

# COUNTRY ASSESSMENT - IRAN

April 2000

Country Information and Policy Unit

## I. SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information & Policy Unit, Immigration & Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a 6-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom.

1.5 The assessment will be placed on the Internet (<http://www.homeoffice.gov.uk/ind/cipul.htm>). An electronic copy of the assessment has been made available to the following organisations:

Amnesty International UK

Immigration Advisory Service

Immigration Appellate Authority

Immigration Law Practitioners' Association

Joint Council for the Welfare of Immigrants

JUSTICE

Medical Foundation for the care of Victims of Torture

Refugee Council

Refugee Legal Centre

UN High Commissioner for Refugees

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## II GEOGRAPHY

2.1. The Islamic Republic of Iran (Persia until 1935) lies in western Asia, bordered by Azerbaijan and Turkmenistan to the north, by Turkey and Iraq to the west, by the Persian (Arabian) Gulf and the Gulf of Oman to the south, and by Pakistan and Afghanistan to the east. The climate is one of great extremes. The capital city is Teheran, with a population of 6.7 million. The towns of Mashad, Esfahan, Tabriz and Shiraz each have populations of 1 - 2 million; the total population of Iran is an estimated 60 million.[1]

2.2 The principal language is Farsi (Persian), spoken by about 50% of the population. 27% of the population are Turkic-speaking. The national flag comprises three unequal horizontal stripes of green, white and red, with the emblem of the Islamic Republic of Iran (the stylized word Allah) centrally positioned in red and the inscription "God is Great" on the Red and Green stripes. [1]

## III HISTORY

### Pre 1979: The Monarchy

3.1. Iran was formerly a monarchy, ruled by a Shah (Emperor). In 1963, Shah **Muhammad Reza Pahlavi** launched the 'White Revolution', including measures to redistribute large estates to small farmers and the enfranchisement of women. These reforms were opposed by landlords and the conservative Muslim clergy, including an Ayatollah, **Ruhollah Khomeini**, a Shi'ite muslim leader who was exiled to Iraq in 1964. Nevertheless, between 1965 and 1977 Iran enjoyed political stability and considerable economic growth, based on revenues from the nationalised petroleum industry.[1]

3.2. During late 1977 and 1978, however, public opposition to the regime increased dramatically, largely in response to a worsening economic situation and the repressive nature of the Shah's rule. By late 1978 anti-government demonstrations and strikes were widespread, staged both by left-wing and liberal opponents of the Shah, and Islamic activists. The most effective opposition came from supporters of Ayatollah Khomeini, who was by then based in France. [1]

### **1979-1981: Islamic Revolution and clashes**

3.3. The Shah was forced to leave Iran in January 1979, and Khomeini arrived in Teheran on 1 February. A 15-member Revolutionary Council was formed to govern the country, in co-operation with a provisional government, and on 1 April Iran was declared an Islamic republic. Supreme authority was vested in the Wali Faqih, a religious leader (initially Khomeini), appointed by the Shi'ite clergy. In February 1980 **Abolhasan Bani-Sadr** was sworn in as President. Elections to the 270-member Majlis (National - later Islamic - Consultative Assembly) were held in two rounds, in March and May. The Islamic Republican Party (IRP -identified with Khomeini and traditionalist Muslims) won 60 seats, but subsequently gained considerable support among other deputies.[1]

3.4. In November 1979 Iranian students seized 63 hostages in the US Embassy in Teheran. The remaining 52 hostages were released finally in January 1981 following intense diplomatic activity. The hostage crisis forced the resignation of the moderate Provisional Government, and during 1980 it became clear that a rift was developing between President Bani-Sadr and his modernist allies on the one hand, and traditionalist Muslims led by the IRP on the other. There were clashes between supporters of the two groups, which culminated in June 1981 in intense fighting between members of the Mujahidin-e-Khalq (an Islamic guerrilla group which supported Bani-Sadr) and troops of the Revolutionary Guard Corps. The President was dismissed by Khomeini and fled to France, as did the leader of the Mujahidin, **Massoud Rajavi**. [1]

3.5. The Presidential election in July 1981 resulted in victory for the Prime Minister, **Muhammad Ali Rajani**. Meanwhile, conflict between the Mujahidin and government forces intensified, with an estimated 900 members of the guerilla group being executed by mid-August 1981. Repression against the Mujahidin further intensified after a bomb attack killed the President and the Prime Minister in late August 1981. In October, **Hojatolislam Ali Khamenei** was voted President and **Mir Hussein Moussavi** was appointed Prime Minister.[1]

### **1980s: Iran / Iraq war and political repression**

3.6. In September 1980 Iraq invaded Iran. Iranian forces displayed strong resistance and the war developed into a conflict of attrition until Iran unexpectedly announced its unconditional acceptance of the UN Security Council's Resolution 598 of 1997 which, amongst other things had advocated a ceasefire. The ceasefire was declared in August 1988. Peace negotiations became deadlocked in disputes regarding the sovereignty of the Shatt al-Arab waterway, the exchange of prisoners of war, and the withdrawal of armed forces to within international boundaries. The process received a boost when Saddam Hussain (President of Iraq) sought formal peace with Iran, perhaps for reasons of expediency following Iraq's invasion of Kuwait in August 1990. [1]

3.7. Elections to the second Majlis in April and May 1984, resulted in a clear win for the IRP. The elections were boycotted by Nehzat-Azadi, (the Liberal Movement of Iran, and the sole

opposition party to have a degree of official recognition) in protest at the allegedly undemocratic conditions prevailing in Iran. Evidence to support such allegations was provided by the UN Human Rights Commission in a report (published 1987) claiming that at least 7,000 executions of political opponents had been carried out by the Islamic regime between 1979 and 1985.[1]

3.8. In 1985 there were reports of anti-government demonstrations and rioting in Teheran, and other cities, precipitated by austere economic conditions and dissatisfaction with the conduct of the war with Iraq.

3.9. Elections to the Majlis in April and May 1988 apparently provided a stimulus to reformist elements in the Government identified with **Ali Akbar Hashemi Rafsanjani** (Speaker of the Majlis) and Prime Minister Moussavi. by producing an assembly strongly representative of their views. [1]

## 1990 - 1998

3.10. Ayatollah Khomeini died on 3 June 1989, and was replaced as Walih Faqih (spiritual leader) by President Khamenei. Rafsanjani easily won the presidential election in July (his only opponent was widely regarded as a 'token' candidate.) At the same time, voters in a referendum supported proposed amendments to the Constitution, the most important of which was the abolition of the post of Prime Minister, and a consequent increase in power for the President. In the early 1990s Rafsanjani successfully contained the influence of the 'conservative' faction within the leadership, and emerged from the fourth Majlis elections in 1992 in a strengthened position with regard to his policies of economic reform.[1]

3.11. However, economic reform was lowering the standard of living of the urban lower classes. Serious rioting reported to have occurred in several cities in April and May was attributed by some observers to dissatisfaction with the Government's economic reform programme. When Rafsanjani stood for re-election to the presidency on 11 June 1983 he was re-elected but had lost popular support since the previous election.[1]

3.12. In 1993 the UNHCR adopted a resolution condemning continuing human rights violations in Iran and further extended the special rapporteur's mandate. On Islamic Republic Day (1 April) an amnesty was decreed; the prison terms of 1,682 individuals convicted in public, military and Islamic Revolutionary courts were reduced [2(1)] . A campaign to uphold Islamic morality was launched, resulting in hundreds of arrests for dress code violation.

3.13. In February 1994, President Rafsanjani survived an assassination attempt, responsibility for which was claimed by the self-styled Free Officers of the Revolutionary Guards,[1] and by Babrak Khorramdin (BKO), an underground organisation opposed to the Islamic regime.[2(1)] Later that month, Ayatollah Khamenei announced an amnesty providing for the pardon or reduction of sentence of 1,500 prisoners. Further amnesties, affecting smaller numbers of prisoners, continued to be granted periodically on religious holidays and anniversaries.[2(1),2(2)]

3.14. Elections to the fifth Majlis were conducted in 1996. The Society of Combatant Clergy (a conservative faction which enjoyed the unofficial patronage of Ayatollah Khamenei) won only 96 seats, which represent a major decline as compared with 155 in the previous Majlis. The main reformist group, the Servants of Iran's Construction, won a similar number of seats. The UN Special Rapporteur noted a number of irregularities in the elections, in particular the nullification of election results in eight jurisdictions apparently on ideological grounds. Most of the candidates disqualified were pragmatists rather than conservatives. Serious differences continue to exist within the leadership and within the clergy.[4(1)]

3.15. President Rafsanjani stood down in 1997, in conformity with the Constitution which provides for the Presidency to be held by an individual for two consecutive terms only.[1] [4(2)] In March 1997 he was appointed Chairman of a committee which arbitrates between the Majlis and the Council of Guardians, for a five year term and so ensured his continuing influential role in political life.[1] In August 1997, **President Seyed Mohammad Khatami** was inaugurated, following a landslide victory in elections held on May 23. During the elections, a lively debate on political, economic and social issues occurred, although the government closed several newspapers, disqualified candidates, and intimidated opposition campaigners by encouraging vigilante groups (see paragraphs 4.19-4.23). Ayatollah Khamenei, in a break with precedent, backed one candidate, Majles Speaker Ali Akbar Nateq-Nuri. Nonetheless, Khatami's election victory, with nearly 70% of the vote, was not disputed and the regime apparently did not engage in election fraud. Khatami's election appeared to demonstrate a strong desire among his supporters, primarily women, youth and the middle class, for greater social and cultural freedom and increased economic opportunity.[4(2)]

3.16. President Khatami appointed seven vice presidents, including Rafsanjani, in August 1997.[1] He included the appointment of Ma'sumeh Ebtekar as a vice-president, thereby giving a woman Cabinet rank for the first time since the founding of the Islamic Republic after the revolution.[1, 4(2)] (A first-time appointment of a female ambassador, to serve in the Iranian mission in New York, was announced in late 1998. The female head of the Foreign Ministry's Department for Women and Social Affairs anticipated further appointments of female ambassadors in 1998-9. [5(3)] However, women held only 13 of the 270 Majlis seats at the end of 1998.[4(2)]

3.17. In October 1997 Khatami named former Prime Minister Moussavi as his senior advisor. The result of the election appeared to revive long-standing rivalries among members of the senior clergy in Iran, with Ayatollah Montazeri openly opposing Ayatollah Khamenei's authority and demanding that Khatami be permitted to govern without interference. Violent demonstrations in Qum and Teheran followed, until Khamenei urged an end to the protests; he none the less demanded that Montazeri be tried for treason and that all others who questioned his authority be prosecuted in accordance with the law. Montazeri's supporters protested in subsequent months that the Ayatollah was under house arrest. [1] The house arrest or detention of some senior clergy remains an important and ongoing human rights issue.

3.18. President Khatami's election raised hopes for improved relations between Iran and the USA and other western countries. There are some signs that Khatami, with popular support, intends to move Iran towards greater openness and cultural rapprochement with the West. Since his inauguration he has stated his intention to loosen constraints on freedom of expression, has denounced terrorism and expressed regret for the 1979 hostage-taking at the US Embassy in Teheran.[7] Whilst encouraging closer cultural links with the west, Khatami has not pushed for direct political dialogue, compromising between the views of moderates in his administration and the regime's conservatives such as Khamenei. American vessels were sent to the Persian Gulf in October 1997, [1] their presence aimed at calming the tension which developed after Iranian aircraft bombed two bases of the Mujaheddin-e Khalq in southern Iraq the previous month. In early 1998 President Khatami called for a "dialogue between civilizations", which was endorsed by President Clinton. [19] A team of American sportsmen were welcomed by the public in Teheran in February 1998.[16(4),7]

3.19. However, in March 1998 Iran was ordered to pay damages of \$247.5 Million by a federal judge in Washington to the family of an American student killed in the terrorist bombing of an Israeli bus in Gaza in 1995. Her family had argued that Iran supported the Palestinian Islamic Jihad, which claimed responsibility for the attack. Teheran did not respond to the suit and so

could not file an appeal. The ruling was the first decision under a new law allowing Americans to sue countries sponsoring terrorism for damages.[15(5)] Also in March, the American State Department intervened in negotiations between Iran and China for the delivery of hundreds of tons of nuclear material to the Isfahan nuclear research centre. The deal was apparently cancelled.[15(6)] By April 1998 the US State Department had moderated its warning to US citizens intending to travel to Iran, encouraging them to only defer, rather than to cancel, travel.[17(2)] In July 1998 it was confirmed that compensation had been paid to most of the families of Iranian victims killed when an airliner was shot down by a US warship in the Persian Gulf in 1998. Iran won reparations after the case went to the International Tribunal in the Hague.[5(15)]

3.20. Strained relations between the United States and Iran have had an impact on the relations between Iran and both Europe and Russia. The Europeans have tended towards diplomatic engagement, with mutual economic and financial purpose for overcoming diplomatic setbacks. Stability remains crucial to secure oil supplies from the Caspian Basin and the Persian Gulf. Iran and Russia share strategic and economic interests, with Russia a main supplier of arms to Iran this decade. Iran and Russia also promote theirs as the best routes for oil and natural gas pipelines to the central Asian states.[19]

3.21. The Conference of the Organisation of the Islamic Conference was held in Teheran in December 1997. Both Khatami and the Vice-President of Iraq participated. Khatami appeared conciliatory to the west and urged tolerance of dissent in Islamic societies.[1] European ministers agreed to resume ministerial contacts with Iran in February 1998.[14(5)]

3.22. Iran and Iraq have conducted ongoing talks to resolve their long-standing prisoner-of-war dispute.[5(1),6(1)] Large numbers of Iranian prisoners of war were kept in Abu Ghurayb prison, outside Baghdad, in critical conditions.[5(2)] In April 1998 Iran agreed to the release of 5,584 Iraqi prisoners of war. A press report in June 1998 described joint Iran-Iraq search operations to identify the remains of those missing in action. The governments of Iran and Iraq continued discussions throughout 1998 and 1999 with a view to settling outstanding POW issues but a final settlement of the issue between the two governments was not achieved despite predictions by Iranian government officials. [4(7)]

3.23. In July 1998, Iran and Iraq concluded talks to enable Iranian pilgrims to visit Shi'ia muslim shrines in Iraq for the first time in 18 years. The two sides agreed that 3000 Iranians would be able to travel to the holy cities of Karbala and Najaf in southern Iraq every week from August 1998 onwards.[5(1)]

3.24. Other neighbouring nations have had separate disputes. President Khatami has expressed concern about the escalation in tensions between neighbouring countries such as Syria and Turkey in 1998. He has offered to mediate in an effort to resolve the international differences.[5(3)]

3.25. Sovereignty issues between Iran and the UAE regarding the Abu Musa islands and the Greater and Lesser Tumbs regions are still unresolved, although negotiations between the two countries have continued. Iran has also sought a negotiated settlement to the parties to the Afghan conflict in the past, but in June 1997 the Taleban accused Iran of espionage and ordered the closure of the Iranian Embassy in Kabul. Iran retaliated by halting all trade across the border with Afghanistan.[1]

3.26. 35 Iranians were arrested by the Taleban in northern Afghanistan and 11 Iranian diplomats were also captured in August 1998. Eight of the Iranian diplomats and one reporter are known to have been killed.[5d,6b] Three of the remaining bodies were returned to Mashad from Mazar-e

Sharif by air on 11 October 1998.[5(5)] Their deaths triggered a crisis between Iran and the Afghan Taleban. 270,000 Iranian troops were placed along the border with Afghanistan and took part in military exercises.[5(6)] There were reports of a cross-border clash between Iran and the Taleban on 9 October and of casualties resulting from exchange of artillery fire there.[5(4)] Human Rights Watch have reported incidents of attacks on Afghan refugees in 1998.[8(4)] Since the Taleban seized control of the Afghan capital in 1996, Iran has accused the Taleban (Sunni muslim) militia of trying to impose their will on the Shi'ite muslims within Afghanistan.[5(6)] Iran has sought resolution of its differences with the Taleban through the United Nations,[5(4)] and the U.N. is investigating reports of massacres of Shi'ites in the wake of Taleban advances through north and central Afghanistan.[5(6)]

3.27. The situation between Iran and the Taleban militia in Afghanistan remains sensitive. Five Iranian traders who were taken captive by the Taleban in mid-1997 in western Afghanistan were released in October 1998. One alleged he had been tortured.[5(4)]

3.28. On the domestic front, President Khatami's popularity within Iran was estimated by opinion polls quoted within the Iranian press in August 1998 as having risen by 83% since his election to power in 1997. This was despite economic problems resulting from the fall in oil prices and the in-fighting,[6(6)] mismanagement and corruption within the Iranian officialdom.[4(6)] President Khatami continues to face active opposition of his Ministers within the Majlis. 60 Majlis deputies signed a motion for the impeachment of the Education Minister, Hoseyn Mozaffa.[5(4)] The Minister of Culture, Attaollah Mohajerani, survived a motion of no confidence by hard-line MPs in April 1999. The motion was interpreted as an indirect attack in parliament and the judiciary on Khatami's campaign for political and social pluralism.[5(18),23]

3.29. In May 1998 The Speaker of the Majlis, Ali Akbar Nateq-Nuri was re-elected for a new term and defeated Majid Ansari, who was considered a supporter of Khatami.[17(3)]

3.30. Elections for the 86-member Council of Experts were held on 23 October 1998 amid controversy over the process of determining the eligibility of candidates.[10(16)] The Council retains the power to appoint and dismiss the country's spiritual leader and to interpret its Constitution.[17(3)] It also has the power to oversee the leader's work and to dismiss him if he fails to perform his duties properly. This was the first national election since the presidential election in May 1997 and it aroused considerable interest. The Council of Guardians decided the eligibility of candidates to stand for election to the Council of Experts.[10(16)] This ruled out any surprises in the election results.[21] Whilst the Council of Guardians claimed not select candidates on their political, social or religious credibility, only 40% of the 400 applicants were declared eligible, only 30-40 of these were supporters of the President and all were men.[10(16)] The conservatives succeeded in winning a majority of the 86 seats.[21]

3.31. State and local elections for municipal and village councils were subsequently held on 26 February 1999 [10(16)] for the first time since the 1979 revolution.[21] The President hoped that these would let the people take more charge of their own affairs. [10(16)] However, the Councils do not appear to have been granted the autonomy or authority that would make them effective or meaningful local institutions. [4(7)] Almost 4000 candidates ran [15(6)] and state radio reported a 65% turnout of voters (about 25 million).[18(2)] Iranian reformers won a landslide victory in the first free elections for Teheran city council, [15(6)] with the leading candidates in many provincial towns being women, independents [18(2)] and young people. [16(5)]

3.32. A desire for a "culture of happiness" seems to have developed in Iran during 1998, manifested dramatically in the welcome home given to the Iranian football squad selected for the World Cup championship. Huge crowds assembled. Whether President Khatami can respond to this mood forcefully with a less restrictive Shiism, without confrontation with the hardliners,



remains to be seen. The fact that half of the current population of Iran were born during or after the revolution may have affect the outcome.[20]

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### **1999 - 2000:**

3.33 In 1999, President Khatami's attempts to introduce reform continued to meet resistance. These tensions have erupted into violence. On 8 July 1999, around 500 moderate students rallied outside Tehran University dormitory complex, to protest the closure of the newspaper Salam and calling for the expansions of press freedoms. The rally ended in clashes with hardline vigilantes of the Ansar-e Hezbollah group. Police, who reportedly stood by during the clashes, raided the dormitories with excessive force.. There were reports that students were thrown from windows. Student leaders were arrested in the early hours of the following day. Students said dozens of their colleagues were injured in the attacks and at least four were killed killed.[4(7), 5(26), 5(30)] The demonstrations and sit-ins continued for six days and spread to other major cities. On 11 July, at least 10,000 students took part in a street protest in Tehran, and were attacked by Ansar-e Hezbollah members armed with clubs. Police in the city centre fired tear gas and shots into the air to disperse the crowd. As many as 1,500 students were detained in the wake of the student protests. [4(7), 5(24),18(3)] The protests were followed by a rally, in support of the Islamic republic, officially organised with the help of Basij.

3.34. The President and other senior figures condemned the dormitory attack. An official investigation into the role of the Law Enforcement Force personnel involved is taking place. Brigadier-General Farhad Nazari, Tehran's police chief, was blamed for the attack and has been sacked. The Supreme National Security Council said that Nazari and several other security officials will be prosecuted.[5(40)]

3.35. The continued ascendancy of the reformist tendency continued. In voting which took place on 18 February 2000 moderate politicians took control of the Iranian Parliament. More than 6,000 candidates stood for only 290 parliamentary seats. Even compared with the 1997 presidential election, the voting turnout was so great that in many parts of Tehran, polling stations were kept open for 4 hours longer in order to accommodate everyone. [5(41)]

3.36. President Khatami's supporters were members of a loose reformist coalition known as the 2<sup>nd</sup> Khordad coalition or the May 23 Front [24(2)] and included the Islamic Iran Participation Front headed by the President's brother Mohammed Reza Khatami. [24(2)]

3.37. Unofficial results on Wednesday 23 February 2000 showed that the former President, Akbar Hashemi Rafsanjani lay in 28<sup>th</sup> position in the 30 seat Tehran constituency. This was fractionally short of the threshold of votes needed for him to be elected in the first round rather than having to go to a humiliating second round of elections. The hard-liners accused the reformists of rigging the result against Mr Rafsanjani whereas the reformists alleged the opposite. Officials said that they were investigating charges of vote rigging especially in the south of Tehran and were recounting about 100 ballot boxes. [5(42), 5(43)]. Mr Rafsanjani won the last of the 30 seats allotted to the Teheran constituency with the bare minimum of 25.8 per cent of the vote. [ 5(44), 25]

3.38. Although voting was generally peaceful, violence broke out in some parts of the country. Police fired at crowds of demonstrators protesting against alleged ballot rigging in 2 towns in southwestern Iran. 8 people, including a young child, were killed and many wounded in Khuzestan province. An angry crowd had set fire to police cars in the town of Shush and attacked banks and public buildings. Police in the town of Shush Danial used tear gas and fired into the air

to quell rioting. In Shadegan, rioting was brought under control after protesters attacked offices and government vehicles. [24(1)]

The election results were: [24(2)]

Reformists	170 seats
"Conservatives"	45 seats
Independents	10 seats
To go to 2 <sup>nd</sup> round of elections in May 2000	65 seats
Total	290 seats

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## IV INSTRUMENTS OF THE STATE

### A. POLITICAL SYSTEM

#### Government and Constitution

4.1. Iran's Constitution was adopted in 1979, and was amended in 1989 to provide for the abolition of the post of Prime Minister and consequent increase in power of the Presidency (see paragraph 3.10). It states that the form of government of Iran is that of an Islamic Republic, and that the spirituality and ethics of Islam are to be the basis for political, social and economic relations. Persians, Turks, Arabs, Balochis, Turkomans and others will enjoy completely equal rights.[1]

4.2. The Constitution provides for a President to act as chief executive. The President is elected by universal adult suffrage for a term of 4 years. President Khatami was elected to his post in May 1997, after ex-President Rafsanjani completed the maximum permitted two terms. Legislative power is vested in the Islamic Consultative Assembly (**Majlis**) with 290 members (increased from 270 members) [5(41)], 4(7)] who are similarly elected for a four-year term. Provision is made for the representation of Zoroastrians, Jews and Christians. A 12 member Council of Guardians was established in 1980 and supervises elections and ensures that legislation is in accordance with the Constitution and Islamic precepts.[1] 6 clerical members are appointed by the Supreme Leader, with 6 lay jurists appointed by the head of the judiciary and approved by the Majlis.[4(6)] The Council of Guardians has been criticised for allegedly using its power of veto to exclude candidates on the basis of discriminatory and arbitrary criteria.[8(1)]

4.3. The executive, legislative and judicial wings of state power are subject to the authority of the **Wali Faqih** (supreme religious/spiritual leader) who, in the absence of the Imam Mehdi (the hidden Twelfth Imam), carries the burden of leadership. All legislation passed by the Majlis must be sent to the Council for the Protection of the Constitution, which will ensure that it is in

accordance with the Constitution and Islamic legislation. The Council for the Protection of the Constitution consists of six religious lawyers appointed by the Walih Faqih and six lawyers appointed by the High Council of the Judiciary and approved by the Majlis.[1]

4.4. On 29 November 1997 President Khatami ordered the establishment of the "Committee for Inspection and Supervision on the Implementation of the Constitution". The aim was to regulate policy, give preference to articles relating to the individual and social rights, and improve communication of the legal rights of the individual. The text of the order, forwarded to the UNHCR in September 1998, depicts the strong mandate of the Committee as one which could go a long way towards resolving many of the existing discrepancies between the Constitution and actual laws and practices within Iran.[10(16)]

## Political parties

4.5. The **Islamic Republican Party (IRP)** was founded in 1978 to bring about the Islamic Revolution under Ayatollah Khomeini. After the Revolution the IRP became the ruling party in what was effectively a one-party state. In June 1987 Ayatollah Khomeini officially disbanded the IRP at the request of party leaders, who said that it had achieved its purpose and might only 'provide an excuse for discord and factionalism' if it were not dissolved. A list of political organisations is at Annex C. Of those listed, only the **Nehzat-Azadi (Liberation Movement of Iran)** has been afforded a degree of official recognition and been allowed to participate in elections. (Also see paragraphs 4.35-4.44 on 'Political Dissent'.)

4.6. However, during 1998 several new political parties which applied for registration were established. [4(6)] In May 1998 a licence was granted to the "Servants of Construction", a party including leading members Kharbaschi (former mayor of Teheran), Minister Mojaherani, Abdullah Nouri and Rafsanjani's daughter Faezeh Hashemi.[21] On 7 July 1998 the **Solidarity Party of Islamic Iran** was officially recognised as a new political party. It was set up by a group of Majlis deputies and executive officials. The party stated that it had been formed "to create a healthy political climate", reinforcing society's needs for new political parties and groupings. The party was registered and its manifesto and constitution approved by the Interior Ministry.[5(1),6(3)]

4.7. The same month, four further political associations were given "activity" permits: the "Society of Kermanshahi Students and Alumni", the "Yazd Almohsenin Society", the "Islamic Centre of Teachers of the Town of Borujen" and the "Association of Industrial and Economic Specialists and Managers. This was with the agreement of the Majlis and the Ministry of the Interior,[5(7)] setting the pattern for political parties seeking to establish themselves. In October 1998 a few Members of Parliament set up an "Islamic Worker's Party" and in December 1998 two brothers of President Khatami founded the "Islamic Partnership Front". [21] Masumeh Ebtekhari and four ministers founded the "Islamic Iran Participation Front" the same month. [17(5)] By the end of 1998, 50 political groups were licensed, although not all are active due to financial and other reasons.[10(16)]

4.8. Of the unregistered parties within Iran, some such as the "Iran Nation Party" have been tolerated. However, in November 1998 the leader of that party, Dariush Forouhar, and his wife Parvaneh Forouhar were murdered by unknown assailants. Nine such activists have reportedly been killed in the last decade. President Khatami and the head of the judiciary have called for the immediate identification of the perpetrators, but to date none of the perpetrators have been brought to justice. [ 4(7), 10(16)] Furthermore, three senior members of INP were arrested at the outbreak of the street riots in July 1999, accused of provoking riots and using anti-Islamic

slogans.[5(32)]

4.9. Prominent political dissidents who disappeared in 1998 were Pirouz Davani in August and Javad Sharif in November. A spate of disappearances in late 1998 also included prominent writers and intellectuals, with Mohammad Mokhtari and Mohammad Jafar Pouyandeh later found dead. Several senior figures of the leadership blamed the disappearances and murders on "foreign hands," it was revealed that active-duty agents of the Ministry of Intelligence had carried out the killings. Minister of Intelligence Qorban Ali Dori-Najafabadi and several of his senior deputies resigned their posts following these revelations. In June 1999 the Military Prosecutor's Office released an initial report on the investigation, identifying a cell from within the Ministry of Intelligence led by four "main agents" as responsible for the murders. The leader among the agents reportedly was a former Deputy Minister of Intelligence, Saeed Emami, who, the government stated, had committed suicide in prison by drinking a toxic hair removal solution several days prior to release of the report. The report also indicated that 23 persons had been arrested in association with the murders and that a further 33 were summoned for interrogation. The Government released no names beyond the four main suspects and none of the suspects that it claimed to have arrested had faced trial for their alleged involvement by the end of 1999. [4(7)]

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## **B. JUDICIARY**

4.10. The traditional court system is not independent and is subject to government and religious influence.[4(7)] There are several different court systems. The two most active are the traditional courts, which adjudicate civil and criminal offenses, and the Islamic Revolutionary Courts, established in 1979 to try political offences, narcotics crimes "crimes against God", economic crimes such as hoarding and overpricing and official corruption. Defendants have the right to a public trial, may choose their own lawyer, and have the right of appeal [4(7)]. Trials are adjudicated by panels of judges, advised by the government to base their decisions on Islamic law.[4(6)] The Revolutionary Courts may consider cases that are normally in the jurisdiction of the civil and criminal courts, and may also overturn their decisions.[4(1)]

4.11. In August 1999, Ayatollah Khamenei replaced the head of judiciary. Former head, Ayatollah Mohammad Yazdi, was a staunch conservative and critic of Khatami's reforms. Pro-reformers welcomed his replacement by Ayatollah Mahmoud Hashemi.[5(37)]

4.12. Trials in the Revolutionary Courts, where crimes against national security and other principal offenses are heard, are notorious for their disregard of international standards of fairness. Revolutionary Court judges act as prosecutor and judge in the same case, and judges are chosen for their ideological commitment to the system. Pretrial detention often is prolonged and defendants lack access to attorneys. Indictments often lack clarity and include undefined offenses such as "antirevolutionary behavior," "moral corruption," and "siding with global arrogance." Defendants do not have the right to confront their accusers. Secret or summary trials of 5 minutes are not unknown. Others are show trials that are intended merely to emphasize a coerced public confession. In 1992 the Lawyers Committee for Human Rights concluded that "the chronic abuses associated with the Islamic Revolutionary Courts are so numerous and so entrenched as to be beyond reform." The Government has undertaken no major reform of the Revolutionary Court system since that report. The Lawyers Committee for Human Rights then

concluded that these courts were associated with abuses.[4(6), 4(7)]

4.13 The legitimacy of the Special Clerical Court (SCC) system was a subject of wide debate throughout the year. The clerical courts, which were established in 1987 to investigate offenses and crimes that are committed by clerics, are overseen directly by the Supreme Leader, are not provided for in the Constitution, and operate outside the domain of the judiciary. In particular critics alleged that the clerical courts were used to prosecute certain clerics for expressing controversial ideas and for participating in activities outside the area of religion, including journalism. In November 1999, former Interior Minister and Vice President Abdollah Nouri was sentenced by a branch of the SCC to a 5-year prison term for allegedly publishing "anti-Islamic articles, insulting government officials, promoting friendly relations with the United States," and providing illegal publicity to dissident cleric Ayatollah Hossein Ali Montazeri in the pages of Khordad, a newspaper that was established by Nouri in late 1998 and closed at the time of his arrest. Nouri used the public trial to attack the legitimacy of the SCC.

4.14 In April a branch of the SCC convicted Hojjatoleslam Mohsen Kadivar, a Shi'a cleric and popular seminary lecturer, to 18 months in prison for "dissemination of lies and confusing public opinion" in a series of broadcast interviews and newspaper articles. Kadivar advocated political reform and greater intellectual freedom and criticized the misuse of religion to maintain power. In an interview published in a newspaper, Kadivar criticized certain government officials for turning criticism against them into alleged crimes against the State. He also observed that such leaders "mistake themselves with Islam, with national interests, or with the interests of the system, and in this way believe that they should be immune from criticism." He also allegedly criticized former Supreme Leader Ayatollah Khomeini and demonstrated support for dissident cleric Ayatollah Montazeri. Kadivar's trial was not open to the public.

4.15 In July the SCC banned the daily newspaper Salaam and indicted its publisher, Mohammad Mousavi Khoeniha, a cleric, on charges of "violating Islamic principles," "endangering national security," and "disturbing public opinion." The charges involved the publication by Salaam of documents related to the unsolved murders of dissident intellectuals in late 1998, which indicated a possible connection to senior officials in the plotting of the murders [4(7)] The Court ruled that due to his "pre-and post-revolutionary background" Khoeniha would not have to serve jail terms, but ordered him to pay a fine of 23 million rials instead. Khoeniha was suspended from taking any responsibility as managing director of a press publication for a period of 3 years. Salaam was banned for a period of 5 years. [5(46)]

4.16. The Supreme Court, which has 16 branches, revoked all laws dating from the previous regime which did not conform with Islam.[1] It has limited authority to review cases.[4(6)] In October 1982 all courts set up prior to the Islamic Revolution were abolished. In June 1987 Ayatollah Khomeini ordered the creation of clerical courts to try members of the clergy opposed to government policy. A new system of **qisas** (retribution) was established, placing the emphasis on speedy justice. Islamic codes of correction were introduced in 1983, including the dismembering of a hand for theft, flogging for fornication and violations of the strict code of dress for women, and stoning for adultery. [1]

4.17. Since May 1994, judges have been responsible for prosecution in public and revolutionary courts.[9(1)] Amnesty International has reported that trial hearings are often heard in camera and that political detainees have been denied access to legal counsel during judicial proceedings, despite official assurances to the contrary.[9(1),4(2),9(2)] Political trials which take place within prisons are sometimes conducted secretly. Where trials and summary proceedings of political prisoners deny the detainee access to legal counsel, they breach Iran's Constitution and also Article 14(D) of the ICCPR, to which Iran is a signatory.[9(3)] Summary trials of five minutes, and show trials intended to highlight a coerced public confession, are reportedly not

uncommon.[9(1),4(2)] Amnesty International cite female detainees in Iran having described the use of ill-treatment and torture to obtain forced confessions.[9(3)]

4.18. During 1996, at least 110 people, including political prisoners, were executed.[9(1),4(2)] 200 public executions were reported by the state media in 1997.[10(1)] (Also see paragraphs 5.9-5.20.) Hangings within prisons such as Qasr of men detained for several years on charges of espionage during the Iran-Iraq war, took place in early 1997.[9(2)]

4.19. Although the Constitution prohibits arbitrary arrest and detention, there is reportedly no legal time limit on incommunicado detention, nor any judicial means to determine the legality of detention. Suspects may be held for questioning in jails or in local Revolutionary Guards offices.[4(2)]

4.20The President of the Central Bar Association in Iran has described the shortage of lawyers as a potential stumbling block if lawyers are to play their role in fulfilling President Khatami's vision of a civil society. However, in 1998 the Association admitted 800 new candidates to its Bar admission course; it has established a Legal Assistance Department to make legal advice and the services of a lawyer more accessible, including to groups such as Baha'is; and a disciplinary court for lawyers within the Bar Association has been active since 1997 and deals with complaints made against lawyers perceived as not having diligently represented their client's interests. The Bar Association published an open letter in August 1998 which set out the shortcomings of the present court system and lawyers and legal officials are beginning to speak out individually on changes needed. The changes are likely to impact on the future effectiveness of the role of lawyers as advocates for human rights.[10(16)]

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## C. SECURITY FORCES

4.21. The Constitution says that reputation, life, property and dwellings are protected from trespass except as "provided by law". This enables security forces to enter homes and offices, monitor telephone conversations and open mail without court authorisation.[4(6)]

4.22. There is shared responsibility for internal security. Agencies involved include the Ministry of Intelligence and Security, the Ministry of Interior and the Revolutionary Guards.[4(6)]

4.23. The **Pasdaran-e Inqilab**, or **Revolutionary Guards**, was created by the revolutionary regime suspicious of the regular military. Its ground forces are said to number 100,000. They operate as the principal arm of domestic security, although they now have to apply for a search warrant before they can raid a private home. In August 1994 some Pasdaran units refused to intervene in riots in the city of Ghazvin. A Pasdaran commander was among four senior army officers who are said to have sent a letter to the country's political leadership, warning the clerical rulers against "using the armed forces to crush civilian unrest and internal conflicts." Nevertheless, the Pasdaran are reported to be continuing to disperse unauthorised gatherings by using violence.[9(1)]

4.24. In April 1998 the head of the Revolutionary Guards Corps made clear the fact that they would repress efforts to achieve reform by persons perceived to be "counter-revolutionaries".[8(4)]

4.25. The **Basij**, or **Baseej** (paramilitary volunteer forces), come under the control of the Revolutionary Guards.[3(1),4(6)] They are active in monitoring the activities of citizens, enforcing the hijab and arresting women for violating the dress code, and seizing 'indecent' material and satellite dish antennae. . In May 1999 the Minister of Islamic Culture and Guidance



stated in public remarks that the Government might support an easing of the satellite ban. However, Supreme Leader Khamenei, who makes the ultimate determination on issues that involve radio and television broadcasting, quickly criticized any potential change as amounting to "surrender" to Western culture, effectively ending any further debate of the idea.[4(7)] The "Special Basijis" are not permitted to participate in political parties or groups, although other members of the Basij can belong to political associations if they are not on a Basij mission and do not use the name or resources of the Basij for the association. Basijis can participate in specialist or trade associations.

4.26. The **Armed Forces** number about 513,000, of which around 250,000 are conscripts (see paragraphs 4.33-4.34 on 'Military Service'). The military is entrusted by the Constitution with the task of protecting the independence, territorial integrity and system of government of the Islamic Republic.[3(1)]

4.27. **Ashura Brigades** were reportedly created in 1993 after anti-government riots erupted in various Iranian cities. It consists of 17,000 Islamic militia men and women, and are composed of elements of the Revolutionary Guards and the Baseej volunteer militia.[3(1)]

4.28. **Hezbollahi** ("partisans of God") consist of religious zealots who consider themselves as preservers of the Revolution. They have been active in harassing government critics and intellectuals, have firebombed bookstores and disrupted meetings. They are said to gather at the invitation of the state-affiliated media and generally act without meaningful police restraint or fear of persecution.[2(3),3(1)]

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## **D. OTHER ISSUES:**

### **(i) Employment, Economic and Social Welfare**

4.29. Unemployment was an issue discussed in closed, unofficial sessions by the Majlis in 1998. The Majlis and the Government aimed to address the problem together with ways of creating employment and managing investment. The private sector is to be involved in future sessions. The Majlis estimated that between 1986 and 1996 over 8,300,000 joined the employment age group of 15 to 64 years in Iran, whilst only 3,600,000 jobs were created. Notwithstanding this, the unemployment rate fell from 14.8% to 9.1%, and the population growth rate fell correspondingly from 3.2% to 1.7%. [5(8)] However, 800,000 citizens are added to the labour market each year, [21] and whilst 9% unemployment is the official statistical guideline, unofficial estimates of 20% [21] or 25% may be more realistic. [4(6)] The Majlis estimated that the average economic growth rate must reach 6.7% (it was at 1% in July 1998) to maintain the employment level. [5(8)] Inflation in 1998 was an estimated 25%. [4(6)]

4.30. The capacity of the country's mining and industrial sectors to create employment was also discussed. Ongoing projects in the industrial sector would create 51,000 new jobs each year if completed, but have been delayed due to a shortage of rials and foreign currency. Concern about the recession among the Majlis has led to calls for reform of the law on taxation and employment. [5(9)] The Iranian economy, largely dependent on developments in the oil market, suffered by the average price of a barrel of Iranian oil dropping from US\$ 16 in 1997 to US\$ 9 by mid-1998. [21] The 1999 Budget was submitted to the Majlis by President Khatami in November 1998. [17(6)]

4.31 In March 1998 the National Iranian Oil Company announced at a gas and oil conference in the UAE that Iran intended to open up almost all aspects of oil and gas development to foreign investors. At the same time, US officials were considering whether investment schemes by the French, Russian and Malaysians in Iran complied with current sanctions legislation.[17(4)]

4.32. A private members bill to make the administrative and technical affairs of the medical institutions in Iran consistent with the principles of holy Shari'ah has been approved. The bill applies to all state and private medically-related institutions set up with the permission of the Ministry of Health. [5((10)]

## **(ii) Education**

4.33. In 1991 primary enrolment in schools included 97% of children aged between 6 and 11 years (100% of boys, 93% of girls). In 1994 the total enrolment at primary and secondary schools combined amounted to 84% of the school-age population (89% boys, 78% girls). In 1996/7 the illiteracy rate within the population over the age of 6 years was 20.5%. [1]

4.34. Expenditure on education by the government represented 13.1% of total spending in 1994/5. Post- revolutionary policy has been to eliminate mixed-sex schools and to reduce instruction in the arts subjects. Greater emphasis is now placed on agricultural and vocational studies in higher education. [1]

4.35. Applicants to universities are assessed for their support of government ideology and the Islamic system. Prospective university professors are required to co-operate with government authorities over a number of years before they are appointed. [4(6)]

4.36. Ministers of higher education, together with those responsible for communication, agreed the design, construction and launch in the next three years of a research satellite, "Mesbah". [5(11)]

## **(iii) Military Service**

4.37. Iranian men become eligible for conscription for a two year period on their 18th birthday. Permanent military exemptions may be government-granted, purchased or medically certified. There are a number of conditions for exemption, relating to age, disability, education and date of departure from Iran. The disabled, sole family guardians and support, and only sons, are exempted without cost. Men who left Iran after 1990 may purchase exemption for \$1,000-3,000. Those with PhDs or BAs who left Iran before March 1990 may pay up to \$16,600. Men who are continuing graduate studies abroad who pay their own expenses will be granted a full exemption. Those who qualify are able to return to Iran periodically throughout their studies. Men born after 1958 who have degrees in fields deemed essential by the state, such as medicine, pharmacy, and dentistry, are not eligible for exemption. [2(3)]

4.38. The penalty for draft avoidance in peacetime is an extra 6 months-2 years service, and in wartime up to 10 years extra service or punishment at the discretion of the convicting judge. [2(3)] However, new provisions on buying exemption from military service and dealing with desertion cases are said to have been enacted recently, extending previous practices. Time still to be served and prison sentences imposed for desertion may now be bought off. Also, in October 1998 the Iranian army's Chief of Staff announced that the length of compulsory military service is to be reduced over the next four years from 24 to 21 months. [21]

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## **(iv) Political Dissent**



4.39. The Constitution provides for the establishment of political parties and professional associations as long as they do not violate the principles of "freedom, sovereignty and national unity" or question Islam or the Islamic Republic.[4(6)]

4.40. Open opposition to the Iranian Constitution's principles of Islamic clerical supremacy is not tolerated. Most independent organisations have either been banned, co-opted by the regime, or are moribund. The regime follows closely the activities of prominent political opposition figures abroad, attempts to disrupt their activities, and occasionally carries out political assassinations of such leaders. Inside Iran, militant political opponents are either executed or given long prison terms, particularly members of the Mojahedin-e Khalq (MEK).[4(3)] A list of political organisations, including those operating abroad, is at Annex C.

4.41. There have been reports that many of those executed for alleged criminal offences, primarily narcotics charges, were actually political dissidents. Furthermore, a law passed in November 1995 criminalised dissent and applied sentences of imprisonment, or in extreme cases the death penalty, to offences such as "attempts against the security of the State", including imprisonment terms of between three to ten years for assassination attempts against the Leader of the Islamic Republic or the chiefs of the three branches of state power or supreme religious authorities (Marja'e Taqlid). Insults against high-ranking Iranian officials, against the memory of Imam Khomeini, and against the Leader of the Islamic Republic, carry the threat of execution if they fall under the "Sab-Onnabi" (blasphemy) category, or sentences to an imprisonment term between six months and five years.[4(1),12] Reliable statistics are not available, but observers believe that scores of hundreds of Iranians are currently imprisoned for their political beliefs.[4(2)] (See paragraphs 4.13-4.16.)

4.42. Activities of opposition groups such as Tudeh, Iran Paad, Komala, and Fedayeen have not been evident in Iran in 1998.[21]

4.43 In December 1999 authorities rearrested former Deputy Prime Minister and longtime political dissident Abbas Amir-Entezam after an interview with him was published in an Iranian newspaper. Amir-Entezam has spent much of the past 20 years in and out of prison since being arrested on charges of collaboration with the United States following the seizure of the U.S. embassy in Tehran by revolutionary militants in 1979. In his original trial, Amir-Entezam was denied defense counsel and access to the allegedly incriminating evidence that was used against him gathered from the overtaken U.S. Embassy. Since then he has appealed for a fair and public trial, which has been denied him. He has been a frequent victim of torture in prison; he suffered a ruptured eardrum due to repeated beatings, and kidney failure resulting from denial of access to toilet facilities, and an untreated prostate condition. He reports having been taken on numerous occasions before a firing squad, told to prepare for death, only to be allowed to live.

#### Mojahedin-e Khalq (MEK or MKO)

4.44. The Mojahedin organisation is one of the most active militant Iranian opposition groupings with a world-wide network of members and supporters. Its ideology, based on Islam, emphasises the necessity of social change and incorporates many Marxist ideas. It advocates a two-pronged strategy of armed struggle and the use of propaganda to achieve its political objectives. During the 1970s, the MEK was at the forefront of opposition to the Shah. During the early phase of the Islamic revolution they were uneasy allies with the clergy, were responsible for several assassinations and supported the takeover of the US Embassy and the holding of American hostages. However, the clergy's drive to consolidate power led to a final break in 1981. Since 1986, when the French government closed down its headquarters in Paris, the Mojahedin, under

its leader **Masud Rajavi**, has been based in Iraq and has branches in Europe and North America. In 1987, MEK's leader **Masud Rajavi** announced the formation of the National Liberation Army, which conducted raids into Iran during the Iran-Iraq war. The Mojahedin have been responsible for acts of sabotage, violent attacks that victimise civilians, and violence against Iranian government targets in the West.[2(1),4(3),4(4)]

4.45. Popular support for the Mojahedin has declined in Iran, and Iraq's support of it has fluctuated with the level of hostility between the two regimes. The Iranian regime's treatment of the Mojahedin opposition has been extremely severe, with reports of large numbers of executions and torture. Known or suspected members of MEK face either execution or long prison terms if caught in Iran.[4(3)] The organisation claimed responsibility for 2 attacks in June 1998 ,including one a revolutionary court where three people died as a result. In August 1998 the MEK took responsibility for an attack on the former head of Evin Prison. Iran sporadically launches attacks in MEK bases in central Iraq.[21]

#### Rastakhiz Party and Monarchists

4.46. The Rastakhiz Party was established by the Shah in 1975 to run a one-party state and membership was viewed as a civic duty. All officials of the government, even those at the middle and lower levels of the bureaucracy were almost automatically made members of the party because of their government employment status. Iranians, particularly those in the professions or in business, regardless of their political views, usually joined to enhance their professional or business prospects. The Islamic regime has not in the past nor does it now act against Iranians simply because they or their relatives were members of the Rastakhiz Party.[4(3)]

4.47. There is no evidence of any pattern of action by the regime today against Iranians simply because at one time they were middle-level or low ranking functionaries of the Shah's bureaucracy.[4(4)]

#### SAVAK

4.48. The Islamic regime was especially harsh against very high officials of SAVAK, the Shah's security organisation, following the fall of the Shah. During the first months of the Revolution, high level SAVAK officials were either executed or given very long prison sentences. Many SAVAK employees - particularly those known or suspected of having an active role in repressing Muslim clergymen and secular opponents of the Shah - were punished severely. However, a number of highly trained SAVAK employees have become part of the new security apparatus set up to replace SAVAK. In general, most low level SAVAK functionaries who found themselves detained for a short time during the initial stages of the Revolution were simply dismissed.[4(3)]

#### Kurdish Democratic Party of Iran

4.49. The Kurdish Democratic Party of Iran (KDPI) was originally formed as an illegal organisation after World War II during the Shah's reign, to seek cultural and local autonomy. The regime deals harshly with its leaders and their militant supporters. There are reports of extrajudicial killings and questionable detentions of Kurdish militant activists.[4b,4c] In November 1998 a former member of the KDPI was sentenced to death following his forcible return to Iran from Turkey.[9(11)]

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## **V HUMAN RIGHTS: GENERAL**

### **A. INTERNATIONAL OBLIGATIONS**

5.1. The Secretary-General to the United Nations, Kofi Annan, defined human rights obligations in Iran when he spoke at the University of Teheran on 10 December 1997. He said that:

"Human rights are what make us human. They are the principles by which we create the sacred home for human dignity... Human rights are the expression of those traditions of tolerance in all cultures that are the basis of peace and progress. Human rights, properly understood and justly interpreted, are foreign to no culture and native to all nations." [10(2)]

5.2. Iran is a signatory to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights (ICCPR), the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the International Convention on the Elimination of All Forms of Racial Discrimination, and five other international instruments. It is not a signatory to the Convention on the Elimination of All Forms of Discrimination against Women or the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[10(3)] Neither is it a signatory to the optional Protocols to the ICCPR (including that aimed to abolish the death penalty).[9(3)]

5.3. In 1996 the government established a human rights committee in the Majlis and a human rights commission in the judiciary, but observers believe that they lack independence. Also in 1996 the government allowed the first visit in 5 years of the UN Human Rights Commission Special Rapporteur. The UN Special Rapporteur and Human Rights Watch reported that the government was generally cooperative during their visits. However, the government continues to deny the universality of human rights and attempts to discredit critics. The UN Special Rapporteur for Religious Freedom and the UN Special Rapporteur for the Freedom of Expression also travelled to Iran in 1996.[4(1),4(2)] While the UN Special Representative on Iran has not visited Iran since 1996, an invitation to visit the UN Working Group on Enforced or Involuntary Disappearances has been issued by the Government of Iran.[10(16)]

### **B. HUMAN RIGHTS GENERAL ASSESSMENT AND ACTUAL PRACTICE**

5.4. The Iranian government's human rights record is poor. There are improvements in a few areas, but problems remain.[4(6)] Human rights abuses are not being comprehensively addressed. The government has sought to conform public policy to its political and socio-religious values, although serious differences exist within the leadership and within the clergy. Ayatollah Khamenei, who supported President Khatami's opponent in the Presidential elections, remains Supreme Leader and the clergy's grip on the regime continues. The government has maintained power through repression and intimidation. [4(2),9(4)]

5.5. Procedures governing arrest, detention and trial are rarely made public.[4(2),9(4)] Reports of systematic human rights abuses include extrajudicial killings and summary executions; disappearances; widespread use of torture and other degrading treatment; harsh prison conditions; arbitrary arrest and detention; lack of due process; unfair trials; infringement on citizens' privacy; and restrictions on freedom of speech, assembly, association, religion and movement.[4(6)] An example of alleged human rights abuses is that of the ill-treatment of a

magazine editor released in May 1998, said to have included mock-execution.[8d] Following a prison inspection by President Khatami in 1997, the new Director-General for prisons, Morteza Bakhtiari, told the UN Special Representative that the prison system is being reorganised, including the elimination of illegal detention centres.[21]

5.6. Brigadier General Ghamreza Naqdi, head of intelligence and security for the national police, was tried in 1999. He was accused of torturing detainees, following complaints brought by 312 Tehran district mayors and municipal officials, who were detained with Karbaschi in 1998 (see paragraphs 7.23-7.24).[5(20)] He was acquitted of torture but sentenced to 8 months in jail on lesser charges including slander. Two other defendants were sentenced to up to five months in jail for keeping city officials in solitary confinement, preventing them from exercising in fresh air and ordering their hair shaved off;[5(27)]

5.7. Several Iranian dissidents who have fled abroad have been tracked down and killed by Iranian government agents.[4(2),9(4)] Human rights are still being violated [10(2)] and in some areas the situation is thought to have deteriorated.[10(1)] The Khatami government, however, is putting emphasis on the rule of law, and have condemned all forms of terrorism, although Khatami considers that support for people who fight for the liberation of their land is not support for terrorism. [4(2),9(2),5(12)]

5.8. This said, the prospect of improvement of the human rights situation in Iran has grown stronger since Khatami was elected and Iran appears to be in the early stages of transition.[10(2)] President Khatami's plans for a tolerant and diverse society continue to unfold.[10q] Areas of acceptable public debate have broadened and the overwhelming mandate given to the Khatami government by the electorate in 1997 supported the objective of a civil society that respects the rule of law and personal freedoms.[10(2)] Progress is being made, particularly in the area of freedom of expression, but it faces considerable opposition.[10(16)] This includes factional struggle and occasional violent tactics from hard-line elements opposed to change,[4(6)] within the security forces such as the Revolutionary Guards Corps as well as outside.[8(4)] (see paragraph 4.19-4.20)

5.9. The national human rights institution which aims to develop and protect human rights in Iran is the Islamic Human Rights Commission (IHRC).The UN Commission on Human Rights recognises that the IHRC should aim to work within the 1993 Paris Principles, which establish benchmarks for the competence of such national institutions as well as their composition of members and operational and other working methods. This is particularly important given the resistance to government objectives from some powerful quarters in Iran.[10(2)]

5.10. Since late 1997 the Special and Permanent Representative of Iran to the UN in Geneva has appealed to the Iranian government to ensure that the internationally recognised safeguards on human rights are adhered to. In particular, that the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR, ratified by Iran in 1996) and the Declaration on the Protection of all Persons from being subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (adopted by the UN General Assembly in 1975) be applied.[10(2)] Mr Kharazi, the Iranian Foreign Minister, has invited comments and dialogue with the UN High Commissioner for Human Rights and other participating states, but has not committed to any revision of the UDHR which includes Iran.[10(4)]

5.11. The state media in Iran reported 200 public executions in 1997 (double the number in 1996), 138 of which came during Khatami's tenure.[10(1)] Many of these executions were said to be attributable to drugs convictions.[4(6)] The number of secret executions is not known but may be higher.[10(1)] In 1998 the continuing numbers of executions were noted, [10(5)] with at

least 155 executions reported in the press by mid-December. 60 of these were said to have taken place in public. Again, it is widely believed that additional executions took place but that information about them failed to reach the press.[10(16)]

5.12. The death penalty has been imposed for crimes other than of a most serious nature.[10(6)] In January 1998, a German businessman was condemned to death by stoning for having intercourse with an Muslim woman.[16(1)] A Mehrabad Court of Appeal upheld the death sentence in October 1998.[5(4)] By February 1999 the case had been returned to the Teheran justice department for further review. [5(17)] In another case, businessman Hossein Dowlatkhah was executed by hanging at the end of 1998. He had been sentenced to death 5 months earlier on charges of corruption and embezzlement [9(13)] as well as sentenced to be flogged for organising parties where drugs were present.[9(9)]

5.13. The death penalty has also been imposed for minors.[9(8),10(6)] Since 1990 at least four juvenile offenders are known to have been executed. Iran ratified the Convention on the Rights of the Child in 1994 and it remains unclear as to whether juveniles sentenced to death prior to that have subsequently been put to death.[10(7)] Two 16 year-olds were sentenced to flogging and execution for murder in early 1997. It is not yet known whether they have been executed, although under the system of forgiveness in such cases they could escape the death penalty if forgiven by the parents of the victims.[9(5)]

5.14. The absence of procedural safeguards in trials before the the death penalty is imposed by the Islamic Revolutionary Courts continues to be noted by UN representatives such as the Special Representative on Human Rights in Iran and independant human rights organisations. [4(6),8(5),10(6)] Special legal procedures or courts bypass the ordinary process of law.[9(3)] The exceptional laws used are of the sort permitted by international law only in extreme circumstances and for limited periods.[8(5)] The breaching of the right to a fair trial and of international norms relating to the death penalty is at odds with the rights protected under the ICCPR.[10(6)]

5.15. A November 1995 law criminalized dissent and applied the death penalty to offences such as attempts against the security of the State "outrage" against high-ranking Iranian officials.[4(6)] The Chastisement and Preventative Punishment Law (the Ta'zirat) was incorporated into Iranian Islamic punishment legislation in July 1996.[9(2),10(8)] The Law indicates a range of applicable punishments for types of offences. For example, two to ten years imprisonment for a person found to have formed a political organisation deemed to be destroying the security of the country, although the definition of what destroys the national security is not made clear. Similarly, punishments of imprisonment, lashes or fines can be imposed for insults against Iranian leaders or government representatives, but effectively serve to limit freedom of speech as the Law does not define the term "insult".[10(8)]

5.16. The Ta'zirat dictates that absolute authority be exercised over the populace. The degree of adherence to the proposed punishments within does vary, but continued stonings and executions have brought international calls for greater reform.[10(8)] Whilst President Khatami advocated allowing criticism of the Government on several occasions in 1998, no official protection was offered to critics. In mid-1998 four men were executed in Ahvaz, south Iran, for offences which included insulting Supreme Leader Khomeini.[4(6)]

5.17. Four types of proof exist within the Iranian legal system. The application of confession, testimony, oath and "the knowledge of the judge" remains unclear to those outside the Iranian judiciary. There is a marked concern that confessions are often gained by coercion and that the "testimony of righteous men" excludes women and members of religious minorities.[10(9)]

5.18. The Iranian authorities have said that many of the executions conducted in Iran relate to drug trafficking offences, but no corroborative statistics or information on the protection of human rights policies in dealing with such offenders is available. Numbers of stonings and deaths as a consequence are unclear, though most take place in the larger cities such as Teheran, Hamedan, Isfahan and Kermanshah. All are endorsed by the Supreme Court [10(2)], including stoning of women found guilty of sexual relations outside marriage or who contravene the Islamic dress code.[10(10)]

5.19. However, the Iranian Foreign Ministry states that whilst execution is in Islamic law and cannot be overturned, the government is looking to alternative forms of punishment to stoning.[10(2)] In November 1997 an individual stoned to near death three months earlier was released after widespread international condemnation of the punishment.[4(6)] Western human rights groups recognised that no (public) stonings were carried out in 1998 [10(2)] until a non-fatal stoning took place in Lahijan in late November.[10(16)] The subject was acquitted after he managed to free himself as the sentence was being carried out.[15(9)]

5.20. Amputation is still used as a punishment, although the practice has been widely regarded as contravening Article 7 of the ICCPR. In September 1997 three Iranians had hands or fingers amputated for theft and forgery offences.[10(2)]

5.21. Arbitrary arrest and detention has been a feature within Iranian society. In 1997 large numbers of people arrested for suspected espionage or other political activity remained in detention without charge or trial, said to have been denied access to a lawyer of their choice or any other legal counsel. [8(2)] Senior Shi'a religious leaders and their followers have also been arrested and detained over recent years, some of whom are still detained or under house arrest (see paragraphs 6.50-6.52 on Religious Dissidents). However, in March 1997 the decree to prohibit pre-trial detention of suspects, particularly the young, elderly, female or unwell, was issued by the Chief Justice (Ayatollah Mohammed Yazdi).[3(2)]

5.22. President Khatami failed to meet Ms Mary Robinson, the United Nations High Commissioner for Human Rights, when she was to have discussed the human rights situation with him in Teheran in early 1998. This followed the condemnation of human rights violations in Iran by the UN General Assembly in December 1997, which was also recognised in the European Parliament in February 1998.[10(1)] The US State Department Report of 1998 notes that the authorities in Iran restrict the work of local human rights groups. However, whilst international non-government organisations such as Human Rights Watch and Amnesty International are not permitted to establish offices in Iran or to conduct regular investigative visits there,[4(6)] the government is providing other financial and organisational support for NGO's in Iran.[21]

5.23. In April 1998 the UN Commission on Human Rights welcomed the moves by the Iranian authorities to enable greater freedom of expression, particularly in the media and cultural fields, and in the willingness to allow more public demonstrations. It also recognised the expectation of the Iranian public for tangible progress with human rights and freedom of individuals, and the need to clamp down on extrajudicial groups who attempt to curtail all these areas of concern. The Commission is continuing to look at the human rights situation and in particular that of women, the minority religious groups such as the Baha'is and Christians, and the harassment of journalists, writers and dissidents.[10(11)]

5.24. Since April, Iran's foreign ministry has declared that the fatwa, or religious decree, issued in 1989 by Ayatollah Khomeini against Salman Rushdie is irrevocable, although the Deputy Foreign Minister, Mohammed Javad Zarif, has advised the United Nations Human Rights Commissioner that Iran "did not support in any way" the application of the

fatwa.[14(3),15(3),16(3)] (see paragraphs 6.61-6.63 on Exiles/Dissidents)

5.25. In July 1998 Ayatollah Khamenei issued an amnesty for 1041 prisoners who had been sentenced by the revolutionary and public courts. This was reportedly on the recommendation of the Chief Justice.[3(2)] About 150,000 are still imprisoned, about 65% of whom have been convicted of drug-related offences.[21] Human rights monitors allege that many of those executed for criminal offences, primarily narcotics charges, are actually political dissidents. The Iranian authorities do not permit visits to imprisoned dissidents from human rights monitors.[4(6)] By the end of 1999 the Head of the Judiciary has said that 25% of prisoners will be released, as long as those with personal plaintiffs have the complaints lodged against them withdrawn.[5(16)]

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## **VI HUMAN RIGHTS : SPECIFIC GROUPS**

### **(i) Women**

6.1. Both the Constitution and international conventions adopted by Iran grant men and women equal rights. This conforms with Islamic criteria. Further, Article 21 of the Constitution stipulates that the government shall guarantee women's rights in all respects and create a favourable atmosphere for restoring their material and spiritual rights.[3(2)]

6.2. This is not to say that women do not face social and legal discrimination.[4(6)] The view of women in a primarily familial context and motherhood role continues to be encouraged. Women may work or study,[3(4)] although some areas of study are closed to women, female students are segregated from male teachers, and social constraints inhibit their opportunities.[2(5),13] This said, the literacy level is more than 80% among Iranian women [14(2)] and may be above 90%.[10(16)] The choice of a woman's occupation depends on her husband, who may prevent her working if he deems it contrary to the family's interest, although he must prove this to the Special Civil Tribunal.[2(5),3(3),13]

6.3. 30% of doctors are said to be women; women's recruitment to the police force has been approved in 1998, though mainly to work in women-related functions; and women journalists now have their own professional association. The first female university chancellor has been appointed, albeit to a women's university. [10(16)]

6.4. In the political field, women have been appointed to two positions of Cabinet Minister by President Khatami, with Masumeh Ebtekar appointed as the first female vice president (for environmental protection) and Azam Nouri as Deputy Minister of Culture and Islamic Guidance, both in 1997. He has also appointed a woman to serve as Presidential Advisor for Women's Affairs. One of the district mayors of Teheran is also female.[4(6)]

6.5. Women have been appointed to four positions of female family court judge by President Khatami.[3(2)] However, the role of the four female judges has been challenged and described as symbolic, as judicial consultants brought in to improve the image of women in Iran for the benefit of the international community.[10(12),10(16)] Their authority is limited principally to family law cases.[4(6)] Following the first female prosecutor appointment in 1996, twenty women are reported to be training as investigative judges.[3(2)] Women are also being appointed to senior diplomatic positions overseas. These developments indicate some change in the situation of women within Iran.[10(16)]

6.6. Women suffer discrimination in the legal code, particularly in family and property matters. It is difficult for many women, particularly those living outside large cities, to obtain legal redress.[13] Under the legal system, women are denied equal rights of testimony and inheritance.[10(12)] A woman's testimony is worth half that of a man's [13], making it difficult for a woman to prove a case against a male defendant.[13, 9(3)]

6.7. Violence against women in the family is recognised, with "blood money" (Deyah) only awarded if the aggrieved party is a man. In addition, families of female victims of violent crimes are reported to have to pay for an assailant's court costs. Little detail is known of the degree of domestic violence in Iran, with no official statistics on abuse within the family.[4(6)] There is a lack of legislative provision to regulate actions against women. Iran is welcoming UN contributions to the drafting of a convention on the elimination of forced labour and trafficking in women for sexual and other exploitation. [10(17)]

6.8. A prominent Iranian scholar, Ayatollah Bojnourdi, has spoken out in favour of the revision of laws which are discriminating between men and women. The judiciary's Bureau of Women's Affairs has further said that legislation meant to reduce hardship for women in divorce and property cases is not yet properly implemented.[10(16)] In addition to the position of women regarding evidence of witness, inheritance, retribution and judgement in civil and penal codes, the continued arranged marriages of young girls by fathers and grandfathers is noted.[10(2)]

6.9. Women are given segregated medical treatment following the recent "Medical Religious Standard Conformity Act", other than where emergency wards are used. They also travel in segregated railway carriages unless travelling with a male companion; have access to separate parks within some cities; and can use separate facilities in a newly opened passport office. While the Iranian authorities have claimed such steps are for the safety and convenience of women, they do not represent gender equality according to international standards. [10(16)] They may be perceived as discriminating against women.[8(4)]

6.10. In December 1997 President Khatami called for a re-evaluation of religious attitudes towards women, to "purge practices that are considered religious but are not".[10(2)] Conservatives have responded by trying to ban activism for women's rights.[8d] In June 1998, Legal scholar Hojatoleslam Sayyid Mohsen Saidzadeh, was convicted by the SCC for his outspoken criticism of the treatment women under the law. He was released from prison early in 1999; however, the Government banned him from performing any clerical duties for 5 years and prohibited him from publishing. [4(7)] A bill aimed at making defence of women's rights outside legal and Sharia frameworks illegal passed its second reading in August 1998. This bill would also prevent pictures of unveiled women from appearing in the press.[8(4)]

6.11. Limited practical improvement in the condition of women is evident. The Deputy Speaker in the Majlis has stated that laws need to be amended before women can enjoy their full rights. In 1998 the Government published several papers on a three-year action plan to help prevent, identify and deal with violence against women [10(16)]

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### The Hijab

6.12. The Hijab (modest dress code) became mandatory in 1980 and is required to be worn in all public places regardless of a woman's religion or citizenship. Women's hair must be fully covered and their faces free of make-up. Contravention of the dress code is punishable by either a verbal reprimand,[3(1)),3(2)] a fine, 74 strokes of the lash [3(1),3(2),8(2)] or a prison term of up to three months.[8(2)] Enforcement has varied considerably since the death of Ayotollah



Khomeini, and continues to be enforced arbitrarily.[13] Thousands of women have been arrested and taken in for questioning and in some cases flogged; arrests are carried out by the morality police, the Revolutionary Guards and the Baseej (see paragraphs 4.17-4.24). Detentions increase during periods such as the period of Moharram in May 1998, associated with mourning and piety.[8(4)] Failure to observe the Islamic dress code at work by government workers can result in prosecution under a law passed in 1993.[4(6)]

6.13. The public attempts at loosening the Hijab are driven predominantly by those aged under 25 years, who make up 60% of the population. The battle between Khatami and the hardline conservatives over relaxing the Islamic restrictions continues.[14(1)]

### Marriage

6.14. Current law in Iran sanctions two types of marriage: permanent marriage and temporary marriage (called **sigheh** or **mut'a**). Temporary marriage is limited by a period of time, normally specified in the marriage contract, which may vary from 1 hour to 99 years. The husband may terminate the marriage at any time. Men are allowed up to four permanent wives and an unlimited number of concubines or temporary wives.[2(5),4(6)] Muslim men are free to marry non-Muslim women, but marriage between Muslim women and non-Muslim men is not recognised.[4(6)]

6.15. The marriage rate has increased by only 4% since 1987, whereas the divorce rate has increased by 9% over the same period.[3(2)] The showing of the film "Leila" in Teheran in 1997 generated public debate about the status of married women, and of multiple marriage in particular.[10(2)] The minimum legal age for marriage is 9 years. All women must have the permission of the father or a living male relative to marry. Muslim women may not marry non-Muslim men.[4(6)]

6.16. Following the 1979 Revolution in Iran, Islamic leaders told the populace to procreate and produce an army of 20 million. The population subsequently grew by up to 4% per annum. However, the clerics now support the notion of contraception with teachings from the Koran, and the population growth rate has halved.[15(1)]

### Divorce

6.17. Divorce applies to permanent marriage only. A husband wishing to divorce is required to obtain court permission to register the divorce if his wife does not agree to the divorce, but registration can only be delayed by the court, not prevented. A husband is not required to cite a reason for divorcing his wife. The conditions under which a woman may divorce depend on the year that she married, and the legislation that was in effect at the time of her marriage.[2(5),4(2)] Divorced women, particularly in rural areas, may find themselves socially isolated and may face financial difficulty.[21]

6.18. In 1986 the government issued a 12-point model contract for marriage and divorce which limited the privileges traditionally accorded to men under Islamic law. A divorced woman's rights to a share of the matrimonial properties and to increased alimony rights were recognized.[4(6)]

6.19. In the event of divorce, the father traditionally has legal custody of his children [2(5),4(2)], unless a woman can show her spouse to be an unfit father and applies under legislation passed in November 1998 to obtain custody.[4(6),10(2)] The civil code provides for custody of a male child to belong to the mother until the child is 2 years old, and of a female child until she is 7.[2(5),4(2)] Women who remarry are forced to give up custody of children from earlier marriages to their father.[4(6)]

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## **(ii) Children**

6.20. Education is officially compulsory for five years, between 6 and 10 years of age, but this entitlement has not been fully implemented in rural areas. Primary education up to the age of 11 years is provided free of charge. Secondary education from the age of 11 lasts for up to seven years, in distinguishable blocks of three and four years. Figures in 1994 showed 89% of boys and 78% of girls within the school-age population as enrolled within the primary and secondary schools. 15 of the 36 universities are in Teheran.[1]

6.21. The law prohibits employment of minors under 15 years of age and restricts the employment of minors under the age of 18. The law permits children to work in agriculture, domestic service and some small businesses, but minors may not normally be employed in night work or hard labour.[4(6)] Most children have access to some form of health care.[4(2)] There is no known pattern of child abuse.[4(6)]

## **(iii) People with Disabilities**

6.22. No information is available as to whether legislation on accessibility exists for the disabled.[4(6)]

6.23. In 1996 media coverage by the UN media network CNN showed disabled children who had been abandoned by their parents living in one Iranian institution under harsh conditions.[4(6)]

## **(iv) Adultery**

6.24. Under the Islamic Penal Code adopted by the Majlis in November 1995, those found guilty of adultery, witnessed by at least three others, are subject to execution by stoning. If a husband discovers his wife in an adulterous act he may kill her and her partner without legal consequence; a wife who discovers her husband with another woman does not have the same right.[2(2)] There have been several reports of execution for adultery in recent years.[2(2),15(2)]

6.25. The sentencing to death by stoning in January 1998 of a German businessman for having been found guilty of intercourse with a Muslim woman was classed as punishment for adultery because he was not Muslim.[16(1)] The accused countered the charges by claiming his conversion to Islam,[14(2)] but a Mehrabad Court of Appeal upheld the decision to pass the death sentence in October 1998.[5(4)]

6.26. The case of Mohammad Ali Ghasemi from Teheran was also publicised in late 1997. He was convicted of three adulterous relationships with women and illegal drug use, resulting in a sentence of 170 lashes.[10(13)]

## **(v) Homosexuals**

6.27. Homosexuality is forbidden by Sharia law. Sodomy is punishable by death if both parties are considered to be adults of sound mind and free will.[2(2)] It must be proven by either four confessions from the accused, the testimony of four righteous men who witnessed the act [2(2),15(2)] or through the knowledge of a Sharia judge "derived through customary methods". If the accused repents before the witnesses testify, the penalty "will be quashed".[2(3)]

6.28. According to the Ta'azirat of November 1983 (valid to June 1996) sentences of imprisonment for between 1 and 10 years and up to 74 lashes are possible. The death penalty may also be incurred if the act is deemed "Act against God and corruption on earth". Since June 1996 the revised Ta'azirat omits direct threat of lashes or the death penalty, but may impose closure of premises where the act took place.[21] Lesbianism (defined as genital contact between women) is punishable by 100 lashes each and by death on the fourth offence. The most recent report of execution is of the death by stoning of a man in 1995, on charges of repeated acts of "adultery and sodomy".[2(3)]

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## **(vi) Religious Freedom / Minorities**

6.29. Religious freedom is set out in the 1979 Constitution of Iran. Jafari (Shi'ite) Islam is the official religion of Iran and accords full respect and recognition for other Islamic schools, including the Hanafi, Shafi'i, Maliki, Hanbali, and Zaydi.[3(1),4(2)] Shi'a muslims make up 89% of the population, Sunni muslims amount to 10% and non-Muslims such as Zoroastrians, Christians, Jews make up the remaining 1%.[3(2)]

6.30. Article 13 recognises the Zoroastrian, Jewish and Christian minorities,[3(3)] specifically described in the Constitution as "protected religious minorities".[4(2)] Within the limits of the law, members of these faiths 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 calls for the respect of the human rights of non-Muslims as long as they refrain from engaging in conspiracy or activities against Islam or the Islamic Republic of Iran. Article 15 protects the use of tribal and regional languages in the press, mass media and in schools.[10(16)] Article 64 provides for Majlis representation of the Zoroastrians, Jews and Christians [3(1)] to reserved Majlis seats.[4(6)]

6.31. Contrary to Article 19, which says that all people of Iran enjoy equal rights whatever their ethnic group or tribe[10(16)], discrimination against religious minorities by the Government exists.[4(6)] Members of religious minorities other than the Zoroastrians, Jews and Christians are not elected to representative bodies. Neither do members of religious minorities hold senior government or military positions.[4(6)] Although Zoroastrians, Jews and Christians are permitted to maintain schools, they experience disruptive interference of their administration by the government. University and public sector employment applicants are screened for adherence to Islam.[4(3)]

### Sunni muslims

6.32. Sunnis are in theory the largest religious minority in Iran, but are not recognised as a minority as they are part of the same Islamic family as the majority, the Shi'a muslims.[3(2)] Sunni muslims are largely drawn from the Kurdish, Arab, Turkoman, Baluchi and other ethnic minorities.[3(1)] They live mainly in the southern provinces of Sistan/Baluchistan and Khorassan.[4(2)] The area is economically poor, with limited developmental prospects. Of the occasional clashes between the Sunnis and the Shias in areas of mixed population, most have been in west Azerbaijan and in Sistan/Baluchistan.[10(16)]

### Christians

6.33. According to the Iranian government, there are between 117,000 and 200,000 Christians in Iran, made up of Assyro-Chaldeans and Armenians, with the greater number being Armenian.[2(3),3(2)] They are concentrated mainly in urban areas, and are legally permitted to practice their religion and instruct their children, but may not proselytize muslims.[3(1)] The US

State Department estimated that between 15 and 23 Iranian Christians disappeared between November 1997 and November 1998 and are believed to have been killed. Those who disappeared reportedly were Muslim converts to Christianity whose baptisms had been discovered by the authorities. There were reports of eight deaths of evangelical Christians at the hands of the authorities in the past 10 years. Late in 1999, an investigative reporter alleged that officials within the Intelligence Ministry were responsible for the murders of three prominent evangelical ministers in 1994, a crime for which three female members of the Mujahedin-e Khalq organization had been convicted.[4(7)]

6.34. The Constitution provides for the representation of Assyrian and Chaldean Christians in reserved seats in the Majlis.[3(1)] Armenians have lived in Iran for centuries, mainly in Tehran. The government appears to be tolerant of groups such as Armenian Christians because they conduct their services in Armenian and thus do not proselytise. Christian associations without an ethnic focus sometimes face difficulties in obtaining legal recognition of their existence.[2(3)] Christians are allowed to maintain their own schools and participate in a broad range of cultural activities within their own community.[3(2)]

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### Apostasy

6.35. Proselytising Christian churches, especially Evangelicals, are likely to be regarded more suspiciously by the Iranian authorities.[3(2)] Apostasy, or conversion from Islam to another religion, is not acceptable in Islamic law. An innate-apostate (one whose parents were Muslims and who embraced Islam but later left Islam), if a man, is to be executed. If a woman, she is to be imprisoned for life, but will be released if she repents. A national apostate (a person converting from another faith to Islam, and then reconverting back to the other faith) is to be encouraged to repent and, upon refusal to repent, is to be executed. The most prominent cases of apostasy appear to occur from Islam to Christianity. Proselytizing apostates (converts who have begun preaching Christianity) are likely to face execution. 17 clerics are known to have been in detention in 1997.[3(1)]

### Jews

6.36. Jews are a constitutionally recognised minority of 20,000 -40,000,[2c,3a] with one representative in the Majlis.[3(1)] Before 1979 the Jewish population of Iran was estimated at 100,000. Most live in Teheran. After the revolution they were eased out of government positions as well as from some private sector employment. As a result they are engaged for the most part in small businesses and commercial pursuits.[4(5)] They are permitted to obtain passports and travel (including to Israel), but they are normally denied multiple entry visas and permission for entire families to travel abroad together.[2(3),4(5)]

6.37 In February and March 1999, 13 Jews were arrested in the cities of Shiraz and Isfahan. Among the group were several prominent rabbis, teachers of Hebrew, and their students. The charges centered on alleged acts of espionage on behalf of Israel, an offense punishable by death. The Government claimed that several non-Jews also were arrested as part of the same operation. The judicial authorities did not reveal any evidence to support the continued detention of the 13 Jews, and no indictments were made. Governments around the world criticized the arrests and called for the safe treatment of the detainees, who were allowed only sporadic family visits and deliveries of kosher food. Credible bases for the charges appeared weak, but may relate to the reported occasional business travel of several of the detainees between Iran and Israel. Attempts by relatives and Jewish community leaders to gain clarification of the charges and assurances of due process were not successful. Jews in Iran reportedly are reluctant to protest or speak out

publicly on the matter due to fear of government reprisal. None of the detainees were granted access to counsel, after nearly a year in jail. In May 1998 a Jewish businessman Ruhollah Kakhodah-Zadeh, was hanged in prison without a public charge or legal proceeding. He may have been killed for assisting Jews to emigrate. As an accountant, Kakhoda-Zadeh had provided power-of-attorney services for Jews departing the country. [4(7)]

6.38. Jews are reportedly allowed to practice their religion freely, provided that they do not proselytise. Their laws on divorce and burial are accepted by the Islamic courts and they enjoy a degree of self-administration. In general they do not face persecution because of their religion. This said, they may face bureaucratic difficulties such as having to wait longer for the issue of travel documents.[10(14)]

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### Zoroastrians

6.39. The Zoroastrian (the pre-Islamic religion of Iran) population of several thousand includes South Asian Zoroastrians (Parsis) and is concentrated in the southern cities of Yazd and Kerman.[3(1),3(2)] Traditionally, Zoroastrians do not accept converts and favour marriage between blood relations; they do not proselytize.[3(1)] They are free to practice and teach their religion and have one representative in the Majlis.[3(2)]

### Sabeans (Mandeans)

6.40. The Iranian Mandeans are included among the recognised religious minorities and live mainly in Khuzistan, near the Iraqi border. They work mainly in agriculture and with precious metals, are a low-profile group and are small in number.[3(2)]

### Baha'is

6.41. The Baha'i faith was founded in the mid-19th century in southern Iran as an offshoot of Shia Islam. It has since developed into a separate religious faith. Baha'is believe in a God who is completely transcendent and unknowable, and that divine manifestations occur throughout the ages, in the form of prophets or messengers ("Divine Educators"), including Adam, Moses, Jesus, Zoroaster, Buddha and Mohammad. They believe that the founder of their faith, Baha'ullah, was a divine manifestation, who will be followed by other manifestations as mankind develops, but that this will not happen for at least 1,000 years. Thus Baha'i doctrine accepts all prophetic religions as being true, but claim that theirs is the most suitable to the present age. They do not accept the Islamic belief that Mohammad is the 'seal' of prophets. Unlike Islamic practice, according to which the child of a Muslim is deemed automatically to be a Muslim, the Baha'is believe that each individual is responsible from the age of 15 for his/her own faith.[11,13]

6.42. There is no priesthood in the Baha'i faith, but there is an administrative hierarchy of elected local and national Spiritual Assemblies, with considerable authority. The highest organ of administration is the Universal House of Justice in Haifa. Other institutions include the appointed bodies known as the Hands of the Cause of God and the Continental Board of Counsellors, both concerned with spreading the faith and protecting the Baha'i community.[11,13]

6.43. The Baha'i community in Iran is said to number 300,000 - 350,000 - the largest religious minority in the country - and traditionally has suffered discrimination.[3(2),10(14)] Their religion is not acknowledged as a separate faith by Iranian Muslims, but are regarded as a

heretical sect. Anti-Baha'i sentiment is rooted in the theological disapproval of the religious establishment; the perception that they co-operated with the Shah regime and opposed the revolution;[11,13] and the belief that they are agents of espionage activities,[3(2)] Zionism and imperialism. The Baha'i World Centre is in Haifa, Israel, and before 1979 many Baha'is made remittances and pilgrimages to Israel. Baha'i links with an area which is now in Israel lies in Baha'ullah's death in exile in what was at that time Ottoman Palestine. Participation in party politics is not permitted among Baha'is and anyone breaking this rule is liable to expulsion.[11,13] There is no evidence of Baha'is being involved in partisan politics, in Iran or elsewhere.[10(14),11,13]

6.44. Not being one of the protected religious minorities in Iran, Baha'is experience discrimination including extrajudicial executions [3(2)], arbitrary detention, dismissals from employment and confiscation of properties. Many have reportedly been denied retirement pensions and work permits, unemployment benefits, business and commercial licences. Some Baha'is dismissed from public sector jobs were required to return the salaries and pensions received while they were working, and Baha'i farmers can be denied access to farm cooperatives, which deprives them of their only access to credits, seeds and fertilisers. Although Baha'is do have access to the courts and have used them on occasion to attempt to reverse specific decisions, almost invariably the court rules against them. Baha'is are refused entry to universities, [3(2),13] but in the past year have been allowed to enrol in the pre-university year at the high school level.[10(16)]

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6.45. Property rights of Baha'is are generally disregarded and both private and business properties may be confiscated. Blood money for Iranians killed is not enforceable where the victim is a Baha'i, and there have been instances of Baha'i conscripts having been killed by fellow soldiers or officers while undertaking military service. Neither Baha'i marriage nor divorce is legally recognised in Iran, and the right to inherit is denied.[10(14)] In 1996 the Head of the Judiciary stated that Baha'ism was an espionage organisation [4(6)] and Baha'is have since been strictly forbidden to seek probate. [10(14)]

6.46. Freedom of movement out of the country can be difficult for Baha'is.[2(3),10(16)] They are generally denied identity cards and passports [3(2)], although in 1997/8 there was an increase in the number of passports issued.[10(14)]

6.47. In January 1998, 21 Baha'is were held in prisons within Iran under various charges relating to their beliefs, 4 of whom faced the death penalty for Baha'i activities or apostasy. In July 1998 one of the detained Baha'is was executed, accused of converting a woman from Islam to the Baha'i faith.[4(6),5(6),8(4),10(14)] The woman had denied the accusation.[4(6),10(14)] Two additional Baha'is had death sentences passed in October 1998 for practising the Baha'i faith and have appealed against the decision. [4(6),5(6),10(16)] The European Parliament called upon the Iranian authorities not to carry out the death sentences.[5(13)] Another Baha'i was sentenced to ten years imprisonment in October 1998.[5(6)]

6.48. By early 1999 the number of Baha'is detained had fallen to 14 [4f], 6 of whom remained on death row [4(6),10(16)], and 7 known to be facing prison sentences of 3 to 8 years. Charges again ranged from teaching the faith to espionage activities. They had been asked to support closure of the Baha'i Institute of Higher Education (BIHE) and to withdraw co-operation with it.[10(16)] At the end of 1998, 4 of the 36 faculty members of the BIHE arrested in 14 different cities across Iran in late September/early October 1998 remained in custody. In March 1999 they were convicted under and sentenced to prison terms ranging from 3 to 10 years.[4(6), 4(7), 10(16)]

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## **(vii) Religious dissidents**

6.50. Religious figures and their close relatives or associates, mainly in Qom, have been detained or arrested on occasions both before and after Khatami came to power in 1997. Three Grand

Ayatollahs - Hossein Ali Montazeri, Sayed Sadeq Rouhani and Sayed Hassan Tabataba'i-Qomi are reputed to have been under house arrest for lengthy periods. Ayatollah Tabataba'i-Qomi is said to have been detained in Mashad since 1984,[9(2),9(5)] while Ayatollah Rouhani is said to have been detained since at least 1987.[4(6)] They have apparently been detained due to criticism of government policies [9(2),9(5)] or the religious leadership.[8(4),9(5)] Where charges are levied against such clerics by the Iranian authorities, they are usually criminal charges.[9(5),9(6)] Another Ayatollah, Yasub al-Din Rastgari, has been kept under similar house arrest since 1996.[4(6)]

6.51. Ayatollahs Montazeri and Qomi have discussed the institution of the Velayat-e-Faqih (Rule of the Religious Jurist), to which conservatives objected.[21] In April and May 1998 up to 40 local tradesmen and teachers were detained following protests against the restrictions on Ayatollah Montazeri in Najafabad in central Iran [8(4)] and Isfahan.[21] In May Montazeri's son-in-law was detained and another objector arrested and sentenced to 20 months imprisonment for speaking out in support of the Ayatollah. [8(4)]

6.52. International organisations have requested the transfer of cases such as the Grand Ayatollahs' to the general courts, to be heard in public session with the defendants granted access to independent counsel.[10(2),9(6)]

## **(viii) Ethnic minority groups**

6.53. In general, the government does not discriminate on the basis of race.[2(2)] The majority are ethnic Persians. The largest ethnic minority in Iran is the **Kurds**. Other minorities include the **Arabs** of Khuzistan, the **Baluchis** of Baluchistan and Sistan, the **Bakhtiari**s of the Bakhtiari mountains, the nomadic **Qashqais** of central/southeast Iran, and the nomadic Sunni border tribe of **Turkomans**

### Kurds

6.54. The Kurds are believed to number about 6 million and live in the northwest of the country, principally in the province of Kurdistan, along the borders with Iraq and Turkey. The Islamic regime deals harshly with rebellious Kurdish leaders seeking autonomy - notably those of the Kurdish Democratic Party of Iran (KDPI) and the Marxist Komaleh - and their militant supporters (see also paragraph 4.44).[3(2),4(5)] Iranian troops are permanently stationed in Kurdish areas and also monitor the activities of members of the Iraqi Kurdish Democratic Party in the areas.[3(2)] However, ethnic Kurds can be found in all walks of life in Iran both in the private and public economic sectors as well as in Iran's military and civilian establishments.[3(1),4(5)]

### Arabs

6.55. At least one million Arabs, mainly Shi'a muslims, live in Iran, chiefly in Khuzestan and in the south. The Sunni Arabs tend to live on the Gulf coastline. Attempts to gain autonomy in 1979 gave way to support for Iran during the Iran-Iraq war. Many are employed in the agriculture and

oil industries.[3(1)]

### Baluchis

6.56. The Baluchis are Sunni muslims, numbering between one and two million. They live mainly in the poorer and less economically developed south-eastern region of Iran.[3(1)]

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### **(ix) Drugs offenders**

6.57. The imposition of the death penalty on the "most serious crimes " resulted in 155 executions in 1998, 60 of which were carried out in public. [10(16)] Of the 199 executions in 1997, most were said by the authorities in Iran to have been related to drug-trafficking. [10(2)] The judiciary has had a free hand to deal with drugs traffickers, supported by new legislation.[3(1)] 60% of the 160,000 prisoners, including most of the female prisoners currently in the state system, are said to be there for drug-related offences.[10(16)] However, human rights monitors have alleged that many of those executed for criminal offences such as narcotics charges were political dissidents. [3(2)]

6.58. An appeal by a businessman in early 1998 against a sentence of death was unsuccessful. He had been convicted in June 1997 of corruption, embezzlement and organising parties at which drugs were present.[9(7)]

6.59. The Iranian media provides public information on drug-trafficking violations, having seized large quantities of drugs such as opium and heroin on its borders with Afghanistan.[5(5),5(10)] It has announced the blocking of drugs shipments from Afghanistan and Pakistan to the Persian Gulf Arab States and Europe.[5(5)] The army and the Islamic Revolution Guards Corps maintain a strong presence at the borders in order to deal with drug smuggling.[5(13)]

6.60. The European Parliament, and in particular the United Nations Drug Control Programme, is to financially support Iranian anti-narcotics campaigns at the country's western and eastern borders.[5(10)] The United States has now removed Iran from its list of countries perceived to contribute to the international trade in illegal drugs via the USA.[10(16),17(5)] However, the US continues to regard Iran as a transit point for opiates heading for Europe.[17(5)]

### **(x) Exiles / Dissidents outside Iran**

6.61. Executions of exiled dissidents have taken place outside Iran in 1997. In separate cases in Turkey, Germany and Switzerland assassins were found guilty of having carried out executions of Iranians abroad on the orders of the Iranian authorities, including the Ministry of Intelligence and Security.[3(1)] The Istanbul Court of Appeal upheld in 1998 the conviction of an Iranian national for complicity in the 1996 murder of Zahra Rajabi and Ali Moradi, who were both associated with the National Council of Resistance (NCR), an exile group that has claimed responsibility for several terrorist attacks within Iran. The U.N. Special Representative reported in 1998 that Italian security authorities continued their investigation into the 1993 killing in Rome of Mohammad Hossein Naghdi, the NCR's representative in Italy. [4(7)] In July 1999, Germany said it had arrested an Iranian in Berlin on suspicion of spying on exiled dissidents. Iran denied that the man had links to its government.[5(33)]



6.62. The 15 Khordad Foundation, a revolutionary charity linked with the conservative clerical leadership in Iran, has continued to offer Muslims and non-Muslims alike a reward to murder British novelist Salman Rushdie.[3(1)] The nine-year threat of assassination to Rushdie followed the issue of a fatwa, or religious edict, in 1989 by Ayatollah Khomeini to punish blasphemy of Islam in "The Satanic Verses".[14(3),15(3)] On 24 September 1998 Robin Cook, the United Kingdom Foreign Secretary, obtained assurances from Kamal Kharazmi, Iranian Foreign Minister, that the Government of Iran had no intention to threaten or endanger the life of Rushdie. Neither would it encourage or assist others to do so. The Iranian assurances are seen as a major breakthrough and both countries are to upgrade their diplomatic links to ambassadorial level as a consequence.[15(3)]

6.63. This is not to say that the £1.2 Million bounty (raised to £1.5 Million in 1997 [16(3)]) offered on Rushdie by the 15 Khordad Foundation can be realistically expected to be revoked. Both the UK Action Committee for Islamic Affairs [15(3)] and the leader of the Muslim Parliament for Great Britain [14(4),16(2)] insist that the fatwa is irrevocable and stands, which is in line with the 1997 statement by the Chief Prosecutor in Iran.[16(3)] In October 1998 the hardline Union of Hizbollah Students added an additional 1 Billion Rial bounty on the head of Rushdie.[5(4)]

## **(xii) Refugees in Iran**

6.64.. The Government of Iran generally co-operates with the UNHCR and other humanitarian organisations in assisting refugees. Iranian law contains provisions for granting refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and the 1967 Protocol.[4(6)]

6.65. Iran hosts a large refugee population, with estimates of approximately 1.4 Million Afghan refugees in the country. Of these, around 21,200 are in Government-administered refugee camps and the rest represent itinerant labour. UNHCR estimates in September 1998 were of 1,525 repatriations having been made to Afghanistan. Reports of some forced repatriations in late 1998 remain unconfirmed.[4(6)]

6.66. The UNHCR estimates that there are about 580,000 Iraqi Kurdish and Arab refugees in Iran, and that at least 9232 Iraqi refugees returned home in 1998.[4(6)]

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# **VII HUMAN RIGHTS: OTHER ISSUES**

## **i) Freedom of Speech and Press**

7.1. The Constitution provides for the freedom of the press, except when published ideas are "contrary to Islamic principles or are detrimental to public rights." In practice the government does restrict freedom of speech and the press.[4(6)] The Government exerts control over the media by methods such as controlling television and radio broadcasting networks and access to newsprint. It owns all broadcasting facilities.[4(6)] However, since his inauguration President Khatami has stated his intention to loosen constraints on freedom of expression.[4(2)] Some signs of this were observed in 1997 and early 1998. In October 1997 a year-long ban on the Iranian-Armenian monthly publication 'Araz' and the 2½ year ban on the 'Jahan-e Eslam' newspaper were lifted.[4(2)]

7.2. However, in late 1998 several prominent and active political dissidents from the literary and publishing professions were abducted and later found dead.[4(6),10(16)] Prominent poet

Mohammad Makhtari and author Mohammad Jafar Pouyandeh were amongst these. Pouyandeh had also been one of six prominent writers and intellectuals questioned by the authorities in October 1998.[10(16)] They were among 134 signatories of the 1994 Declaration of Iranian Writers, several of whom have been subject to acts of violence and harassment.[4(6)] Intelligence [Minister Najafabadi resigned in February 1999 after his ministry's agents were implicated in the murders and disappearances.[15(7),15(8)] A central suspect in the murders, identified as Saeed Emami, was alleged to have committed suicide in prison in June 1999. Six others, including intelligence ministry officers, have been arrested in connection with the investigation.[5(23)]

7.3. Offending writers are often subject to trial, with fines, suspension from journalist activities, lashings, and imprisonment being common punishments if found guilty of offences ranging from propaganda against the State to insulting the leadership of the Islamic Republic.[4(2),10(16)] Instances of vigilante activity against clerics and intellectuals regarded as critical of the Islamic establishment have been reported.[8(3)] Police raids and attacks by Ansar-e-Hezbollah on the offices of newspapers and liberal publications were reported in 1998, apparently without subsequent action being taken by the courts.[4(6)]

7.4. In June 1998 31 members of the Majlis demanded the impeachment of the Interior Minister, Hojatolislam Abdollah Nouri, accusing the noted liberal and supporter of reform as having used the media to create discord. Nouri was dismissed by a majority vote in the Majlis but President Khatami immediately appointed him to a newly created Cabinet post of Vice-President for Development and Social Affairs. He also appointed Nouri's former deputy Mussavi Lari, also a liberal, as the acting Interior Minister in the wake of Nouri.[17(1)] In September 1998 Nouri and Ayatollah Mohajerani (the Culture and Islamic Guidance minister) were attacked by an unidentified group at a public meeting.[21]

7.5. Frequent clashes between moderates and conservative clergy over the freedom of journalism and the press have been evident since 1997.[3(1)] The levels of freedom of expression permitted by the Government during 1998 varied. The atmosphere of tolerance in early 1998 led to wide public debate, resulting in alarm within anti-reformist groups. The judiciary then closed down several publications and jailed writers and editors for exceeding what was interpreted to be permissible expression. At least 12 publications were banned or suspended in 1998.[4(6)]

7.6. When the pro-Khatami newspaper " Jameah" was banned by the courts in June 1998 for publishing controversial remarks made by a senior military official as well as immoral and insulting material, [3(1)] the editor was convicted of libel. He was also banned from practising for one year by the special press court.[17(1)] The paper was immediately permitted to re-open under a new name("Tous"),which publicly questioned the authority of Ayatollah Khomeini and was banned by the Justice Department a week later. The ban was revoked by the Ministry of Culture and Islamic Guidance and a licence issued to re-open under the third name("Aftab-e Emrouz", or "Today's Sun") in August 1998.[3(1)] In October 1998 4 employees of the newspaper were arrested following publication of an article questioning the policies of the Iranian government in Afghanistan. [4(6)]

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7.7. Other actions against publications included the temporary closure of weekly paper "Navid-e-Esfahan" in October 1998 on charges such as "acting against the country's security..and disturbing public opinion", and the suspension of biweekly publication "Asre-e-Ma" for "fabrication and dissemination of insults". The definition of what constitutes freedom of expression and what represents treason was considered by Iranian leaders. The President's press advisor confirmed in a press interview in September 1998 that the executive and the judiciary

differed in their interpretation. She made it clear that the Press Supervisory Board, which has a representative from both the judiciary and the legislature, is responsible for supervising the press. It is not the role of the courts to do so.[10(16)]

7.8. In May and June 1999, a number of pro-reform newspaper publishers and editors were called before the Special Revolutionary courts or the Special Court for Clergy for alleged press violations. Amnesty International reported the detention on unspecified charges of Heshmatollah Tabarzadi, editor-in-chief of the weekly newspaper Hoveyat-e-Kish (Our Identity) and Hossein Hashani, its director. Tabarzadi is also president of the Islamic Students Association.[5(23),9(14)]

7.9. Iran's leading reformist newspaper, Salam, was banned by the Special Court for Clergy following a complaint by the intelligence minister. Salam had published what it claimed to be a secret memo detailing a plan by hardliners to muzzle the moderate press. The memo was attributed to Information Ministry official Sa'id Emami, who subsequently died in prison. The court charged Salam with violating Islamic principles, endangering national security and disturbing public opinion. The ministry subsequently withdrew its complaint but the ban remained in force.[5(25)] Salam's publisher was found guilty on all counts, including defamation, insulting language and publishing a classified document.[5(34)]

7.10 . Many of the leading publications that represented the views of the reform movement were ordered closed during the year, including Rah-e No, Jame'eh, Salaam, Iran-e Farda, Adineh, Neshat, and Khordad. In March the magazine Zan (Woman) was ordered closed by a Revolutionary Court for publishing part of a New Year's greeting to the citizenry from the former Empress, Fara Pahlavi, who is living in exile, and for printing a cartoon satirizing an aspect of Shari'a (Islamic law) that is currently in effect, under which the "blood money" that is paid to the family of a murdered woman equals half that paid to the family of a murdered man. A leading reformist daily, Neshat, was ordered closed in September, and its editor, Mashallah Shamsolvaezin, was arrested on charges concerning the publication in Neshat of an article that called for the abolition of the death penalty. However, his arrest was not carried out by the authorities until November. He was sentenced to a 6 month prison term for forgery, 12m rials fine for the use of a forged document and a 2.5 year prison term for publishing two sacrilegious articles. [ 4(7), 5(45)].

7.11. **Press Law:** In July 1999, Majlis deputies voted in principle for a major overhaul of Iran's press law. Proposed changes in the law include compelling journalists to reveal their sources, barring journalists and editors linked to certain opposition groups from engaging in any form of press activity, and increasing conservative influence over the media.[5(25)] . It requires further parliamentary examination before implementation. In August 1999 another amendment apparently directed at the independent press was proposed, which would define a new class of "political offences," including the "exchange of information with foreign embassies, diplomatic representatives, media, and political parties, that may be determined to put national interests in jeopardy." This amendment was submitted to the Cabinet for further discussion, and reportedly remains pending there. [4(7)]

7.12. Article 168 of the Iranian Constitution states that enquiry into press offences will be undertaken in open court before a jury. This does not seem to have happened in all cases in 1998. The press control regime is seen to need improvement, although progress is being made. The circulation of the press has doubled since mid-1997; up to 900 press publications licences are

currently active; and at least 7 professional press associations have been established.[10(16)]

7.13. The monitoring of film and theatre productions is now showing marked improvement, with routine and objective clearance procedures. The main inhibitors seem to be the scarcity of venues for showing the work.[10(16)]

7.14. Over 15,000 books are now published each year, with only 100 rejected since 1997. Details of the reasons for individual titles being rejected are reported in the press. Publishers are being issued permanent licences rather than ones valid for 12-18 months. [10(16)]

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## **ii) Freedom of assembly**

7.15. The Constitution permits assemblies and marches "provided they do not violate the principles of Islam". In practice, the government restricts freedom of assembly.[4(2)] There have been reports that demonstrations and riots have been broken up by the armed security and anti-riot forces, resulting in deaths and arrests.[4(2),8(2),10(6)]

7.16. There is conflict between the announced government policy on freedom of expression and the activities of some of the judiciary and security services, as well as the extra-judicial groups such as Ansar-e-Hezbollah. However, since the 1997 election, the government has shown signs of addressing the unlawful measures resorted to by some groups to curtail freedom of expression. In October 1997 the Ministry of the Interior granted permission to the Union of Islamic University Students to hold a rally. Social issues, some of which were anti-Constitution in nature, were raised at the rally and the Government later defended its decision in the Majlis.[10(2)]

## **iv) Freedom of Movement**

7.17. Iranians enjoy freedom of movement within Iran.[2(3)] Citizens may travel to any part of the country, although there have been occasional restrictions on travel to Kurdish areas during times of heavy fighting.[4(6)] However, leaving Iran may be difficult for certain Iranians, particularly women, Baha'is, Jews (in some cases), certain government opponents, those thought to be members of the radical opposition groups [2(3)] and draft-age males.[4(6)]

7.18. All Iranians may apply to the passport office within the Ministry of the Interior for passports and exit visas. Any outstanding business with government, such as unpaid taxes, would have to be settled before the government would issue travel documents. Men must submit proof that they have either completed their military service or have an exemption (see paragraphs 4.24-4.25) [2(3)]. Government employees may need a letter of permission or to post a bond to travel abroad. Citizens who were educated at public expense and whose skills are in short supply are required to post bonds to obtain exit permits.[4(6)] Women must have written, notarized permission from either their father, husband or legal guardian, except in certain circumstances (eg. widows). No-one under 18 is issued a passport, except under special circumstances where the minor is travelling without a parent or guardian.[2(3)]

7.19. Passports are checked at the airport for criminal offences by the police, and against computerised lists by the Ministry of Intelligence for political, Sharia, narcotic, commercial or tax offences. The airport authorities seem to be in possession of lists which are not the same as those kept at the passport office, and possession of a passport and exit visa does not guarantee exit. With so many checks by the authorities involved, it would be difficult for passengers who

are wanted by the Iranian authorities to pass the control system at Teheran's airport by means of bribery or false documentation. Counterfeit passports are, reportedly, uncommon in Iran.[2(3)]

7.20. People seeking to leave Iran illegally do so most commonly overland through Turkey or Pakistan.[2(3)] The penalties for violating or attempting to violate exit regulations, such as leaving on an illegal or falsified document, range from 1 month -3 years imprisonment and/or a fine.[2(3)]

7.21. Citizens returning from abroad are sometimes searched and interviewed by the authorities upon return. This happens particularly at times when the authorities note increased activities of dissident groups outside the country, as in late 1998. [4(6)] A report from the Netherlands in December 1998 highlighted the fact that applying for asylum in another country is not seen as a political act by the Iranian authorities and is not punishable as such.[21]

7.22. Since 9 August 1998, British Airways has resumed direct flights to Teheran and stated the intention to station its flight crew there.[6(4)] Iranian nationals need to obtain a visa to travel to, or through, the United Kingdom. [22(1),22(2)]

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#### **iv) Corruption**

7.23. Teheran's moderate mayor, Gholamhossein Karbaschi, was suspended from his post in early 1998 on corruption charges. He admitted at his trial that he had raised funds for President Khatami's 1997 election campaign but that he had not broken any laws. He denied a number of other charges of embezzlement and mismanagement in city transactions amounting to over 14.5 Billion rials. Kharbaschi was jailed for two weeks in April, was released on bail after Khatami intervened.[5(14)]

7.24. Karbaschi was ultimately sentenced in July 1998 to 5 years imprisonment, a fine of 1 billion rials [6(5)] (or £200,000 [15(4)]) and required to repay 1,600 million rials worth of municipality property.[6(5)] A sentence of 60 lashes was suspended for four years because of his social standing.[15(4),18(1)] He was banned by the court from holding any government post for the next 20 years.[6(5),15(4),18(1)] The prison sentence was subsequently reduced to 2 years, and the ban on holding public office to 10 years.[5(21)]

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**15(4)** 24/7/98

**15(5)** 12/3/98

**15(6)** 14/3/98

**15(7)** [Financial Times] 10/2/99

**15(8)** 10/2/99

**15(9)** 23/1/98

**[16]** The Guardian:

**16(1)** [Guardian,Times,Daily Telegraph] 17/2/98

**16(2)** 24/9/98

**16(3)** 23/9/98

**16(4)** [Guardian, Daily Telegraph] 18/2/98, Independent 19/2/98

**16(5)** 2/3/99

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**[17]** Keesings Record of World Events:

**17(1)** News Digest June 1998

**17(2)** News Digest April 1998

**17(3)** News Digest May 1998

**17(4)** News Digest March 1998

**17(5)** News Digest December 1998

**17(6)** News Digest November 1998

**[18]**

**18(1)** The Independent, 24/7/98

**18(2)** 2/3/99

**18(3)** 13/7/99, students fight...

**18(4)** 13/9/99, pro reform students...

**[19]** The New Iran: a myth or a reality, Gawdat Baghat.

**[20]** Is Iranian Perestroika Possible Without Fundamental Change?, The Washington Quarterly, Autumn 1998

**[21]** Situation in Iran, Netherlands Ministry of Foreign Affairs, December 1998

**[22]**

**22(1)** The Statement of Changes in the Immigration Rules (HC 395) -laid before Parliament 23/5/94, came into effect 1/10/94

**22(2)** The Immigration (Transit Visa) (Amendment No.3) Order1998 - made 6/10/98, came into force 8/10/98

**[23]** Independent on Sunday 16/5/99, Mocking laughter...

**[24]** BBC News Online

**24(1)** 21/2/00 Iranian reformers poised for victory

**24(2)** 24/2/00 Iran's unique election

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## **ANNEX B CHRONOLOGY**

**1927** Reza Khan seized power in Persia by military coup. Subsequently elected Shah.

**1935** Persia renamed Iran.

**1941** British and Soviet forces occupied Iran; Shah forced to abdicate in favour of his son.

**1946** Following end of war, occupying forces left.

**1963** Shah launched 'White Revolution'. Reforms opposed by landlords and conservative clergy.

**1964** Ayatollah Khomeini deported to Iraq for opposition activities.

**1965** Prime Minister Mansur assassinated, reportedly by a follower of Khomeini.

**1977-1978** Anti-government strikes and demonstrations.

**1979 January:** Shah forced to leave country.

**February:** Khomeini returned and took power.

**April:** Iran declared an Islamic republic. Supreme authority given to Walih Faqih appointed by clergy (initially Khomeini).

**November:** Students seized hostages in US Embassy in Teheran.

**1980 February:** Bani-Sadr elected President.

**September:** Iraq invaded Iran. Strongly resisted by Iran; outbreak of hostilities.

**1981 January:** US hostages released.

**June:** Fighting between MEK (supporting Bani-Sadr) and Revolutionary Guard Corps led to Bani-Sadr's dismissal and his departure for France.

**July:** Muhammad Ali Rajani voted President. Muhammad Javad Bahonar became Prime Minister.

**August:** President and Prime Minister killed in bomb attack. MEK blamed.

**October:** Hojatoleslam Ali Khamenei elected President; Mir Hussein Moussavi appointed Prime Minister.

**1979-1985** Fierce repression of anti-government elements.

**1987** Islamic Republican Party dissolved.

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**20 July 1987** UN Security Council adopted Resolution 598.

**1988** Ceasefire declared in Iran/Iraq war.

**1989 3 June:** Death of Ayatollah Khomeini. Replaced by Ayatollah Khamenei (formerly President Khamenei).

**July:** Rafsanjani became President. Post of Prime Minister abolished.

**1993** Rafsanjani re-elected with reduced margin.

**1994 February:** Rafsanjani survived assassination by BKO.

**1997 May:** Rafsanjani stood down. Seyed Mohammad Khatami won Presidential election by landslide.

**June:** Closure of the Iranian Embassy in Kabul, followed by a trade embargo with Afghanistan initiated by Iran. **August:** Khatami inaugurated.

**October:** Khatami appointed former Prime Minister Moussavi as his senior advisor.

American vessels were present in the Persian Gulf to calm tension between Iran and Iraq over the September bombings in southern Iraq.

**December:** The Conference of the Organisation of the Islamic Conference was held in Teheran.

**1998 March:** The Iranian gas and oil industry was opened up to foreign investors for the first time.

**June:** The impeachment of the Interior Minister by the Majlis was followed by his immediate re-appointment by Khatami in a newly-created Vice-President Cabinet post. **July:** The former mayor of Teheran was found guilty on charges of corruption and embezzlement. He was sentenced to 5 years imprisonment and other punishments.

The Solidarity Party of Islamic Iran was recognised and registered as a new political party.

An amnesty was issued for 1041 prisoners sentenced by the revolutionary and public courts.

**August:** Iranians were permitted to visit Shi'a muslim shrines in Iraq for the first time in 18 years.

British Airways resumed direct flights to Teheran.

Iranians, including diplomats, were captured by the Taleban in northern Afghanistan.

**September:** The Government of Iran gave the United Kingdom assurances that it had no intention, nor would it take any action to threaten the life of Salman Rushdie or those associated with his work, nor would it encourage or assist others to do so. They also disassociated themselves from the bounty offered to carry out the fatwa and stated that they did not support it.

**October:** The deaths of Iranians captured in August by the Taleban led to Iranian troops amassing at the border with Afghanistan. Exchange of mortar and artillery fire has resulted.

1999. **February:** State and local elections held for the first time since the revolution.

**July:** A student demonstration for press reform resulted in a police raid on Tehran University dormitory complex. Six days of street riots followed, the worst since the revolution

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## **ANNEX C POLITICAL ORGANISATIONS**

All opposition groups in Iran have hitherto been proscribed. Of the following, only the Nezhat-Azadi and the Solidarity Party of Islamic Iran are tolerated. Until the Solidarity Party of Islamic Iran was registered in 1998, none of the groups were registered under the Political Parties Act 1981.

### **Ansar-e-Hizbollah (Helpers of the Party of God)**

Formed 1995, seeks to gain access to the political process for religious militants, includes vigilante activities. Has aligned with some members of the clergy. A public physical assault on two reformist government ministers in Sept.1998 was attributed to this group. Members were instrumental in the clashes with students in July 1999.

### **Association for the Defence of Freedom and the Sovereignty of the Iranian Nation (ADFSIN)**

Affiliate of Nehzat-e Azadi.

### **Babak Khorramdin Organisation**

Monarchist, strongly anti-clerical. Has claimed responsibility for armed attacks within Iran, inc. attempt to kill President Rafsanjani February 1993.

### **Baluch National Movement**

Seeks greater provincial autonomy.

### **Fedayin-e Khalq (Warriors of the People)**

Urban Marxist guerillas. Spokesman Farrakh Negahdar.

### **Fraksion-e Hezbollah**

Formed 1996 by deputies in the Majles who had contested the 1996 legislative elections as a loose coalition known as the Society of Combatant Clergy. Leader Ali Akbar Hossaini.

### **Hezb-e Komunist Iran (Communist Party)**

Formed 1979 on grounds that Tudeh Party was Moscow-controlled. Sec. Gen.= Azaryun.

### **Iran Nation Party**

An unregistered party previously tolerated by the Iranian authorities. Was led by Dariush Forouhar until he and his wife Parvanah were murdered by unknown assailants on 22/11/98. Current leader Bahram Namazi arrested with two other activists in July 1999.

### **Iran Paad**

A self-proclaimed monarchist support organisation within the United Kingdom and other countries outside Iran. It is based in London and claims to have thousands of members. The group conducts meetings and has held some anti-Iranian regime demonstrations, mainly in London.

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### **Islamic Iran Participation Front**

One of a number of new political parties established in 1998. A reformist political group of cultural and political figures. Founded on search for freedom of thought, logical dialogue and rule of law in social behaviour.

### **Islamic Republican Party (IRP)**

Formed 1978 to bring about Islamic revolution under Khomeini. Disbanded 1987.

### **Komala, or Komaleh, or Revolutionary Organisation of the Toilers of Iran**

Established 1969, merged with Union of Communist Fighters in 1983 to form Communist Party of Iran. 2 members of Komala reportedly executed 1992.

### **Kurdistan Democratic Party of Iran (KDPI)**

Largest Kurdish opposition group, demanding autonomy. Based in Iraq. Gen Sec.= Mustapha Hassanzadeh. Former Gen Sec Sadiq Sharifkandeh assassinated Berlin 1992.

### **KDPI Revolutionary Command**

Split from KDPI in late 1980s. Engages in military operations.

### **Majma-e Hezbollah**

Formed 1996 by deputies in the Majles who supported Rafsanjani and who had contested the 1996 legislative elections as a loose coalition known as the Servants of Iran's Construction. Leader= Abdollah Nouri.

### **Mojahedin-e Khalq (MEK)**

Otherwise **People's Mojahedin of Iran**. Islamist/Marxist guerilla group formed 1965. Member of National Council of Resistance. Leaders = Masud Rajavi and Maryam Rajavi, based in Iraq since 1986.

### **Movement of National Resistance**

Monarchist, led by late Shapur Bakhtiar, forced into exile in Revolution 1978-1979. Paris-based. No longer very active.

### **Nehzat-Azadi (Liberation Movement of Iran)**

Played a significant part in the Revolution; tolerated by the Islamic regime, although it was declared "illegal" in 1991, after applying for registration in 1989. Supports constitutional rule by political parties within an Islamic framework; does not agree with a role for clerics in government. Led by Mehdi Bazargan and Gen Sec Dr Ibrahim Yazdi. Although illegal, has not been forced into exile. Barzagan's speeches can be published, but are ignored by the major media.

### **National Council of Resistance**

Formed in Paris by former president Bani Sadr and Masud Rajavi in 1981, following failed uprising. Initially a broad coalition, including MEK, KDPI, National Democratic Front, Hoviyat Group (offshoot of the minority Fedayin) and several small leftist groups. Bani-Sadr left 1984. Now under control of MEK. [BACK TO CONTENTS](#)

### **National Liberation Army of Iran**

Armed militant wing of MEK. Established in Iraq 1987. In July 1988 briefly held Iranian towns of Kerand and Islamabad Gharb. Driven back into Iraq by Iranian troops within days. At least 2,500 political prisoners executed in Iran as a result, not all linked to MEK. No other major military encounters with Iranian army.

### **Organisation of Kaviyani Banner (Kaviyani Flag or Derafsh Kaviani)**

Changed name in 1992 to **Organisation for Human Rights and Fundamental Liberties for Iran**. Emerged from defunct Iranian Salvation Front. Led by Manoucher Gandji, a former minister under the Shah. Main operation consists of broadcasts from radio station Voice of Kaviyani Banner of Iran. Claims network of resistance cells and distributes audio and video tapes within Iran. Not involved in the armed struggle.

### **Peykar**

Minor communist opposition group.

### **Rah-e Kargar (Worker's Road)**

Minor communist opposition group.

### **Rastakhiz Party**

Formed 1975 to run one-party state under Shah. Inoperative since 1979 revolution.

### **Sarbedaran**

Minor communist opposition group.

### **Solidarity Party of Islamic Iran**

A new political party officially recognised on 7/7/98. It was set up by a group of Majlis deputies and executive officials. The party was registered in accordance with the provisions of the Interior Ministry's Article 10 pertaining to political parties. The Interior Ministry has approved the party manifesto and details of its founders.

### **Tudeh Party**

Communist. Formed 1941, banned 1949, came into open 1979, banned 1983. First Sec. central committee = Ali Khavari.

### **United Baluch Organisation**

Seeks greater provincial autonomy.

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## **ANNEX D PROMINENT PEOPLE**

**BANI-SADR Abolhasan** President 1980-1981. Dismissed by Khomeini and exiled to France.



**BAZARGAN Dr Mehdi** Leader of Liberal Movement of Iran (Nehzat-Azadi). Prime Minister in provisional government Feb-Nov 1979. Died in January 1995.

**EBTEKAR Ma'sumeh** One of seven vice presidents appointed in 1997 and the first woman appointed to such a senior government post since the Islamic Revolution.

**HASSANZADEH Mustapha** Gen Secretary of KDPI.

**KARBASCHI Gholamhossein** Teheran's former mayor, convicted in 1998 on corruption and other charges.

**KHAMENEI Hojatoleslam Ali** President 1981-1989. Supreme Leader of the Islamic Revolution, Chief of State and Commander-in-Chief of the armed forces, 1989-.

**KHATAMI Seyed Mohammad** President August 1997- following landslide election victory in May 1997.

**KHOMEINI Ruhollah** Ayatollah. Exiled 1964-1979. Supreme leader 1979-1989. Died 3.6.89. Traditionalist Muslim: issued fatwa against Salman Rushdie.

**MOUSSAVI Mir Hussein** Prime Minister 1981-1989 (post abolished). Senior advisor to President Khatami, October 1997-.

**NATEQ-NURI Ali Akbar** Majles Speaker in 1997; unsuccessfully opposed Khatami in 1997 Presidential elections, despite backing of Khamenei.

**NOURI Hojatolislam Abdollah** Minister of Interior 1997-June 1998. Vice-President for Development and Social Affairs, June 1998-.

**PAHLAVI Mohammad Reza** Shah of Iran 1941-1979. Died in Egypt July 1980.

**RAFSANJANI Ali Akbar Hashemi** President 1989-1997. One of seven vice-presidents appointed in 1997 [1997-].

**RAJAVI Massoud** Leader of MEK. Active in overthrow of Shah and led unsuccessful coup in 1981. Fled to France 1981.

**RAHJAVI Maryam** Wife of Massoud Rajavi; significant figure in MEK.

**RAJANI Muhammad Ali** Prime Minister 1979-1981. Elected President July 1981; assassinated late August 1981.