



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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Iran: Sanctions for possession and distribution of banned books and video cassettes; convictions for such offences (2004-2006)  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Article 28 of the Iranian Press Law states the following:

Publication of indecent pictures and materials that offend public decency is prohibited and is subject to Islamic punishment and insistence on publishing such pictures and materials would lead to tougher punishment and cancellation of the publication's license (Iran 19 Mar. 1986).

Articles 27 and 32 of the Press Law state

**Article 27:** Should a publication insult the Leader or Council of Leadership of the Islamic Republic of Iran or senior religious authorities (top Islamic jurisprudents), the license of the publication shall be revoked and its managing director and the writer of the insulting article shall be referred to competent courts for punishment (ibid.).

**Article 32:** If an individual falsely introduces himself/herself as a license holder or managing director of a publication, or, attempts to publish a paper without a license, he/she shall be prosecuted by a religious judge.

The provisions of this article also apply to those license holders whose licenses have been revoked by the law or those managing directors of the press who have been stripped of their position by the law (ibid.).

Article 640 of the Islamic Penal Code of Iran states that

The following people should be imprisoned from three months to one year and pay a fine of 1,500,000 [C\$186.56 (XE.com 21 Apr. 2006a)] to 6,000,000 [rials] [C\$746.33 (XE.com 21 Apr. 2006b)] and also be flogged up to 74 lashes, or any of these punishments.

...

c) anyone who publicizes any picture, text, photo, drawing, article, newsletter, newspaper, movie, or any other thing that violates public morals;

d) anyone who is included in the circulation of the above items (Iran 28 Nov. 1991, Art. 640).

The following information was provided in correspondence dated 4 May 2006 from an associate who specializes in Iranian law at the law firm Sabi and Associates. According to the lawyer, article 640 of the Islamic Penal Code of Iran prohibits the distribution of material that "would outrage public morale" and can result in punishments including one to three years in prison, fines ranging from 1.5 million to 6 million rials and up to 74 lashes (Sabi and Associates 4 May 2006). The lawyer also stated that the penal code applies to any kind of distribution or publication, as well as to collecting or retaining prohibited material for the purpose of selling or renting it. However, one exception is provided to give the authorities the latitude they need to determine whether or not the material is "religiously permitted" or being used for "reasonable" purposes (e.g. research) (ibid.).

Following a resolution issued by the Supreme Cultural Revolutionary Council, the broadcast of Western music is banned in Iran (BBC 20 Oct. 2005). According to a musician cited on the Website of Radio Free Europe/Radio Liberty (RFE/RL), "it is not clear yet how the new resolution will be implemented in practice" (20 Dec. 2005) nor how it will be interpreted (BBC 20 Oct. 2005). RFE/RL indicated that "[m]any young Iranians enjoy access to Western music through satellite television and a black market in music CDs, a trend that is unlikely to be affected by the new resolution" (20 Dec. 2005). Examples of convictions for offences related to banned music in Iran were limited among the sources consulted by the Research Directorate. However, *Country Reports on Human Rights Practices for 2005* indicated that a special "morality" force "chased and beat persons in the streets for offences such as listening to music" (8 Mar. 2006, Sec. 1.c). According to Voice of America (VOA), the "so-called 'morality force' has been set up to combat alleged 'un-Islamic behavior' [such as] wearing clothing [that] does not cover their hair and all parts of their body except the hands and face" (VOA 5 June 2003). According to a daily newspaper, press agencies reported that "two young boys who listened to American 'pop' music or had been selling CDs and tapes that feature this type of music" were arrested (*Asharq Al-Awsat* 15 Jan. 2006).

According to Reporters Without Borders (Reporters sans frontières, RSF), the prosecutor-general announced a new commission in early May 2004 to deal with Internet offences (22 June 2004). In addition, people responsible of the posting of illegal material on the Net "would risk prosecution if they did not respect the national constitution and the press law" (RSF 22 June 2004). According to a justice ministry spokesman, "the Supreme Council of the Cultural Revolution was drafting an Internet law that would ban criticism of the regime [and the] buying and selling [of] alcohol" (ibid.). The United Nations Integrated Regional Information Network indicated that, under the law, "anyone found disseminating information that 'poses a threat for the country's internal or external security' should receive a prison sentence of one to three years and up to 15 years if the information is passed to 'foreign states or foreign organisations'" (30 Aug. 2004). Moreover, according to this law "[Internet services providers] and cybercafe owners should be responsible for monitoring all content to which they offer access and owners who do not comply risk five years in prison and losing their business" (United Nations 30 Aug. 2004). No information corroborating the existence of a new commission or a law on Internet crimes could be found among the sources consulted by the Research Directorate.

*Country Reports 2005* indicated that some Internet writers were imprisoned

and that the information ministry attacked a publishing house, intercepted a manuscript describing prison conditions, severely injured the employees, and arrested and imprisoned the publisher (8 Mar. 2006, Sec. 1.e).

According to a British Broadcasting Corporation (BBC) article, "many Iranians watch satellite TV, despite the fact it is officially banned" (20 Oct. 2005). More recently, *The Guardian* reported that a bill before Iran's parliament is proposing that fines for people with TV satellite dishes rise from £60 (C\$121.63 [Bank of Canada 20 Apr. 2006a]) to £3,000 (C\$6,081.30 [Bank of Canada 20 Apr. 2006b]) (20 Apr. 2006). According to the same source, "millions of Iranians have illegal dishes" (*The Guardian* 20 Apr. 2006).

Freedom House reported that a man died in February 2004 "after receiving 80 lashes on charges including possession of a medicine containing alcohol, possession of a satellite dish, and aiding his sister's 'corruption'" (July 2005, 6). Freedom House also indicated that the Ayatollah Mahmoud Shahrudi, the head of the judiciary, announced in October 2004 that "anyone who disseminates information aimed at disturbing the public mind through computer systems' would be jailed" (*ibid.*, 3). *Country Reports 2005* noted that Iranian authorities entered private homes to remove television satellite dishes (*ibid.*, Sec. 1.f).

The non-governmental organization Human Rights First reported that an Iranian journalist had been released from jail after serving "a six-year prison sentence in reprisal for publishing numerous articles and a book that implicate government officials in the murder of Iranian intellectuals and writers in the 1990s" (20 Mar. 2006). According to the International Federation for Human Rights (FIDH), that journalist was imprisoned for "denouncing the involvement of the Iranian regime in the assassination of political opponents and intellectual dissidents in 1998" (20 Mar. 2006).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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#### Additional Sources Consulted

**Oral sources:** The Iran Human Rights Documentation Center, a lawyer practising in Iran, a professor at the University of Tehran, the law firm Dr. Anvari and Associates, and Stop Censoring Us did not provide any information within the time constraints for this Response.

The law firm Dr. Alexander Aghayan and Associates, Inc. and the Australian Council for International Development (ACFID) did not have any information on the subject.

Attempts to contact the Justice Administration of Tehran Province were unsuccessful.

**Internet sites, including:** Al Bawaba, Amnesty International (AI), Centre for Arab and Iranian Studies (CAIS), European Country of Origin Information Network (ECOI), Factiva, FarsiNet, Findlaw.com, Freedom House, Human Rights Watch (HRW), *Iran Daily*, Iran Focus, Iran Human Rights Documentation Center (IHRDC), Iranian.com, Iranian Information and Documentation Center (IRANDOC), Iranian.ws, Iran-Va-Jahan, Islamic Republic News Agency (IRNA), The Judicial System of the Islamic Republic of Iran, Justice Administration of Tehran Province, Lawguru.com, Legislationline, Middle East Review of International Affairs (MERIA), *Middle East Times*, Permanent Mission of the Islamic Republic of Iran to the United Nations, Stop Censoring Us, *Tehran Times*, United Nations High Commissioner for Human Rights (UNHCHR), World News Connection (WNC).

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