial detainees were held in custody with the general prison population." (USDOS, 19 April 2013, section 1d)

The UN Human Rights Committee expresses its concerns about arrests and arbitrary detentions of human rights defenders in its November 2011 concluding observations on Iran's implementation and application of the International Covenant on Civil and Political Rights (ICCPR):

"26. [...] The Committee is also concerned about continuing reports of harassment or intimidation, prohibition and forceful breaking up of demonstrations, and arrests and arbitrary detentions of human rights defenders. It notes with concern that human rights defenders and defence lawyers often serve prison sentences based on vaguely formulated crimes such as mohareb or the spreading of propaganda against the establishment. The Committee also notes in particular the large number of women's rights activists who have been arrested and detained, including volunteers and members of the One Million Signatures Campaign (arts. 19, 21 and 22)." (UN Human Rights Committee, 29 November 2011, pp. 6-7)

Amnesty International (AI) notes in its annual report for 2012 that "[g]overnment critics and opponents were arbitrarily arrested and detained by security forces" and that "[t]hey were held incommunicado for long periods and denied medical care." (AI, 23 May 2013)

6.4 Unfair trials of political dissidents

Amnesty International (AI) writes in its annual report for 2012:

"Political and other suspects continued to face grossly unfair trials before Revolutionary and Criminal Courts. They often faced vaguely worded charges that did not amount to recognizably criminal offences and were convicted, sometimes in the absence of defence lawyers, on the basis of 'confessions' or other information allegedly obtained under torture. Courts accepted such 'confessions' as evidence without investigating how they were obtained.

Mohammad Ali Amouri and four other members of the Ahwazi Arab minority were sentenced to death in July on vague capital charges, including 'enmity against God and corruption on earth'. They had already been in custody for up to a year because of their

> activism on behalf of the Ahwazi Arab community. At least four were reported to have been tortured and denied access to a lawyer. An appeal had not been heard by the end of the year." (AI, 23 May 2013)

According to a May 2013 press release by Human Rights Watch (HRW), many of the members of reformist parties and other government opponents who are serving sentences stemming from the crackdown after the 2009 election "had unfair trials before Revolutionary Courts, whose judges fail to ensure basic due process standards". HRW states that courts sentenced some persons "after mass show trials during which they were indicted on patently politically motivated charges such as 'actions against the national security,' 'propaganda against the regime,' 'membership in illegal groups,' and 'disturbing public order'" (HRW, 24 May 2013). In its June 2013 statement prior to the 14 June 2013 presidential elections, AI notes that since the end of 2012, a new surge in unfair trials of political suspects has been recorded (AI, 12 June 2013, p. 2).

The UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran writes in its February 2013 report to the UN Human Rights Council (HRC) that "[i]nterviews continue to impart that human rights defenders [...] are frequently charged with vaguely-defined national security crimes." The report continues:

> "A preponderance of human rights defenders interviewed for this report maintained that they were arrested in the absence of a warrant, and subjected to physical and psychological duress during interrogations for the purpose of soliciting signed and televised confessions. A majority of interviewees reported that they were kept in solitary confinement for periods ranging from one day to almost one year, were denied access to legal counsel of their choice, subjected to unfair trials [...]." (HRC, 28 February 2013, p. 7)

6.5 Unlawful or disproportionate punishments for crimes

6.5.1 Torture, amputation and floggings, stoning

With regard to torture, the US Department of State (USDOS) notes in its report on human rights practices in 2012 that "[t]he constitution prohibits all forms of torture 'for the purpose of extracting confession or acquiring information,' but there were numerous credible reports that security forces and prison personnel tortured and abused detainees and prisoners." The report continues:

> "After some high-profile incidents involving reports of torture or cruel, inhuman, or degrading treatment or punishment, the government announced its intention to investigate. While such investigations rarely implicated specific officials or confirmed torture or degrading treatment had occurred, the government occasionally fired or reassigned officials after investigations. Findings from those investigations, which rarely occurred, were made public." (USDOS, 19 April 2013, section 1c)

The USDOS provides details on torture methods. It also mentions prison facilities notorious for torture and unofficial secret prisons and detention centers outside the national prison system where abuse reportedly occurred:

"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, being forced to eat feces, 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. To intensify abuse perpetrators reportedly soaked prisoners before beating them with electric cables, and there were some reports of electric shocks to sexual organs. 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. There were increasing reports of severe overcrowding in many prisons and repeated denials of medical care for prisoners.

Some prison facilities, including Evin Prison in Tehran, were notorious for cruel and prolonged torture of political opponents of the government. Authorities also allegedly 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 ward 209 of Evin Prison, which news organizations and human rights groups reported was under the control of the country's intelligence services." (USDOS, 19 April 2013, section 1c)

Amnesty International (AI) also lists torture methods in its May 2013 annual report. The report mentions deaths in custody which may have resulted from torture:

"The security forces continued to torture and otherwise ill-treat detainees with impunity. Commonly reported methods included beatings, mock execution, threats, confinement in small spaces and denial of adequate medical treatment. Saeed Sedeghi, a shop worker sentenced to death for drug offences, was tortured in Evin Prison after his scheduled execution was postponed following international protests. He was hanged on 22 October.

At least eight deaths in custody may have resulted from torture, but none were independently investigated. Sattar Beheshti, a blogger, died in the custody of the Cyber Police in November after lodging a complaint that he had been tortured. Contradictory statements by officials called into question the impartiality of a judicial investigation. His family were pressured by security forces to keep silent." (AI, 23 May 2013)

The UN Special Rapporteur on the human rights situation in Iran writes in his February 2013 report to the UN Human Rights Council (HRC) with regard to torture:

"25. The Special Rapporteur expressed concern about reports of widespread use of torture in his report to the 67th session of the General Assembly. He further reported that 78% of individuals who reported violations of their due process rights also reported that they were beaten during interrogations for the purpose of soliciting confessions, that their reports of torture and ill-treatment were ignored by judicial authorities, and that their coerced confessions were used against them despite these complaints.

> 26. In response to this report, the Iranian government maintained that allegations of torture in the country are baseless since the country's laws forbid the use of torture and the use of evidence solicited under duress. However, the Special Rapporteur continues to maintain that the existence of these legal safeguards does not in itself invalidate allegations of torture, and does not remove the obligation to thoroughly investigate such allegations. He further emphasises that widespread impunity and allegations of the use of confessions solicited under duress as evidence continues to contribute to the prevalence of torture." (HRC, 28 February 2013, p. 8)

The Special Rapporteur refers to 169 interviews with primary sources located inside and outside Iran between September and December 2012 and to a study of one of the world's largest torture treatment centres:

> "30. Of the 169 interviews conducted for this report, 81 cases of reported detention were examined for allegations of torture. It was found that approximately 76% of interviewees reported allegations of torture; 56% reported physical torture, including rape and sexual abuse; and 71% of those interviewed reported psychological torture. In an effort to further investigate the methods of torture reported by interviewees, the Special Rapporteur examined a study on Iran performed by one of the world's largest torture treatment centres, which investigates and forensically documents evidence of torture in accordance with Istanbul Protocol standards. Data collected was both quantitative and qualitative, detailing 'history of detention, specific torture disclosures and the forensic documentation of the physical and psychological consequences of torture.' The medical-legal evidence presented in this study appears to be consistent with a substantial number of statements submitted to the Special Rapporteur in which allegations of torture were reported.
>
> 31. The study examines 50 of some 5,000 documented cases of torture reported by Iranians to the centre since 1985. Twenty-nine of the individuals whose cases were examined for this study were detained in 2009, 14 in 2010 and seven in 2011. Fifty-six percent of the cases were detained only once in 2009-2011, while 44% were detained more than once and up to three times before leaving Iran." (HRC, 28 February 2013, pp. 8-9)

The original study mentioned by the Special Rapporteur is available via the following link:

- Freedom from Torture: "We will make you regret everything", Torture in Iran since the 2009 elections, March 2013
  http://www.freedomfromtorture.org/sites/default/files/documents/iran%20report_A4%20-%20FINAL%20web.pdf

In November 2011, the UN Human Rights Committee notes in its concluding observations considering Iran's state party report on the implementation and application of the ICCPR:

> "14. The Committee is deeply concerned at reports of the widespread use of torture and cruel, inhuman or degrading treatment in detention facilities, particularly of those accused of national security-related crimes or tried in Revolutionary Courts, which in some cases have resulted in the death of the detainee. The Committee is also concerned that coerced

> confessions have been used as the primary evidence to obtain convictions in court (art. 7). [...]
>
> 15. The Committee is concerned that there has not been a full, impartial and independent investigation into allegations of killings, torture and other ill-treatment during and following the 12 June 2009 presidential elections, and that the high-level officials responsible have not been held accountable (arts. 6 and 7)." (UN Human Rights Committee, 29 November 2011, p. 4)

With regard to flogging and amputation, the USDOS notes that "[j]udicially sanctioned corporal punishment included lashings and, for offenses involving multiple thefts, amputations" (USDOS, 19 April 2013, section 1c). Freedom House states in its January 2013 report that Iran's penal code which is based on Sharia (Islamic law), "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" (Freedom House, January 2013). Likewise, Amnesty International (AI) states in its May 2013 annual report that "[s]entences of flogging and amputation continued to be imposed and carried out" (AI, 23 May 2013).

In its November 2011 concluding observations, the UN Human Rights Committee expresses its concerns "about the continued imposition of corporal punishment by judicial and administrative authorities, in particular amputations and flogging for a range of crimes, including theft, enmity against God (mohareb) and certain sexual acts" (UN Human Rights Committee, 29 November 2011, p. 4).

The UN Secretary-General also reports in May 2013 that the judiciary "continue to impose flogging and amputation as sentences" and lists the following cases:

> "11. [...] On 23 November [2012], the Head of the Yazd judiciary reported the amputation in public of four fingers of two robbers. On 28 October [2012], the judiciary in Fars announced the sentencing of a person accused of armed robbery to the amputation of his left hand and foot. On 24 October [2012], a man accused of committing adultery was publicly punished with 99 lashes, in Qaimshahr. The authorities argue that flogging and amputation are sanctioned under Islamic law, are effective in deterring crime, and thus do not qualify as torture or cruel, inhuman or degrading treatment. In contrast, the United Nations human rights mechanisms, in particular the Human Rights Committee considers any form of corporal punishment incompatible with article 7 of the International Covenant on Civil and Political Rights, hereinafter, 'the Covenant' (see A/HRC/13/39/Add.5)." (HRC, 7 May 2013, p. 5)

In his report published by the UN General Assembly in September 2012, the UN Special Rapporteur on the human rights situation in Iran provides the following data on flogging and mentions the most frequent charges in flogging cases:

> "55. Unpublished data submitted to the Special Rapporteur show that 3,766 flogging sentences have been implemented since 2002, the highest number of floggings in 2009, totalling 1,444. The three most frequent charges in these cases were (a) illicit relationships, including adultery, participating in mixed gender parties, and debauchery; (b) drug-related

> offences, including drug use, addiction, trafficking or smuggling; and (c) public disruption offences, including assistance in destroying governmental and non-governmental buildings, and acting against the Government, and participating in illegal gatherings. The latter was one of the most frequent charges against those sentenced to flogging in 2009." (UNGA, 13 September 2012, p. 17)

The May 2013 AI report mentions the following cases of flogging:

> "Siamak Ghaderi, a journalist and blogger, and 13 other political prisoners were reported to have been flogged in August in Evin Prison. He had been sentenced to four years in prison and 60 lashes for allegedly 'insulting the President' and 'spreading lies' in part for posting interviews with LGBTI individuals on his blog in 2007." (AI, 23 May 2013)

A letter to the Permanent Representatives of Members of the UN Human Rights Council signed by 17 human rights organisations and published by Amnesty International (AI) in March 2013, notes that "[t]he judiciary in 2012 ordered and implemented an increasing number of cruel and inhuman punishments, such as limb amputations, in many cases amounting to torture." The letter continues:

> "Many of these sentences were carried out in public and the authorities extensively publicised them, including by circulation of pictures of the amputation act, legitimising the use of cruel, inhumane and degrading punishments before the Iranian public. On November 13, 2012, four fingers of two individuals convicted of theft were amputated in public in Yazd province. More recently, on January 24, 2013, authorities amputated fingers of a 29-year-old convict in the city of Shiraz." (AI, 7 March 2013, p. 3)

The British daily The Independent reports in January 2013 that "Iran has unveiled a brand new finger-amputating machine that it will use in its increasingly strict punishment of thieves." The report provides the following details:

> "Photographs published by Iran's official press agency show a blindfolded man having his fingers severed by what appears to be a crude amputation device. [...] In none of the images does the man appear to express any pain, suggesting he may have been drugged before the amputation. Immediately after the public amputation, the local public prosecutor announced punishment of thieves is to become increasingly severe. The warning was issued without explanation, but media sources believe it could be an attempt to deter public protests ahead of a general election in June." (Independent, 28 January 2013)

With regard to stoning, AI notes in May 2013 that for the year 2012 "[n]o executions by stoning were known to have occurred but at least 10 people remained under sentence of death by stoning" (AI, 23 May 2013). Human Rights Watch (HRW) reports in June 2013 that there are no official statistics available on stoning and that the last known execution by stoning occurred in 2009; however, the number of people that have been executed by stoning in Iran since 1980 is at least 70. The report notes that "human rights groups estimate that the Iranian authorities currently hold at least 10 women and men who face possible execution by stoning on adultery charges" (HRW, 3 June 2013). In July 2010, the campaign Violence is Not

Our Culture (VNC), which describes itself as a "global network of organisations and individuals committed to end all forms of discrimination and violence against women being justified in the name of culture/religion" published a list of individuals known to have been sentenced to stoning and/or executed by stoning in Iran. VNC lists seven victims of stoning between May 2006 and May 2009 and ten persons awaiting stoning as of September 2009 (VNC, July 2010).

The June 2013 HRW press release refers in detail to a reinserted stoning provision in the new penal code:

> "Iran's semi-official Mehr News Agency reported on April 27, 2013, that the Guardian Council had finished reviewing and making changes to the draft penal code and that the law would soon be implemented. The Guardian Council is an unelected body empowered to vet all legislation to ensure its compatibility with Iran's constitution and Sharia, or Islamic law. It had approved an earlier version of the draft penal code but then withdrew its approval in late 2012 to amend it further before implementation.
>
> The earlier draft proposed removing penal code provisions that prescribe stoning to death as a punishment for adultery. However, it would have still enabled judges to rely on religious sources, including Sharia and fatwas (religious edicts) by high-ranking Shia clerics, to sentence defendants they convicted of adultery to execution by stoning.
>
> The amended draft penal code explicitly identifies stoning as a form of punishment for people convicted of adultery or sex outside of marriage. Under article 225, if a court and the head of the judiciary rule that it is 'not possible' in a particular case to carry out the stoning, the person may be executed by another method if the authorities proved the crime on the basis of eyewitness testimony or the defendant's confession.
>
> The revised code also provides that courts that convict defendants of adultery based on the 'knowledge of the judge,' a notoriously vague and subjective doctrine allowing conviction in the absence of any hard evidence, may impose corporal punishment sentences of 100 lashes rather than execution by stoning. The penalty for people convicted of fornication, or sex outside of marriage that involves an unmarried person, is 100 lashes." (HRW, 3 June 2013)

6.5.2 Punishment for consumption of alcohol, drug smuggling

Human Rights Watch (HRW) published an assessment of Iran's new draft penal code in August 2012. At the time of publication of HRW's assessment, the code still had to be signed into law by the president and published in the country's official journals before taking full effect (HRW, August 2012, p. 9). In June 2013, HRW refers to an April 2013 article of Iran's semi-official Mehr News Agency reporting that "the Guardian Council had finished reviewing and making changes to the draft penal code and that the law would soon be implemented" (HRW, 3 June 2013). Other reports indicate that the new penal code has been signed into law by President Ahmadinejad and published in May 2013 (AFP, 30 May 2013; AI, 2 August 2013, p. 1). Please note that the following excerpts of HRW's assessment do not consider any changes made by the Guardian Council after August 2012:

"Under Iran's old code, consumption of alcohol is a 'crime against God' for which the punishment is 80 lashes. Article 179 of the old code provides that individuals with two prior alcohol convictions will receive the death penalty upon their third conviction. The law allows a court to ask the Supreme Leader or his representative, usually the head of the judiciary, for clemency if defendants repent after being convicted of the crime based on their own confession. Clemency is not an option, though, if the conviction was based on witness testimony.

The new code retains the punishments of flogging and death for people convicted of consuming alcohol but is silent on the issue of recidivism. Article 135 of the new code, however (see below), mandates the death penalty for all 'crimes against God,' including consumption of alcohol, upon the fourth conviction." (HRW, August 2012, pp. 26-27)

HRW notes that according to Article 267 of the new code, consumption of alcohol by non-Muslims is not considered a crime unless they do so in public view (HRW, August 2012, p. 27, footnote 69).

In June 2012, Human Rights Watch (HRW) reports on death sentences issued against two people convicted of drinking alcohol for the third time:

"On June 25, 2012, the official Iranian Students' News Agency (ISNA) reported that the prosecutor general of Khorasan Razavi province, Hojjatoleslam Hasan Shariati, had confirmed that the Supreme Court had affirmed death sentences issued by a lower court against two people convicted of drinking alcohol. He was quoted as saying that the two 'had consumed alcoholic drinks for the third time' and officials were 'in the process of making the necessary arrangements for the implementation of the execution order.'" (HRW, 29 June 2012)

HRW refers to the legal provisions regarding alcohol consumption and notes that it "has not been able to find any record of a case in the past 10 years in which authorities carried out an execution order against a person convicted of consuming alcohol":

"According to Iran's penal code, consumption of alcohol is a hadd crime, or a crime against God, for which shari'a, or Islamic law, assigns fixed and specific punishments. The usual punishment for consumption of alcohol is 80 lashes, but article 179 of the code provides that individuals with two prior alcohol convictions will receive the death penalty upon their third conviction. The law allows a court to ask the Supreme Leader or his representative, usually the head of the judiciary, for clemency if defendants repent after being convicted of the crime based on their own confession. Clemency is not an option, though, if the conviction was based on witness testimony. It is not known whether the defendants in this case have repented, or whether their convictions were based on witness testimony or their own confessions.

Human Rights Watch has not been able to find any record of a case in the past 10 years in which authorities carried out an execution order against a person convicted of consuming alcohol. In 2007, branch 72 of the Tehran's provincial criminal court sentenced a 22-year-old man named 'Mohsen' to death after authorities arrested him for consuming

alcohol for the fourth time. Qods online, a pro-government media outlet, reported that the court requested and received amnesty from the head of the judiciary on the defendant's behalf and that he was subsequently released. His conviction was based on his own confession, the report said.

[...] In June 2006, Amnesty International reported that Iranian authorities commuted the death sentence for consuming alcohol of Karim Fahimi, also known as Karim Shalo, and released him after he repented. A criminal court in the city of Sardasht had earlier sentenced Fahimi to death after he had been convicted of the crime on two previous occasions." (HRW, 29 June 2012)

The British daily The Guardian also reports on the case of the two Iranians who have been sentenced to death for consuming alcohol. The report provides details on Sharia provisions and the application of the law:

"Two Iranians have been sentenced to death for persistent consumption of alcohol under the country's Islamic Sharia law, which forbids the use, manufacturing and trading of all types of alcoholic drinks. The two, who have not been named by the authorities, have each previously been lashed 160 times after twice being arrested for consuming alcohol. Being convicted for the third time makes them liable for the death penalty. The head of the judiciary Seyed Hasan Shariati, based in Iran's north-eastern province of Khorasan Razavi, told the semi-official Isna news agency that the supreme court had upheld their death sentences and that officials were preparing for their execution.

[...] Under Iranian Sharia law, certain crimes such as sodomy, rape, theft, fornication, apostasy and consumption of alcohol for the third time are considered to be 'claims of God' and therefore have mandatory death sentences. Sentences for such crimes, which are called Hodud in the Islamic terminology, are not at the discretion of the judge but are defined by Sharia law. For some of these crimes, including theft and lesbianism, the death penalty is only handed down if the convict is a re-offender who has already been punished three times for the same crime in the past. In the case of alcohol, the death penalty comes on the third offence. According to Shadi Sadr, an Iranian lawyer based in London, a decision on whether such a punishment can be issued depends on the judge's knowledge – a loophole which allows for subjective judicial rulings where no conclusive evidence is presented.

[...] In crimes related to alcohol consumption, Shariati warned: 'We will show no mercy in finding, trying and punishing those breaking the law and we will punish them to the highest extent.' Despite the ban, many people in Iran drink alcohol, usually a homemade liquor called araq, which contains 45% pure ethanol. It is usually mixed before consumption and can be dangerous because of the ethanol used in its distillation. Hosts who throw parties call an alcohol vendor who delivers it to the door. Western alcohol is smuggled to Iran and can be found in underground markets but can be costly. People who belong to non-Muslim minorities such as Christians and Armenians, which are recognised by the authorities, are allowed to produce and consume alcohol in the country." (Guardian, 25 June 2012)

In the annex of his February 2013 report to the UN Human Rights Council (HRC), the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran mentions the case of an interviewee who was sentenced to two years' imprisonment for "facilitating and organizing a party in which alcohol is consumed and immoral acts are performed", although the person has claimed that there was no alcohol at the party. (HRC, 28 February 2013, p. 35)

With regard to drug-related executions, the UN Secretary-General mentions in his May 2013 report that they accounted for more than 80 per cent of the over 1,000 executions which were reported to have been carried out in the years 2011 and 2012 (HRC, 7 May 2013, p. 5). The report details:

> "13. In recent years, the number of drug-related executions in the Islamic Republic of Iran has grown as part of the country's efforts to combat drug trafficking. The introduction and entry into force of a new anti-narcotics law in January 2011 has further exacerbated the situation. The law not only provides mandatory death sentences for the head of drug gangs or networks, but introduces the death penalty for trafficking or possession of more than 30 grammes of crystal meth, like other psychedelic substances such as crack and heroin. Furthermore, drug smugglers are also deprived of the right to appeal against the death penalty [...]." (HRC, 7 May 2013, p. 5)

The UN Secretary-General provides further details on the anti-narcotics law in his September 2011 report to the UN General Assembly (UNGA):

> "12. A new anti-narcotics law was passed in December 2010 and came into force on 4 January 2011. Article 18 provides for the death penalty for drug traffickers and major traders and also foresees punishment such as a travel ban ranging from 1 to 15 years for carrying or smuggling any quantity of drugs. The Deputy Prosecutor General for Legal Affairs noted that the new anti-narcotics law had many flaws and shortcomings which warranted a review. Despite this, the judiciary continued to warn of a stricter approach in dealing with drug trafficking and stressed that drug traffickers and major drug traders would face execution under the new law. On 29 May 2011, the Tehran Prosecutor announced that death sentences had been issued for 300 persons convicted of drug-related crimes, including for some large-scale drug traffickers and ringleaders. On 20 May 2011, the anti-narcotics police chief disclosed that over 11,000 persons had been arrested during the previous 70 days in connection with the sale, transportation, transit and consumption of crystal meth." (UNGA, 15 September 2011, p. 6)

Faraz Sanei, Middle East researcher at Human Rights Watch, writes in a commentary published in the British daily The Guardian in August 2011:

> "Last year, Iranian authorities signalled plans to intensify prosecutions for drug crimes. They amended the anti-narcotics law, which already imposed corporal punishment for less serious drug crimes and the death penalty for trafficking, possession or trade of more than 5kg of opium, 30g of heroin or morphine (and repeated offences involving smaller amounts) or the manufacture of more than 50g of synthetic drugs such as methamphetamines a capital offence.

> Last October, prosecutor general Gholam-Hossein Mohseni-Ejei announced that his office would review some drug-related cases in the interests of fast-tracking them through the courts. That meant some death sentences for drug-related crimes were no longer subject to appeal in the supreme court.
>
> These draconian measures, many of which violate fundamental rights under international law, initiated a staggering wave of executions. Human Rights Watch believes that many of those executed may have had unfair trials, with little or no legal representation. There is also credible evidence that the authorities executed groups of convicted drug offenders without notifying their families or lawyers." (Guardian, 5 August 2011)

6.6 Death penalty

A letter to the Permanent Representatives of Members of the UN Human Rights Council, signed by 17 human rights organisations and published by Amnesty International (AI) in March 2013, states that the Iranian "authorities carried out more than 600 executions in 2011 and more than 500 in 2012 – many of them not officially announced by the government". The letter mentions that crimes punishable by death include murder, rape, espionage, repeat conviction for alcohol consumption, adultery, sodomy, and drug trafficking and possession, as well as economic and security offences. The letter notes that "[t]he number of executions by public hangings has also increased dramatically." (AI, 7 March 2013, p. 2)

For the year 2012, AI provides the following information with regard to executions in Iran:

> "Hundreds of people were sentenced to death. Official sources acknowledged 314 executions. Credible unofficial sources suggested that at least 230 other executions were also carried out, many of them in secret, totalling 544. The true figure may have been far higher, exceeding 600. Of those executions officially acknowledged, 71% were for drugs-related offences and followed unfair trials. Many were from poor and marginalized communities, including Afghan nationals. The death penalty remained applicable in cases of murder, rape, deployment of firearms during a crime, spying, apostasy, extra-marital relations and same-sex relations. There were at least 63 public executions. No executions by stoning were known to have occurred but at least 10 people remained under sentence of death by stoning." (AI, 23 May 2013)

Human Rights Watch (HRW) gives the following overview of the application of the death penalty in Iran in his annual report for 2012:

> "The majority of those executed in recent years have been convicted of drug-related offenses following flawed trials in revolutionary courts. The number of executions increased following the entry into force in late December 2010 of an amended anti-narcotics law. Iran leads the world in the execution of juvenile offenders (i.e. individuals under 18 when they allegedly committed the crime).
>
> [...] Authorities have executed at least 30 people since January 2010 on the charge of moharebeh ('enmity against God') or 'sowing corruption on earth' for their alleged ties to armed groups. Since May 2011, authorities have executed at least 11 Iranian Arab men and a 16-year-old boy in Ahvaz's Karun prison for their alleged links to groups involved in

> attacking security forces. As of September 2012, at least 28 Kurdish prisoners were awaiting execution on national security charges, including moharebeh." (HRW, 31 January 2013)

The US Department of State (USDOS) report on human rights practices in 2012 mentions "group executions on several occasions, including executions of 22 persons on January 3 at Evin Prison, 12 persons [...] on January 15 in Shiraz, 16 persons on May 17 in Yazd, and an alleged 35 persons in secret at Vakilabad Prison on November 7" (USDOS, 19 April 2013, section 1a).

In his May 2013 report on the situation of human rights in the Islamic Republic of Iran to the UN Human Rights Council (HRC), the UN Secretary-General mentions "over 1,000 executions reported to have been carried out from January 2011 to December 2012" and notes that Iran "continues to retain the death penalty in both law and practice". The UN Secretary-General continues that Iran upholds the death penalty for "crimes such as drug offences that do not meet the threshold of 'most serious crimes' which are the only ones to which, under international human rights law, the death penalty should be applied, in countries that have not abolished the death penalty" (HRC, 7 May 2013, p. 5). The report mentions that the new draft Penal Code provides for the use of the death penalty for some non-violent acts:

> "16. The new draft Islamic Penal Code, which was approved by both the Parliament and the Guardian Council in January 2012, was referred back to the parliament for further review by the Guardian Council. The Code provides for the use of the death penalty for some non-violent acts and has also introduced more severe punishments for people charged with crimes against national security. For instance, it provides for the death penalty for sodomy; for the non-Muslim party in same-sex relations not involving penetration; insulting the Prophet Mohammad; and possessing or selling illicit drugs." (HRC, 7 May 2013, p. 6)

The UN Secretary-General notes a "dramatic spike in public executions" in Iran:

> "19. There has been a dramatic spike in public executions in the Islamic Republic of Iran. Over 55 public executions, mainly for drug-related offences and rape, were carried out in 2012, up from 40 in 2011. These include the execution in public of five persons accused of rape, on 27 December 2012, in Yasuj. The executions reportedly usually took place in the early hours of the morning and were often attended by large crowds, including minors and relatives of the condemned. The authorities lifted a ban on photographing public execution which had been imposed in 2008. This method of executions is degrading and often exposes convicts and their family members to public contempt and hatred, and constitutes cruel, inhuman and degrading treatment or punishment, which is prohibited by article 7 of the Covenant." (HRC, 7 May 2013, p. 7)

The UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran writes in his report to the UN Human Rights Council (HRC) in February 2013:

> "34. The Special Rapporteur continues to be alarmed by the escalating rate of executions, especially in the absence of fair trial standards, and the application of capital punishment

for offences that do not meet 'most serious crime' standards, in accordance with international law. This includes alcohol consumption, adultery, and drug-trafficking. It has been reported that some 297 executions were officially announced by the Government, and that approximately 200 'secret executions' have been acknowledged by family members, prison officials, and/or members of the Judiciary, making a likely total of between 489 and 497 executions during 2012.

35. It has been reported that at least 58 public executions were carried out this year. The Special Rapporteur joins the High Commissioner for Human Rights in condemning the use of public executions 'despite a circular issued in January 2008 by the head of the judiciary that banned public executions'. He also joins the Secretary-General's view that 'executions in public add to the already cruel, inhuman and degrading nature of the death penalty and can only have a dehumanising effect on the victim and a brutalising effect on those who witness the execution.' The Special Rapporteur also remains concerned that provisions in the new Penal Code, while not yet adopted, seemingly broaden the scope of crimes punishable by death.

36. On 22 October 2012, Mr Saeed Sedighi, a Tehran-based shop-owner, was executed along with nine others on drug-trafficking charges, despite calls on 12 October 2012 by three Special Procedures mandate holders to halt the executions. The Government has yet to respond to due process-related queries, including to allegations that Mr. Sedighi was not permitted adequate access to a lawyer or allowed to defend himself during his trial. These rights are guaranteed by article 14 of the ICCPR, as well as articles 32 and 34-39 of the Iranian Constitution and by the country's Law of Respecting Legitimate Freedoms and Citizenship Rights (2004), which determines criminal procedure and defines fair trial standards." (HRC, 28 February 2013, pp. 11-12)

The UK Foreign and Commonwealth Office (FCO) states in its April 2013 report that "Iran fails to meet the most basic international legal standards for the application of the death penalty and has one of the highest numbers of executions per capita in the world". The FCO further states:

> "The Islamic Penal Code is being amended, but we remain concerned about the revised text, which retains discriminatory laws against women and non-Muslims and does not abolish the death penalty for minors. The code also permits the death penalty for blasphemy, but the definition of what would constitute a crime under this provision is unclear, allowing arbitrary application of the law." (FCO, April 2013)

The Human Rights Activists News Agency (HRANA), a specialized human rights news agency of the Iran-based human rights advocacy group Human Rights Activists in Iran (HRA), published an article about statistics on executions in Iran between October 2011 and October 2012:

> "According to a report by the HRA's Institute of Statistics and Publications, from 10th October 2011 until today, 488 people were executed in Iran. Meanwhile, 333 were sentenced to death and waiting for their executions. According to this report, 12% of the executions were public executions. In comparison to last year, there is 19% increase. And,

totally the number of executions is 1% more than last year. 40% of the executions were hidden and not reported by governmental media.

The HRA's Institute of Statistics and Publications emphasizes this report is not complete because there is no exact information about the number of executions due to the lack of permission for media and human rights activists by Iranian regime in this case. This report only contains the number of executions released by governmental media officially plus the number of executions gained by the efforts of Human Rights defenders unofficially." (HRANA, 10 October 2012)

The HRANA website provides regularly updated information on executions in Iran under the following link: http://hra-news.org/en/category/executions
The Project on Extra-Legal Executions in Iran (ELEI) which was established by the Iranian Refugees' Alliance Inc, a non-governmental organisation working from the US, provides a table of capital offenses in Iran. It is available via the following link:

- ELEI - Project on Extra-Legal Executions in Iran: Table of Capital Offenses in the Islamic Republic of Iran, and their Sources in Statute Law and Islamic Law, updated June 2011 http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_103_9087_E.pdf

6.6.1 Death penalty for political dissidents

The UN Secretary-General writes in his May 2013 report to the UN Human Rights Council (HRC) that moharebeh charges have frequently been applied to government opponents and dissidents:

"17. Moharebeh (enmity against God) and fisad-fil-arz (corruption on earth) still carry the death penalty. These vaguely defined offences in the Penal Code appear to be incompatible with the most serious crimes requirement for the death penalty in international law. In the draft Code, the scope of fisad-fil-arz has been expanded to include publishing lies, operating or managing centres of corruption or prostitution, or damaging the country's economy. The definition of moharebeh requires the accused to have resorted to arms for the purpose of causing terror or fear or creating an atmosphere of insecurity. On 12 December 2012, the Chief of the Iranian judiciary stressed that regardless of the crime, moharebeh offences are only punishable by death and the judiciary will not apply alternative punishments prescribed in the law. This statement was reinforced by the Parliamentary Commission on Legal Issues. This suggests that the death penalty could still be imposed on charges of moharebeh even where the conduct may not have resulted in any death or injury. In past years, moharebeh charges have frequently been applied to Government opponents and dissidents.

18. Special procedure mandate holders continued to raise serious concerns about the application of the death penalty on charges of moharebeh. On 28 June 2012, a group of mandate holders condemned the execution of four members of the Ahwazi Arab minority in Ahwaz following a reportedly unfair trial. The four men, including three brothers, were reportedly arrested in April 2011 during a protest in Khuzestan and convicted of moharebeh and fisad-fil-arz. In a report to the Human Rights Council (A/HRC/21/49), the

> Special Rapporteurs on extrajudicial, summary or arbitrary executions, on the situation of human rights in the Islamic Republic of Iran and on the independence of judges and lawyers expressed concern over the death sentence imposed on Abdolreza Ghanbari for moharebeh for alleged links with the banned opposition group, the People's Mojahedin Organization of Iran (p. 24). The death penalty was apparently upheld on appeal and his request for a pardon from the Amnesty and Clemency Commission was rejected at the end of February 2012." (HRC, 7 May 2013, pp. 6-7)

The US Department of State (USDOS) notes in its report on human rights practices in 2012 that according to Iranian law, the death penalty applies for offenses such as "'attempts against the security of the state,' 'outrage against high-ranking officials,' 'enmity towards God' (moharebeh), and 'insults against the memory of Imam Khomeini and against the supreme leader of the Islamic Republic'". The report continues:

> "Prosecutors frequently used moharebeh as a criminal charge against political dissidents, referring to struggling against the precepts of Islam and against the state which upholds those precepts. On October 24, Ahmed Shaheed, the UN special rapporteur on the human rights situation in Iran, reported that prosecutors often charged persons arrested for political and human rights-related activities with moharebeh. According to IHRDC, officials executed at least nine persons during the year for moharebeh or related charges.
>
> While the law does not stipulate the death penalty for apostasy, courts have administered such punishment based on their interpretation of fatwas, legal opinions or decrees handed down by an Islamic religious leader. On September 8, authorities released Christian pastor Youcef Nadarkhani, whom a court sentenced to three years in prison in 2010 for 'propagating against the regime' after he was originally sentenced to death for apostasy but later acquitted. On December 25, authorities rearrested Nadarkhani, who remained in prison at year's end." (USDOS, 19 April 2013, section 1a)

6.6.2 Death penalty for children

Human Rights Watch (HRW) states in its January 2013 annual report that "Iranian law allows capital punishment for persons who have reached puberty, defined as 9 for girls and 15 for boys" and adds that in late 2012, more than 100 juvenile offenders were on death row. The report continues:

> "In January 2012, the Guardian Council approved the final text of an amended penal code. Children convicted for 'discretionary crimes' such as drug-related offenses would no longer be sentenced to death under the amended code, but a judge may still sentence to death juveniles convicted of crimes such as rape, sodomy, and murder if he determines that the child understood the nature and consequences of the crime, a vague standard susceptible to abuse." (HRW, 31 January 2013)

In his May 2013 report, the UN Secretary-General elaborates on the death penalty for crimes committed by persons below 18 years of age:

> "20. Both the Covenant and the Convention on the Rights of the Child, to which the Islamic Republic of Iran is a State party, prohibit the imposition of the death penalty for crimes

committed by persons below 18 years of age. Furthermore, in 2010 the Islamic Republic of Iran also voluntarily accepted universal periodic review recommendations that urged ending juvenile executions in law and practice. During his visit to the country in August 2012, the Secretary-General encouraged the Government to take measures to abolish the death penalty, particularly in relation to juvenile offenders.

21. The Islamic Republic of Iran has taken measures to restrict death sentences imposed on minors by allowing judges greater discretion in the new Islamic Penal Code. Judicial authorities also encourage systematically the family of the victim and perpetrator to reach diyah (blood money) settlements to prevent executions. However, according to human rights groups, at least 143 juvenile offenders convicted for alleged crimes of rape and murder were on death row in 2011. On 23 November, Iranian media reported the sentencing to the death penalty of a juvenile named Mr. Farzad, after confessing to the murder of a 17-year-old boy. Furthermore, on 16 January 2013, Ali Naderi, a 21-year-old man, was reportedly executed for a crime that he allegedly committed when he was 17 years old. He was sentenced to death for his role in the murder of a woman. This was the first juvenile execution since September 2011." (HRC, 7 May 2013, p. 7)

The UN Human Rights Committee states in its November 2011 concluding observations considering the state party report of the Islamic Republic of Iran on the implementation and application of the ICCPR that it is "gravely concerned about the continued execution of minors and the imposition of the death penalty for persons who were found to have committed a crime while under 18 years of age, which is prohibited by article 6, paragraph 5, of the Covenant (art. 6)" (UN Human Rights Committee, 29 November 2011, p. 4).

In a briefing for the Human Rights Committee Country Report Task Force dated October 2011, the Child Rights Information Network (CRIN) states:

"In Iran, child offenders may be sentenced to death, life imprisonment and to corporal punishment. There is no separate juvenile justice law in Iran. Sentencing of children and young people convicted of an offence is provided for primarily in the Islamic Penal Code (1991). Minors are exempt from criminal responsibility. A minor is defined as someone who has not reached puberty, which is specified under article 1210 of the Civil Code as 15 lunar years for boys and 9 lunar years for girls (i.e. 14 years and 7 months and 8 years and 9 months respectively).

The death penalty

Many laws prescribe the death penalty in Iran, including for persons under 18 at the time of the offence. Offences eligible for the death penalty under the 1991 Penal Code include adultery in various circumstances, sodomy, lesbianism, moharebeh (civil unrest), theft (fourth offence) and murder (arts. 82, 83, 74, 110-12, 121, 122, 125, 131, 132, 190, 195, 201, 219). Insulting Islam and denigrating the Prophet Muhammad (art. 513) also carry the death penalty in the Penal Code but this is not specified in Shari'a law (Ta'azirat punishments). The death penalty has also been applied for apostasy, though this is not prescribed in law.

Other laws authorising the death penalty include the Armed Forces Offences Law, the Law for Punishment of Disrupters of the National Economic System (1990), the Law for Amendment of the Anti-Narcotics Law & Annexation of Other Articles To It (1997), a 1975 amendment to a consumer law (1967), the Law for Punishment of Disrupters of Oil Industry, the Law for Punishment of Disrupters of Water, Electricity and Telecommunication Facilities, the Law for Punishment of Disrupters of Flight Security, the Law for Punishment of Offences concerning Railways, and the Law for Increase of Punishment for Arms Smuggling.

Executions can be carried out by hanging, firing squad, electrocution, beheading, throwing off a cliff, crucifixion, or other methods chosen by a judge. Further details of how executions should be carried out, by whom, and what action to take if a person tries to flee are specified in the Islamic Penal Code and the Directive on Implementation Regulations for Sentences of Retribution-in-Kind, Stoning, Murder, Crucifixion, Death Penalty and Flogging." (CRIN, October 2011)

In February 2012, the International Campaign for Human Rights in Iran published a commentary by human rights lawyer Nargess Tavassolian on the effects of the new penal code on juvenile execution:

"The Iranian government purports that the new penal code abolishes the execution of children under eighteen. However, this claim does not stand up to examination: under the new penal code, juvenile execution is still not fully abolished. [...] Iran is among the few countries in the world that still practice juvenile execution. Under the previous penal code, which will be rendered null if the new one is signed and published, the age of criminal responsibility is the same as the age of 'puberty,' which is defined as nine lunar years for girls and fifteen lunar years for boys. A lunar year is approximately equal to 354 days. Hence, according to the previous law, if a nine-year-old girl committed a crime, she would be charged as an adult.

[...] In response to internal and international pressure, Iran began a policy of keeping juvenile offenders in prison until they reached the age of eighteen and then executing them. However, this policy continued to fly in the face of the international prohibition on juvenile execution because the prohibition applies to the execution of offenders that were under eighteen at the time of the crime, not the time of the execution. The former head of the judiciary, Ayatollah Mahmoud Hashemi Shahroudi, issued circulars in 2003 and 2008 in which he requested that judges not issue execution verdicts for children under eighteen. However, neither of these circulars successfully ended juvenile executions as many judges did not abide by them, using the justification that the law superseded the circular, which they found to be in conflict with the law.

[...] The new penal code largely maintains the same categories of crimes, and the new punishments are more or less the same. Some of the elements of certain crimes, including adultery and sodomy, have, however, changed. Nonetheless, with the approval of this new penal code, the Iranian government proudly announced that it had abolished the execution of children under eighteen. However, according to articles 145 and 146 of the

new penal code, the age of criminal responsibility is still 'puberty,'meaning nine lunar years for girls and fifteen lunar years for boys. Hence, the age of criminal responsibility has not changed at all in the new penal code.

Under article 87, executions for discretionary punishments, the majority of which are for trafficking narcotics, have indeed been abolished for children under eighteen and have been replaced with other punishments or correctional measures, such as referring the child to a psychologist, to a cultural or educational center, to the Center for Addiction and Mental Health, or to the Juvenile Correctional Facility. The latter can only be applied to children between twelve and eighteen years of age. Although article 87 abolishes juvenile executions for certain crimes, it is not yet clear what effect the new penal code will have on other types of crimes. While most executions in Iran are for drug crimes, most juvenile executions are for qesas homicide-related crimes, such as cases where a fight occurs and a child is stabbed to death.

Article 90 of the new penal code stipulates that legally 'mature' individuals under eighteen (i.e., boys between the ages of fifteen and eighteen and girls between the ages of nine and eighteen) who are convicted of hodoud and qesas crimes may be exempted from adult sentences—including the death penalty—only if it is established that they were not mentally mature and developed at the time of committing the crime, and could not recognize and appreciate the nature and consequences of their actions. Thus, this article gives judges the discretion to decide whether a child has understood the nature of the crime and therefore whether he or she can be sentenced to death." (International Campaign for Human Rights in Iran, 27 February 2012)

6.6.3 Death penalty for consensual same-sex acts

In its August 2012 assessment of Iran's new draft penal code, Human Rights Watch (HRW) compares the provisions for same-sex acts in the old penal code and in the new draft. Reports indicate that in the meantime, the new penal code has been signed into law by President Ahmadinejad and published (AFP, 30 May 2013; AI, 2 August 2013, p. 1). However, please note that the following excerpts of HRW's assessment do not consider any changes that may have been made by the Guardian Council after August 2012:

"Like the old code the new code also requires the death penalty for an individual engaged in lavat (sodomy), defined as consensual or forced penetrative sex between two men in articles 232-233, but unlike the old code, the amendments limit application of the death penalty depending on whether the man was 'active' or 'passive.' It requires 100 lashes but not death for the 'active' participant of consensual same-sex relations, provided he is not married and has not engaged in rape. But it requires the death penalty for the 'passive' partner, except in cases of forced sodomy or rape. As with the crime of adultery or fornication, the new code discriminates between Muslims and non-Muslims: it stipulates that if the 'active' male engaged in consensual penetrative sex act is non- Muslim and the 'passive' male is Muslim, a judge must sentence the former to death regardless of his role as the 'active' partner.

> The new code provides a slightly modified definition of mosaheqeh (lesbianism), which is also considered a 'crime against God.' It defines lesbianism as an act where a 'woman places her sexual organs on the sexual organs of [another woman].' The punishment for lesbianism is 100 lashes. The New Code also defines non-penetrative sexual relations between two men that involve sexual organs as tafkhiz (foreplay between men). The mandatory 'crime against God' punishment for foreplay between men is 100 lashes. However, the new code discriminates against non-Muslims by requiring judges to issue a death sentence for the 'active' partner accused of unlawful foreplay if he is non-Muslim and the 'passive' partner is Muslim." (HRW, August 2012, pp. 25-26)

The UN Secretary-General notes in his May 2013 report that the new draft penal code "provides for the use of the death penalty for some non-violent acts", for instance for sodomy or for the non-Muslim party in same-sex relations not involving penetration (HRC, 7 May 2013, p. 6).

In May 2012, the Israeli daily Jerusalem Post reports that the Iranian judiciary upheld the death penalty for four men convicted of sodomy:

> "The Iranian judiciary this week upheld the death penalty for four men convicted of sodomy, according to the Human Rights Activists News Agency (HRANA). The agency distributes reports in Persian from human rights reporters throughout Iran.
>
> According to the report, the four men – named as Saadat Arefi, Vahid Akbari, Javid Akbari, and Houshmand Akbari, all from the city of Charam in Iran's remote southeastern province of Kohgiluyeh and Boyer-Ahmad – were convicted of sodomy ('lavat' in Farsi).
>
> Lavat refers to male same-sex relations and in Iranian law is defined as 'an act of congress between males whether in the form of penetration or the rubbing of thighs.'
>
> [...] Under Islamic penal law, sodomy – like rape and adultery – is a 'hadd' crime (from the Arabic word meaning 'limit'). In cases where penetration has occurred, and where both partners are 'mature, of sound mind, and acted of free will,' lavat is punishable by death, usually hanging." (Jerusalem Post, 17 May 2012)

The British daily The Independent reports on the execution of three men for sodomy in September 2011:

> "Iran's judiciary have executed three men for sodomy in a case that sheds new light on the official persecution of gay men and women in the authoritarian Islamic Republic. According to a news report carried by the Iranian Student News Agency, the men were put to death by hanging on Sunday morning at Karoun prison in the south western city of Ahvaz. The agency quoted Abdolhamid Amanat, an official at the prosecutor office in Khuzestan Province, as the source of the announcement.
>
> In total six people were executed. According to the published charges, two men were put to death for robbery and rape and one was executed for drug trafficking. But in an unusual announcement the prosecutor office also admitted that three other men were

sentenced for 'lavat', the phrase used in Islamic law for sodomy. The names of the three men have not been given – only their initials M.T, T.T and M.Ch.

Human rights groups have said the case is significant because gay men that come before the courts are usually charged with acts such as sexual assault and rape – crimes that convey an element of coercion rather than consensual sex between two willing participants. The recent Ahvaz executions, however, specifically refer to sections 108 and 110 of the Iranian penal code. Section 108 defines sodomy under Iran's interpretation of Sharia law and the latter rules that the punishment for lavat is death. Previous executions of gay men usually quote sections of the Iranian penal code that refer to 'lavat leh onf' - sodomy by coercion.

Mahmood Amiry-Moghaddam, a researcher at Iran Human Rights who is investigating the executions, told The Independent: 'Iranian authorities have previously presented such cases as rape, in order to make the execution more acceptable and to avoid too much international attention, but this time the news is not presented as rape.' He added: 'This case is the only one in recent years where the only basis for the death sentence has been a sexual relationship between two men, with reference to the articles 108 and 110 of the Islamic Penal Code. These articles are very clear.'

Confirming executions of gay men and women inside Iran is notoriously difficult. Prosecutors often give scant information about the killings and because of the cultural stigma attached to homosexuality few families are willing to publicly come forward with details about whether their loved ones were executed for their sexual behaviour.

In 2005 Iran received widespread condemnation for the execution of two teenagers Mahmoud Asgari and Ayaz Marhoni, who were publicly hanged from a crane in a square at the centre of the city of Mashad. Gay rights groups claimed that the pair were murdered by the state for consensual sex but the charges against them were actually described as 'lavat beh onf' against a 13-year-old boy. Although a number of human rights groups disagreed with gay rights groups over why the two boys were executed they nonetheless condemned the killings as a breach of the UN Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, both of which Iran is a signatory to." (Independent, 7 September 2011)

6.6.4 Death penalty as a disproportionate sentence

In its April 2013 report, the UK Foreign and Commonwealth Office (FCO) mentions sentences that are "excessive in relation to the crime (including two men found guilty of a third offence of drinking alcohol who were given death sentences)." (FCO, April 2013)

In his February 2013 report to the UN Human Rights Council (HRC), the Special Rapporteur on the situation of human rights in Iran notes that he "continues to be alarmed by the escalating rate of executions, especially in the absence of fair trial standards, and the application of capital punishment for offences that do not meet 'most serious crime' standards, in accordance with international law", and mentions that these offences include alcohol consumption, adultery, and drug-trafficking. (HRC, 28 February 2013, p. 11)

The UN Secretary-General writes in his May 2013 report to the UN Human Rights Council (HRC) that "[m]oharebeh (enmity against God) and fisad-fil-arz (corruption on earth) still carry the death penalty" and adds that "[t]hese vaguely defined offences in the Penal Code appear to be incompatible with the most serious crimes requirement for the death penalty in international law" (HRC, 7 May 2013, p. 6).

In the same report, the UN Secretary-General refers to Special Rapporteurs who have stressed that "drug offences fall short of the threshold of the 'most serious crimes' for which the death penalty is permissible under international human rights law" (HRC, 7 May 2013, p. 5).

In January 2012, Agence France-Presse (AFP) reports on a death sentence against a man who had been accused of running a pornographic website:

> "Iran's Supreme Court has reinstated a death sentence against an Iranian resident of Canada who had been accused of running a pornographic website, a lawyer working on the case said Thursday. The death sentence meted out to Saeed Malekpour was reinstated by the court, after it had reportedly been annulled in June, said Shadi Sadr, a lawyer with the advocacy group Justice for Iran, citing the accused's sister." (AFP, 19 January 2012)

6.7 Conditions in prisons and detention centres

The US Department of State (USDOS) notes in its annual report on human rights in 2012 with regard to conditions in prisons and detention centres:

> "Prison conditions were reportedly often harsh and life threatening. There were reports that some prisoners committed suicide as a result of the harsh conditions, solitary confinement, and torture to which they were subjected. Prison authorities often refused medical treatment for injuries prisoners suffered at the hands of their torturers and from the poor sanitary conditions of prison life. Prisoner hunger strikes in protest of their treatment were common. Prisoners and their families often wrote letters to authorities, and in some cases to UN bodies, to highlight and protest their treatment. In response to the letters, prison officials sometimes beat prisoners and revoked their visitation and telephone privileges." (USDOS, 19 April 2013, section 1c)

The USDOS mentions reports on overcrowding of prisons:

> "In July several media sources reported a statement by the country's Prisons Organization head Gholamhossein Esmaili that there were about 220,000 prisoners in the country. Esmaili claimed that some prisons housed as many as six times the number of inmates they were designed to hold. Activists and NGOs noted a dramatic increase in the country's prison population, up 35 percent over the previous three years, due largely to increased prosecution of drug-related crimes. Overcrowding reportedly forced many prisoners to sleep on floors, in hallways, or in prison yards." (USDOS, 19 April 2013, section 1c)

The report continues by stating that juvenile offenders are reportedly detained with adult offenders and that pretrial detainees were occasionally held with convicted prisoners. With regard to prison conditions for women, the report elaborates:

> "Women were held separately from men, and in many cases prison conditions for women were reportedly worse than those for men. In April according to the CHRR [Committee of Human Rights Reporters], female political prisoners at Evin Prison were suffering from illnesses and poor health due to improper medical care and poor conditions. The prisoners told the CHRR that in addition to health concerns, the store in the women's ward had stopped carrying fruits, meats, and other items, and that female political prisoners had been deprived of such items for the previous two months. The CHRR also reported that family members were prohibited from providing inmates with personal hygiene items." (USDOS, 19 April 2013, section 1c)

The CHRR report cited above by the USDOS is available in Persian language at the CHRR website (CHRR, 23 April 2012). According to the USDOS, "[p]olitical prisoners were often held in separate prisons or wards [...] or in solitary confinement for long periods of time." The report lists wards 2A, 209, 240, and 350 of Evin Prison, and ward eight of Gohardasht Prison (also known as the IRGC ward), as wards for separately holding political prisoners. The USDOS refers to human rights activists and international media reporting on cases of political prisoners confined with accused violent criminals. (USDOS, 19 April 2013, section 1c)

In June 2011, the Iran Human Rights Documentation Center (IHRDC) published a report on rape in Iran's prisons, containing witness statements of five former prisoners. In the introduction of the report, IHRDC states:

> "Allegations of rape and sexual violence of political prisoners by authorities began to emerge after the Islamic Republic of Iran was established in 1979 and have continued, to varying degrees, to the present. However, not surprisingly, there is no reliable estimate of the number of prisoners raped in the Islamic Republic's prisons; no data or comprehensive report has ever been compiled that portrays the full scope of sexual violence in Iran's prisons. The reasons are simple: few rape victims are willing to speak about their experiences due to (1) government pressure and acquiescence, and (2) social stigma. Iranian authorities have and continue to acquiesce to rapes of prisoners by guards and interrogators who use rape to crush detainees' spirits, inflict humiliation, discourage their dissent, force them to confess to crimes, and ultimately to intimidate them and others.
>
> Rape is always traumatic and has long-term physical, psychological and social effects on victims. Understandably, this means that many victims are unable to publicly acknowledge their experiences, even many years later. Many have never even told their families. Given these circumstances, therefore, it is very likely that the few witnesses who have come forward to report rapes they witnessed and experienced in Iranian prisons represent only a small percentage of the total number of cases.
>
> This report documents the ordeals of five former prisoners – two women and three men. They span the almost 30 years of the Islamic Republic's existence. Four witnesses were raped; one was threatened with rape and saw rape victims. Three of the rape victims

> were politically active, one in the early days of the revolution and the other two during the last few years. All experienced overtly violent and gang rape. In addition to being gang-raped, one of the victims was sexually exploited by a guard. All were traumatized, and some considered suicide." (IHRDC, June 2011, p. 1)

The USDOS mentions reports of prisoner suicides "in response to adverse prison conditions" and cites the Persian language source Human Rights and Democracy Activists in Iran (HRDAI):

> "On February 13, HRDAI reported the suicides of three prisoners at Gohardasht Prison due to 'inhumane and unbearable conditions,' including below-freezing temperatures. HRDAI claimed that prisoners at Gohardasht were regularly tortured, raped, and maimed; banned from bathing for long periods of time; and given limited bathroom privileges." (USDOS, 19 April 2013, section 1c)

The USDOS refers to human rights NGOs and opposition websites reporting on poor prison conditions and mistreatment of prisoners:

> "HRDAI reported on food tampering to create stomach illness among prisoners as well as frequent potable water shortages and sanitation problems, specifically citing an attempt to poison the food of jailed dissident cleric Ayatollah Hossein Kazemeini Boroujerdi. Prisoners' access to fresh air was severely restricted, according to ICHRI and CHRR reports, and prisoners were often granted permission to go outside only during the hottest or coldest times of the day. According to accounts provided to HRDAI, there were reports of officials sending prisoners outside without clothes for prolonged periods. Ventilation in prisons was lacking. Prisoners were often subjected to sensory deprivation, with either 24-hour light or complete darkness.
>
> On January 25, HRDAI reported that the quality and quantity of prisoners' food at Gohardasht Prison had been reduced. Previously dinner given to political prisoners included one egg, one potato, and one piece of bread; these were replaced with a half ounce of halva (a sweet pastry) and a thin piece of bread. Prison shops that normally sold expired canned goods to inmates stopped selling all items. HRDAI also claimed that one prisoner who had been prescribed 30 pills for a particular ailment received only 10 pills. Authorities reportedly cut telephone access for political prisoners beginning January 2011 and banned family visits for political prisoners. Prisoners were sometimes moved to facilities great distances from their homes to reduce their contact with families and supporters." (USDOS, 19 April 2013, section 1c)

The USDOS adds that "[t]he government did not permit monitoring of prison conditions by independent outside observers, including UN bodies or special rapporteurs." (USDOS, 19 April 2013, section 1c)

In his May 2013 report to the UN Human Rights Council (HRC), the UN Secretary-General expresses his concerns about "continuing allegations of torture and cruel, inhuman or degrading treatment in detention facilities":

> "6. [...] Particular concerns remain about the ongoing practice of incommunicado detention of political prisoners, prolonged solitary confinement and alleged occurrences of deaths in custody. It should be noted that given its severely adverse effects on physical and mental health, prolonged solitary confinement amounts to torture, inhuman or degrading treatment (see A/67/279)." (HRC, 7 May 2013, p. 4)

Likewise, the UN Human Rights Committee expressed concerns on treatment and conditions in detention facilities in its November 2011 concluding observations considering the state party report of the Islamic Republic of Iran on the implementation and application of the International Covenant on Civil and Political Rights (ICCPR):

> "14. The Committee is deeply concerned at reports of the widespread use of torture and cruel, inhuman or degrading treatment in detention facilities, particularly of those accused of national security-related crimes or tried in Revolutionary Courts, which in some cases have resulted in the death of the detainee. [...]
>
> 19. The Committee is concerned about poor conditions in detention facilities, in particular in Evin Prison, sections 350, 2A, 209 and 240. It is also concerned about the use of solitary confinement, unreasonable limits on family visits, and the reported denial of medical treatment to many prisoners in Ward 350/Correctional Facility 3 of Evin Prison (arts. 7 and 10)." (UN Human Rights Committee, 29 November 2011, pp. 4-5)

The study presented by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran in his February 2013 report to the UN Human Rights Council (HRC), which has been conducted by the UK-based human rights organisation Freedom from Torture (see also Freedom from Torture, March 2013) and is based on the evaluation of 50 cases of individuals who reported of being held incommunicado and being tortured, elaborates on detention conditions:

> "54. Detention conditions for a significant proportion of cases were extremely poor and in nearly 70% of cases included solitary confinement in a small cell. Half or more cases also reported experiencing unhygienic conditions, poor quality and inadequate food, a hard surface to sleep on with inadequate bedding, no access to natural light and inadequate access to a toilet. The majority of cases received no medical treatment while in detention. Of the eight who were transferred to hospital, three were taken to psychiatric hospitals and the others reported being transferred for treatment following rape and for specialist medical care due to acute injuries to the head, shoulder and knee respectively. Seven others reported access to limited medical treatment in the detention centre, most of whom had injuries arising from sharp force trauma sutured, some without anaesthetic; two of these were also treated for a fracture and a dislocation caused by blunt force trauma. One person reported being treated following rape." (HRC, 28 February 2013, p. 39)

Human Rights Watch (HRW) reports on the death of blogger Sattar Beheshti who was arrested by Iran's cyberpolice in October 2012 and later died in custody. The report states:

> "His death brings to at least 15 the number of people detained for exercising their basic rights who have since 2009 died in custody or as a result of injuries during their detention

> from alleged mistreatment or neglect. Human Rights Watch has compiled information from witnesses, family members, and other sources suggesting that at least 13 of them died as a result of physical abuse or torture. No high-ranking officials have been brought to justice for any of these deaths." (HRW, 9 November 2012)

The UK Foreign and Commonwealth Office (FCO) states in its April 2013 report on human rights and democracy in Iran that "[c]onditions in Iranian prisons remained extremely poor, with reports of deaths in custody, torture, long periods of solitary confinement and denial of medical treatment to inmates." The report continues by providing details on cases of deaths in custody, including the case of Sattar Beheshti:

> "Prison officials appeared to act with impunity. Reports by the UN Secretary-General and the UN Special Rapporteur on human rights in Iran included accounts of the deaths in custody of two ethnic Ahwazi Arab activists, both of whom were allegedly tortured to death. News emerged of the death of a blogger, Sattar Beheshti, in November, less than a week after being arrested for 'actions against national security on social networks and Facebook', and reportedly after being beaten by prison authorities. This prompted a domestic and international outcry, including public condemnation by Alistair Burt, FCO Minister with responsibility for Iran. The Iranian judicial authorities undertook to conduct an investigation into Mr Beheshti's death and to punish those responsible. The Cyber Police Chief responsible for his arrest was later sacked, but the resulting report, which found that the previously healthy 35-year-old had died of natural causes as a result of shock, was not widely considered credible." (FCO, April 2013)

6.8 Treatment of lawyers

In his May 2013 report to the UN Human Rights Council (HRC), the UN Secretary-General notes:

> "38. [...] According to the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, at least 32 lawyers had been prosecuted since 2009 and several prominent human rights defenders were being detained (A/67/369, para. 51). On 4 December 2012, the High Commissioner for Human Rights expressed serious concerns about the deteriorating health situation of Nasrin Sotoudeh, an internationally recognized lawyer and human rights activist, and called for her prompt release, as well as the release of all those activists who have been arrested and detained." (HRC, 7 May 2013, p. 12)

In his February 2013 report to the UN Human Rights Council (HRC), the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran elaborates on the situation of lawyers in Iran:

> "21. The Special Rapporteur continues to share the International Bar Association's concerns regarding the erosion of the independence of the legal profession and Bar Association in the Islamic Republic of Iran. Legislative action such as the approval of the draft Bill of Formal Attorneyship, which increases Government supervision over the Iranian Bar Association, are a case-in-point. The Special Rapporteur is also further concerned by article 187 of the Law of the Third Economic, Social and Cultural Development Plan, which has created a parallel body of lawyers known as 'Legal Advisors of the Judiciary'. While

the law has seemingly increased the number of legal professionals in the country, partly through an eased licensing process, the Judiciary ultimately controls the licensing process of all article 187 legal advisors. The Special Rapporteur has also received reports about the revocation of the licenses of article 187 legal adviser after they represented prisoners of conscience.

22. Furthermore, the Law on Conditions for Obtaining the Attorney's License allows Bar members to elect members of their Board of Directors, but requires the Supreme Disciplinary Court for Judges, a body under the Judiciary's authority, to confer with the Ministry of Intelligence, the Revolutionary Court and the Police to vet potential candidates for its Board. Some Iranian lawyers have reported that in practice candidates who represent human rights defenders have been prohibited from seeking Board membership as a result.

23. The Special Rapporteur continues to be alarmed by reports of Government action targeting lawyers. It is estimated that some 40 lawyers have been prosecuted since 2009, and that at least 10 are currently detained, including Mr. Abdolfatah Soltani and Mr 8 Mohammad Ali Dadkhah. Mr Soltani was arrested in September 2011 and is currently serving a 13 year prison sentence. On 29 September 2012, Mr Mohammad Ali Dadkhah, a lawyer and co-founder of the CHRD was summoned to Evin Prison's Ward 350 to serve a nine-year sentence after being convicted of 'membership in an association seeking the overthrow of the Government' and 'spreading propaganda against the system through interviews with foreign media'. Mr. Dadkhakh was one the attorneys for Pastor Youcef Nadarkhani, who was exonerated and released from prison weeks earlier after being placed on trial for apostasy.

24. On 17 October 2012, Ms Nasrin Sotoudeh, a human rights defender and lawyer, who has been imprisoned since September 2010, began a hunger strike to protest restrictive conditions placed on members of her family, including a travel ban placed on her 12-year-old daughter in June 2012. Ms Sotoudeh has defended, among others, Shirin Ebadi. She ended her hunger strike on 4 December 2012 when the travel ban was lifted. Ms Sotoudeh was temporarily released on a three day leave on 17 January 2013 to see her family, allegedly with a promise of extending her leave into a longer or permanent release. She was subsequently returned to Evin Prison on 21 January 2013." (HRC, 28 February 2013, pp. 7-8)

The UK Foreign and Commonwealth Office (FCO) mentions in its April 2013 report on human rights and democracy in Iran that Nasrin Sotoudeh, "a human rights lawyer serving a six-year sentence" was on a hunger strike for 49 days ending on 4 December 2012. The FCO adds that at the time of writing the report, Nasrin Sotoudeh remained in prison. The report names other imprisoned lawyers in Iran:

"Concerns also remain about other high-profile imprisoned lawyers in Iran, such as Mohammad Ali Dadkhah, Narguess Mohammadi, Abdolfattah Soltani and Javid Houtan Kian. Some have reported being tortured during their imprisonment and suffering long periods of solitary confinement as well as denial of access to appropriate medical care.

> We believe they were sentenced for their work to defend peacefully the rights of others." (FCO, April 2013)

In July 2012, Amnesty International (AI) reports about "harassment of the family of prominent human rights lawyer and prisoner of conscience Nasrin Sotoudeh". (AI, 12 July 2012)

In its November 2011 concluding observations considering the state party report of the Islamic Republic of Iran on the implementation and application of the ICCPR, the UN Human Rights Committee "notes with concern that human rights defenders and defence lawyers often serve prison sentences based on vaguely formulated crimes such as mohareb or the spreading of propaganda against the establishment." (UN Human Rights Committee, 29 November 2011, pp. 6-7)

The February 2013 fact-finding mission report by the DIS, Landinfo and the DRC quotes a Western embassy in Tehran providing information on lawyers who had defended people from the Green Movement:

> "The embassy stated that there had been legal procedures against several of the lawyers who had defended people from the Green Movement; lawyers had been sentenced to prison or been banned from practice. Reference was made to lawyers such as Abdolfattah Soltani, Mohammad Ali Dadkhah and Nasrin Sotoudeh." (DIS/Landinfo/DRC, February 2013, pp. 53-54)

A representative of Amnesty International's International Secretariat (AIIS) in London provided information on the stripping of lawyers' licenses:

> "It was added that in general, the rules and regulations in place that authorities may put to use for example if they want to take away a lawyer's license – such as in the case of Nasrin Sotoudeh -, are not followed. Lawyers are simply stripped of their licenses, subverting even the often flawed provisions governing this area of law. While there may not have been any procedural changes in Iran, the rule of law has in fact worsened." (DIS/Landinfo/DRC, February 2013, p. 64)

Human Rights Watch (HRW) provides the following details on the cases of rights lawyer Abdolfattah Soltani and defense lawyer Mohammad Ali Dadkhah in its annual report for 2012:

> "On March 4, prominent rights lawyer Abdolfattah Soltani learned that a revolutionary court had sentenced him to 18 years in prison, barred him from practicing law for 20 years, and ordered that he serve his sentence in Borajan, a city more than 600 kilometers south of Tehran. Prosecutors charged Soltani with "propaganda against the state," assembly and collusion against the state, and establishing the Center for Human Rights Defenders (CHRD), which Soltani co-founded with Nobel peace laureate Shirin Ebadi. An appeals court later reduced Soltani's sentence to 13 years and reversed the ban on practicing law. The same day, an appeals court issued a six-year sentence for Narges Mohammadi, a CHRD spokesperson, on similar charges.

In April, an appeals court informed defense lawyer Mohammad Ali Dadkhah that it had upheld his nine-year sentence on charges related to his interviews with foreign media and membership of CHRD. The court also sentenced Dadkhah to fines and corporal punishment (in the form of lashes) and banned him from teaching for 10 years." (HRW, 31 January 2013)

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