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# **amnesty international**

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## **Iran**

### **New government fails to address dire human rights situation**



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# Iran

## New government fails to address dire human rights situation

### 1. Introduction.

Six months after Dr Mahmoud Ahmadinejad took up office as the country's new president, the human rights situation in Iran remains dire. Scores of critics and opponents of the government continue to be imprisoned, many following grossly unfair trials, the death penalty is widely used and torture is common. The authorities maintain strict controls on freedom of expression and association, and religious and ethnic minorities are subject to persecution. Women are severely discriminated against in both law and practice and those lawyers, journalists and others who dare speak up in support of human rights - Iran's community of courageous human rights defenders – do so at constant risk of harassment, imprisonment or other abuses by security authorities who are able to act with impunity.

Many hoped that this pattern of abuses, by then already long established, would be alleviated following the election of President Hojjatoleslam val Moslemin Sayed Mohammad Khatami on a pro-reform ticket in 1997, or following his re-election with an increased majority four years later. In practice, however, although his presidency resulted in some lessening of restrictions on human rights, the gains were relatively small due to the political stalemate between President Khatami and even more conservative forces associated with Iran's Supreme Leader, Ayatollah Sayed 'Ali Khamenei. Moreover, President Khatami's last years and months in office saw a renewed deterioration in human rights, marked by arrests, detentions and increasing harassment of critics of the system, especially journalists, webloggers and other human rights defenders.

It was against this background that Dr Ahmadinejad, the former Mayor of Tehran and an erstwhile member of the Revolutionary Guard Special Forces, emerged as the unexpected but convincing victor of Iran's June 2005 presidential election. He had campaigned on a largely economic platform, pledging to end corruption and bring in policies to improve conditions for the poor. His election was seen generally to have continued the process of consolidating power in the office of the Supreme Leader, Ayatollah Sayed 'Ali Khamenei.

Amnesty International wrote to President Ahmadinejad on the occasion of his inauguration in August 2005, welcoming his commitment to improve economic and social rights and urging him to make human rights a top priority during his time in

office.<sup>1</sup> However, the months since Dr Ahmadinejad came to power have seen no improvement in Iran's human rights record. On the contrary, while President Ahmadinejad has courted controversy in connection with Iran's nuclear programme and aroused widespread international criticism on account of his statements relating to the Holocaust and Israel, there have also been signs that Iran is witnessing the start of a further harshening of repression. This report, therefore, addresses human rights violations which have occurred during the past half year or more and focuses particularly on the steps taken by the Iranian authorities in response to widespread unrest among the country's ethnic minorities, especially Arabs and Kurds; continuing repression of religious minorities, especially the Baha'is; and continuing limitations on the rights to freedom of expression and association which particularly impact on journalists and other human rights defenders. The report does not seek to be comprehensive but rather to draw attention to the wide-ranging and egregious human rights violations which are occurring in Iran on an almost daily basis. Amnesty International has not had access to Iran for research on the country since shortly after the 1979 Islamic Revolution, but this report nevertheless is based on a wide range of sources from both inside and outside Iran.

## **2. Repression of minorities**

Despite constitutional guarantees of equality<sup>2</sup>, individuals belonging to minorities<sup>3</sup> in Iran, who are believed to number about half of the population of about 70 millions<sup>4</sup>, are subject to an array of discriminatory laws and practices. These include land and property confiscations, denial of state and para-statal employment under the *gozinesh* criteria<sup>5</sup> and restrictions on social, cultural, linguistic and religious freedoms which

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<sup>1</sup> See Iran: Amnesty International urges new president to make human rights a top priority (AI Index MDE 13/041/2005)

<sup>2</sup> Article 3(14) provides for equality of all before the law. Article 15 permits the use of "local and ethnic languages" and the teaching of "ethnic literature" in schools, while establishing Persian as the official language. Article 19 states: "All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights, and colour, race, language, and the like do not bestow any privilege".

<sup>3</sup> Amnesty International recognises that there is currently no internationally agreed definition of a minority. However, in using this term we refer to non-dominant ethnic, religious and linguistic communities, who may not necessarily be numerical minorities. Amnesty International believes that the existence of a minority is a question of fact to be determined on the basis of reasonable and objective criteria. Membership of a minority should be by choice; in the absence of other criteria, membership of a minority should be determined by self-identification.

<sup>4</sup> Iran does not provide official statistics on the demographic makeup of its population

<sup>5</sup> A form of ideological selection which requires state employees to demonstrate, among other things, allegiance to Islam, and the Islamic Republic of Iran including the concept of *velayat-e faqih* (*Rule of the Jurisconsult*). For further information about discriminatory *gozinesh* procedures, please see Amnesty International's concerns relevant to the 91<sup>st</sup> International Labour Conference (AI Index: IOR 42/003/2003)

often result in other human rights violations such as the imprisonment of prisoners of conscience<sup>6</sup>, grossly unfair trials of political prisoners before Revolutionary Courts, corporal punishment and use of the death penalty, as well as restrictions on movement and denial of other civil rights.

Iran's ethnic minority groups include Arabs, Azeri Turks, Baluchis, Kurds, and Turkmen, all of whom are mostly either Shi'a or Sunni Muslims. There are also religious minorities, of which only three – Christians (including Armenians, Assyrians, Chaldean Catholics and various Protestant denominations), Jews and Zoroastrians – are allowed under Article 13 of the Constitution to practise their religious faith. By contrast, adherents of unrecognized religions, such as Baha'is, the Ahl-e Haq, and Mandeans (Sabaeans), are not permitted the freedom to practise their beliefs and are particularly at risk of discrimination or other violations of their internationally recognized human rights.

Some of the problems currently confronting Iran's minority groups were brought to international attention by the UN Special Rapporteur on the Right to Adequate Housing, when he visited the country in July 2005. In his preliminary findings<sup>7</sup> he noted that minorities were subject to discrimination in the distribution of state resources, in access to and the quality of housing, water and sanitation provided in the areas of the country where they reside, and are disproportionately affected by policies of "land grabbing".

## ***2.1 Ethnic Minorities***

Minorities other than those referred to below, such as Baluchis, Turkmen, and nomads also suffer similar kinds of discrimination, but Amnesty International has not received information on specific human rights violations against members of these groups since President Ahmadinejad's election

### ***2.1.1 Arabs***

The mainly Shi'a-Muslim Arab community in Iran constitutes between 3 per cent and 8 per cent of the total population. The Arab community lives mainly in Khuzestan province (known as Ahwaz by the Arab community) adjoining Iraq, the location of much of Iran's oil resources. Members of Iran's Arab community have a long-

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<sup>6</sup> A person imprisoned or otherwise physically restricted because of their political, religious or other conscientiously held beliefs, ethnic origin, sex, colour, language, national or social origin, economic status, birth, sexual orientation or other status – who has not used violence or advocated violence or hatred.

<sup>7</sup> [www.ohchr.org/english/press/docs/20050809PreliminaryNotesonSRMissiontoIran.doc](http://www.ohchr.org/english/press/docs/20050809PreliminaryNotesonSRMissiontoIran.doc)

standing grievance against successive governments, claiming that Arabs have been overlooked in terms of the distribution of resources aimed at social development. Frustration and economic deprivation has spilled over in recent months into a cycle of violent protest and repression which seems likely to continue unless the Iranian authorities take the measures necessary to address the social, economic and other grievances that gave rise to the unrest.

**Economic, social and cultural rights:** The Arab population of Iran is one of the most economically and socially deprived in Iran. Even where the majority of the local population is Arab, schools are reportedly not allowed to teach through the medium of Arabic; illiteracy rates are reportedly high, especially among Ahwazi Arab women in rural areas. Arabs have also reportedly been denied state employment under the *gozinesh* criteria. Many villages and settlements reportedly have little or no access to clean running water, sanitation or other utilities such as electricity.

Amnesty International has received reports that the water supply in Ahvaz City is subject to frequent and irregular cuts, apparently resulting from the diversion of water from the Karoun River to cities such as Esfahan and Sanandaj. In December 2005, the situation was reportedly so dire that people were unable to shower more than once a week, and were being forced to buy drinking water from tankers in the street. Also in December 2005, members of the *Majles*<sup>8</sup> representing Khuzestan province reportedly launched a petition to impeach the Minister of Energy over the continued diversion of water from the Karoun River to Rafsanjan and Esfahan provinces and in January 2006 reportedly threatened to resign *en masse* if the diversion continued. It has also been reported that, despite the province's water shortages, water from the Karkhe River, which passes through the Ahwazi Arab area of Howizeh and Boustan, is diverted for sale to Kuwait.

Furthermore, land expropriation by the Iranian authorities is reportedly so widespread that it appears to amount to a policy aimed at dispossessing Arabs of their traditional lands. This is apparently part of a strategy aimed at the forcible relocation of Arabs to other areas while facilitating the transfer of non-Arabs into Khuzestan and is linked to economic policies such as zero interest loans which are not available to local Arabs.

In October 2005, a letter came to light, dated 9 July 2005, in which the Arvand Free Trade Zone Organization outlined plans for the confiscation of 155 km<sup>2</sup>, including Arab land and villages, to provide for the establishment of the Arvand Free Trade Zone between Abadan and the Iraqi border.<sup>9</sup> All those living within this area will have their land confiscated. Under Iranian law, no challenge can be made to the

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<sup>8</sup> The Islamic Consultative Assembly, or *Majles*, is Iran's Parliament

<sup>9</sup> The letter may be found at: <http://www.ahwaz.org.uk/images/Arvand.pdf>

confiscation, only to the amount of compensation offered, which in other schemes is reported to have been as little as one fortieth of the market value.

The UN Special Rapporteur on the Right to Adequate Housing said in an interview<sup>10</sup> following his visit to Iran in July 2005:

*...when you visit Ahwaz...there are thousands of people living with open sewers, no sanitation, no regular access to water, electricity and no gas connections... why is that? Why have certain groups not benefited? ... Again in Khuzestan, ...we drove outside the city about 20 km and we visited the areas where large development projects are coming up - sugar cane plantations and other projects along the river - and the estimate we received is that between 200,000 - 250,000 Arab people are being displaced from their villages because of these projects. And the question that comes up in my mind is, why is it that these projects are placed directly on the lands that have been homes for these people for generations? I asked the officials, I asked the people we were with. And there is other land in Khuzestan where projects could have been placed which would have minimised the displacement.*

He also referred to attempts by the government to transfer non-Arabs into the area, as in the case of Shirinshah, a new town mainly populated by non-Arab inhabitants from Yazd province, and highlighted the discrepancy between the wealth generated from the oil resources of Khuzestan and the very deprived Arab neighbourhoods he saw.

**Use of force:** Since President Ahmadinejad's election, several people have been killed and scores injured by security forces possibly using excessive force, in the context of ongoing violent unrest in Khuzestan Province. This began in April 2005<sup>11</sup> and has included bomb explosions in Ahvaz city in October 2005 and January 2006

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<sup>10</sup><http://www.irinnews.org/report.asp?ReportID=48518&SelectRegion=Asia>

<sup>11</sup> The unrest began in April 2005, when at least 31 and possibly up to 54 Arabs died, hundreds were injured and hundreds more detained following demonstrations in protest at a letter allegedly written in 1999 by a presidential adviser, who denied its authenticity, which set out policies for the reduction of the Arab population of Khuzestan including resettling Arabs in other regions of Iran, resettling non-Arabs in the province, and replacing Arabic place names with Persian ones. The text, with an English translation, can be found at <http://www.ahwaz.org.uk/images/ahwaz-khuzestan.pdf>; the supposed author's denial that he wrote the letter, along with an explanation of the contents, can be found (in Persian) at <http://www.webneveshteha.com/>. The security forces appear to have used excessive force in stopping the demonstration resulting in unlawful killings or possible extra-judicial executions. The government and *Majles* reportedly both began a limited enquiry into the unrest. For further information, please see Khuzestan, Iran: Amnesty International calls for an end to the cycle of violence in Khuzestan and an investigation into the root causes of recent unrest, AI Index MDE 13/017/2005). Scores more were arrested following four pre-election bomb blasts in Ahvaz and two others in Tehran which killed up to 10 people and injured at least 90.

which killed at least 12 people and injured hundreds, and attacks on the economically important oil installations in September and October 2005. The Iranian authorities have accused the United Kingdom (UK) government of involvement in the blasts, which the UK has denied.

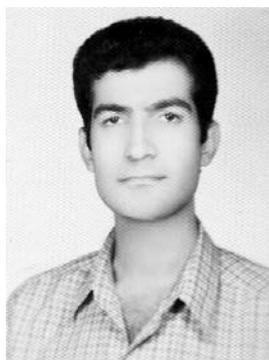
- In mid-September 2005, Iranian security forces were reported to have used live ammunition, tear gas and beatings with batons to suppress stone-throwing demonstrators. At least two people were reported killed and many injured. The authorities were later reported to have cut off the water supplies to some villages of the al-Bughobeysht tribe, possibly in reprisal for the inhabitants having participated in the demonstrations.
- On 4 November 2005, *'Id al-Fitr*, possibly partly in protest at earlier arrests (see below), several hundred Arab Iranian demonstrators began marching towards the centre of Ahvaz city, where they met Iranian security forces. Scuffles may have broken out. Iranian security forces reportedly fired tear gas grenades at the crowd. Two Arab youths affected by the tear gas, which is said to have caused a temporary paralysis, reportedly drowned after falling into the Karoun River. Scores, if not hundreds, of demonstrators were arrested. Amnesty International wrote to the Iranian authorities urging that these deaths be investigated, and asking for clarification of the rules governing the use of force and firearms by Iranian law enforcement officials and whether in this instance there were attempts made to disperse the crowd by non-violent means and whether the crowd was warned before tear-gas was used. By early February 2006, no reply had been received.
- At least three men were reported killed, and around 40 injured, on 11 and 12 January 2006 in clashes in Khuzestan between Iranian security forces and members of the Arab Ahwazi community. The clashes followed an initially peaceful demonstration on *'Id al-Adha*, the Muslim Feast of Sacrifice. The demonstrators were reportedly demanding an end to Arab persecution, poverty and unemployment, and the release of political prisoners arrested since April 2005.

**Detention:** Hundreds of Arabs have been arrested since President Ahmadinejad's election and many are feared to have been tortured or ill-treated. The prisons in Khuzestan province, and particularly the capital Ahvaz, are reported to be extremely overcrowded as a result of the large numbers of arrests. One ex-detainee is said to have estimated that during his time in detention, there may have been over 3,000 prisoners held in Karoun Prison, reportedly designed to accommodate about 800 and that the cells were so crowded that detainees were forced to sleep in shifts, as there was insufficient space for them all to lie down at once. This degree of over-crowding

reportedly led to extremely unsanitary conditions. Children as young as 12 are reported to have been detained with adult prisoners. Some of those detained are believed to have been sentenced to imprisonment or death after grossly unfair trials before Revolutionary Courts.

Of those reported detained since the election of President Ahmadinejad, Amnesty International has received the names of over 250. Some illustrative cases are outlined below.

- In August, **Hajj Salem Bawi**, an Arab tribal leader and businessman, his five sons, nephew and two other members of his extended family were detained. Hajj Salem Bawi was later released, but two of his sons, **Imad** and **Zamel**, were reportedly sentenced to death in October 2005. The precise charges of which they were convicted are not known to Amnesty International. Hajj Salem Bawi reported after his release that he had met three of his sons in Amaniya prison in Ahvaz city and could see that they had been ill-treated or tortured in detention. By December 2005, none of those still held were known to have had access to lawyers or their families.



Moslem Bawi, Mohsen Bawi and Hani Bawi, all detained in August 2005 © Private

- **Hamid Gate'Pour**, the manager of education in Area 2 of Ahvaz city, was arrested on or around 15 September 2005 in Area 2 of Ahvaz city. **Mohammad Hezbawi**, the editor of *Hamsaye*, a regional newspaper, was arrested on 18 September 2005, possibly in connection with an article he had published about the arrest of Hamid Gate'pour, and released after several days.
- At least 81 people were arrested on 3 November 2005 during the week preceding the end of Ramadan, *'Id al-Fitr*, whilst attending an Arab cultural gathering called *Mahabis* which traditionally takes place during the *iftar* (breaking of the fast). Those arrested included **Zahra Nasser-Torfi**, director of the Ahwaz al-Amjad cultural centre who was reportedly tortured in detention (see 4.1 below); **Hamid**

**Haydari**, a poet; and six members of the same family: **Mohammad Mojadam, Hamid Mojadam, Mehdi Mojadam, Rasoul Mojadam, Khaled Bani-Saleh** and **Hassan Naisi**. On 14 November 2005 a number of those people were reportedly released on bail to await trial, including Zahra Nasser-Torfi.

- Scores of people, including at least three children, were arrested on 11 January 2006 following clashes with security forces following an initially peaceful demonstration (see above), led by **Sheikh Saleh al-Haydari**, the *Imam* (prayer leader) of Da'ira mosque in Ahvaz. He was among those detained and reportedly began a hunger strike on 25 January 2006 to protest at his detention. The next day, 12 January 2006, scores more were detained in the city of Hamidiya, after a demonstration against the arrests which had taken place the previous day.

### **2.1.2 Kurds**

Kurds in Iran, who are mainly Sunni Muslims, are believed to number between 7 per cent and 10 per cent of the population and live mainly in the north-eastern provinces neighbouring Iraq and Turkey, where the main economic activity is farming. For many years, Kurdish organizations such as the Kurdistan People's Democratic Party (KDPI) and *Komala* carried out armed resistance to the Islamic Republic of Iran, although more recently they have abandoned armed struggle in favour of a federal solution. Iran continues to face armed opposition mainly from PJAK – the Kurdistan Independent Life Party - affiliated to the Turkish PKK, which reportedly began operations in 2004. In September 2005, the Provincial Head of the Judiciary in West Azerbaijan stated that since March 2005 over 120 members of the security forces had been killed and 64 injured in clashes with PJAK<sup>12</sup>.

As a result, the Kurdish population has long been viewed with suspicion by the Iranian authorities, and have experienced decades of official neglect with regard to the development of Kurdish areas and the provision of basic services, including services essential to the realisation of human rights. For example, the UN Special Rapporteur on the Right to Adequate Housing, in his preliminary findings<sup>13</sup> stated: “*regions historically occupied by Kurds, such as Ilam, seem to suffer from disproportional inadequacy of services such as water and electricity and unsatisfactory reconstruction efforts*”. The Kurdish population also faces educational disadvantage: the illiteracy rate for women, which runs at about 25 per cent in the population overall, is reported to stand at 43.3 per cent in the Kurdish areas<sup>14</sup>.

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<sup>12</sup> ISNA 3 September 2005

<sup>13</sup> [www.ohchr.org/english/press/docs/20050809PreliminaryNotesonSRMissiontoIran.doc](http://www.ohchr.org/english/press/docs/20050809PreliminaryNotesonSRMissiontoIran.doc)

<sup>14</sup> ILNA: 17 October 2005

Violent unrest in the Kurdish areas broke out in July 2005 shortly after President Ahmadinejad's election and continued for several weeks, after Iranian security forces shot dead a Kurdish opposition activist, **Shivan Qaderi**, and reportedly dragged his body through the streets behind a jeep. Thousands of Kurds took to the streets to protest. Security forces reportedly used light and heavy weaponry in response to the demonstrations which in at least some places included attacks by demonstrators on government buildings and offices. Up to 20 people were reportedly killed and hundreds more injured. The authorities acknowledged that five people were killed, including two in Saqez: **Mohammad Shariati**, a 55-year-old retired teacher and 18-year-old **Farzad Mohammadi**, and stated that their deaths were under investigation. Kurdish sources stated that Mohammad Shariati had been shot in the head by security forces using live ammunition in an attempt to disperse the demonstrators. At least 190 were arrested, according to official reports, although the true figure may well be higher.

Following the unrest, enquiries were opened into the unrest by the government and the *Majles*, but the findings were not made public. Several Kurdish members of the *Majles* are reported to have criticised the government's handling of Kurdish grievances, including Hushang Hamidi, member for Sanandaj. He said "*We have no problem raising the issue, but, although our demands are legal, we have problems coming up with solutions and removing the shortcomings... We have civil demands. We want citizenship rights. We want welfare and the observation of legal rights and equality in various aspects including management, and meritocracy in the Kurdish regions. These are the areas in which Article 48 of the Constitution has not been observed.*"<sup>15</sup> Amin Shabani, another Kurdish member of the *Majles* said, "*The real root and origin of these disturbances was the promises that the officials have given when they have come face to face with the demands of the Kurds, but up to now, these promises have remained unfulfilled*". He accused the Law Enforcement Forces of using excessive force, criticized state radio and television for not providing accurate information and pointed to unemployment as a factor in the unrest. He also criticised the lack of Sunni Muslims in the cabinet.<sup>16</sup>

Among Kurds arrested in August 2005 were journalists and other human rights defenders.

- **Dr Roya Toloui**, a founding member of the Association of Kurdish Women for the Defence of Peace and Human Rights and the editor of the cultural magazine *Rassan*, was arrested at her home in Sanandaj on 2 August 2005. She was not allowed to see her family or lawyer for several weeks. She was

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<sup>15</sup> ISNA 9 August 2005

<sup>16</sup> Mardom-e Salari 13 August 2005

released on bail in October 2005. In January 2006 she stated: “*In total they brought [at least 10] charges against me. Anything not considered a crime against others was a crime when it came to me, for example the publication of my book in the Kurdish language in Iraq's [Al-Sulaymaniyah] was considered a crime. There were other charges, the most important of which is acting against national security, and also giving interviews to different foreign radio stations was considered propagating lies against the establishment.*”<sup>17</sup> She had been interrogated several times during the months preceding her arrest.<sup>18</sup>

- **Ajlal Qavami**, a journalist with the weekly *Payam-e mardom-e Kurdistan* and a member of the editorial board of the journal *Payam-e Mardom* (People’s Message) and **Sa’id Sa’edi**, a freelance journalist who also works for the weekly newspaper *Asou*, was also arrested on 2 August 2005. Ajlal Qavami reportedly carried out a hunger strike against his detention. Both were also released on bail in October 2005 and were also reported to be facing vaguely worded charges which can carry the death penalty.
- **Madeh Ahmadi**, a journalist, was arrested on 28 July 2005 in the Sarvabad border area after visiting the Kurdish part of neighbouring Iraq and detained for four months in Marivan prison, reportedly in connection with various charges including illegally leaving the country. He conducted a hunger strike in September 2005, in protest against his detention. In November 2005, when the authorities failed to implement his court-ordered release on bail, he reportedly went on hunger strike again and sewed his mouth up in protest. He was released on 28 November 2005 and reported that he was facing 29 charges including “*threatening national security, doing interviews with foreign media, and contact with the opposition*”. In January 2006 it was reported that he had recently been sentenced to one year’s imprisonment and 50 lashes after conviction of the charge of entering and leaving the country illegally

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<sup>17</sup> Interview with Radio Farda 27 January 2006

<sup>18</sup> For further details please see Iran: Threats against Kurdish Human Rights Defenders Must Stop AI Index MDE 13/010/2005

- **Borhan Divargar**, a trade union activist and children's rights defender was detained for about six weeks during which he was reportedly beaten before he too was released on bail facing charges reportedly including membership of the *Committee to Follow up the Establishment of Free Labour Organisations*, membership of the newly-formed *Unemployed Workers' Organisation*, managing a labour website in Iran called *Tashakol* ([www.tashakol.com](http://www.tashakol.com)), and with participating in the demonstrations in Saqez. By November 2005 reports indicated that his lawyer had still not been allowed to see his file and in December 2005 he was said to have been among 51 Kurds on trial before Branch 1 of the Revolutionary Court in Saqez in connection with the summer events, of whom four were still in detention.



**Borhan Divargar** ©  
Private

- **Mohammad Sadeq Kabudvand**, the editor of *Payam-e mardom-e Kurdistan*, a weekly published in Kurdish and Farsi and Chair of the Kurdish Human Rights Organization (RMMK) based in Tehran was detained briefly in August 2005 during the summer events. He was later sentenced by the Revolutionary Court in Sanandaj to one year in prison for “spreading lies with the intention of upsetting public opinion” and to six months’ imprisonment and was banned from working as a journalist for five years for “*disseminating tribal issues and publishing provocative articles*”. Both prison sentences were suspended by the court. His newspaper was also closed down by the authorities.
- Others detained have also received prison sentences or cruel and inhuman punishments after unfair trials in Revolutionary Courts in connection with the unrest. In October 2005 it was reported that **Morteza Soleymani** had been sentenced by the Revolutionary Court in Sanandaj to one year’s imprisonment on charges of “acting against national security” and “waging war against the system”. (*moharebeh ba nezam*). **Anwar Derakhshani** from Marivan is reported to have been sentenced to one year and 8 days’ imprisonment and 70 lashes. **Shahram Ansari**, **Loghman Mohammadi**, **Jamal Amini**, and **Bakhtiar Khoshnam**, all from Saqez, are reported to have received prison sentences of four, one, two and two years respectively. The charges of which these men were convicted are not known to Amnesty International.

At least two other Kurdish newspapers, *Asou* and *Ashti* were closed down by the authorities around the time of the arrests, reportedly due to their coverage of the unrest. It has also been reported that the Kurdish language departments of a

number of colleges, including the University of Sanandaj, have been closed down by the authorities.

- On 25 October 2005, following news that **Mostafa Rasulnia**, detained at the time of the killing of Shivan Qaderi (see above), was facing the death penalty in Oroumieh prison, security forces clashed with demonstrators in Mahabad, reportedly injuring at least two severely. One of them, **Rasoul Yusufi**, was said to have been taken to hospital and placed in intensive care. An unknown number of arrests were made. Mostafa Rasulnia was later reported to have been sentenced to death after confessing, reportedly after torture, to killing a member of the security forces but then to have had his sentence commuted to five years' imprisonment.
- On the occasion of *'Id al-Fitr* on 4 November 2005, further demonstrations took place when security forces prevented Mahabad residents from visiting the grave of Shivan Qaderi. Security forces were reported to have beaten and then shot at demonstrators who threw stones and chanted slogans. Amnesty International has received reports that up to ten people were arrested, including **Yusuf Solemani** and three were injured, said to be called **Shoresh Chukali**, **Mohammad Chukali** and **Soleyman Alunam**.

### **2.1.3 Azeri Turks**

Iranian Azeri Turks, who are mainly Shi'a Muslims, are the largest minority in Iran, believed to constitute between 25-30 per cent of the population. They are located mainly in the north and north-west of Iran. As Shi'a, they are not subject to the same kinds of discrimination as minorities of other religions, and are well-integrated into the economy, but there is a growing demand for greater cultural and linguistic rights, including implementation of their constitutional right to education through the medium of Turkish. A small minority advocate secession of Iranian Azerbaijan from the Islamic Republic of Iran and union with the Republic of Azerbaijan. Those who seek to promote Azeri Turkish cultural identity are viewed with suspicion by the Iranian authorities, who often accuse them of vague charges such as "promoting pan-Turkism".

At the end of June 2005, scores of Iranian Azeri Turks participating in an annual cultural gathering at Babek Castle in Kalayber were arrested. At least 21 were later sentenced to prison terms of between three months and one year, some of which were suspended, reportedly after conviction of charges such as "spreading propaganda against the system" and "establishing organizations against the system". Some were also banned from entering Kalayber for a period of 10 years.

- **Abbas Lisani**, an Iranian Azeri butcher previously beaten and detained in 2004, was arrested during the Babek Castle event. He was released on bail in July 2005 and was sentenced in August 2005 to one year's imprisonment to be spent in internal exile after conviction of charges including "spreading propaganda" and "disturbing public opinion". In January 2006 he remained free on bail having appealed against his sentence.
- **Hojjatoleslam val Moslemin Ezimi Qedimi**, an Iranian Azeri Muslim cleric from Verziqan, near the capital of Azerbaijan province, Tabriz, was arrested on 5 August 2005 in Tabriz at the mausoleum of an Azeri hero called Baghir Khan, one of the authors of Iran's 1906 Constitution, which led to the country's first elected parliament, where security forces broke up a peaceful celebration of the anniversary of the introduction of the Constitution. Hojjatoleslam Ezimi Qedimi was reportedly released on or around 24 October 2005 on bail to await trial reportedly on charges of "leading an illegal gathering at the mausoleum; giving an interview published on the Shams-e Tabriz website; giving an interview to Ana Yurdu television station; opposition to the Islamic Republic; contempt of court; aiding the setting up and distribution of the publication Rasul; and misleading young religious students in the city of Qom". On 1 January 2006, Hojjatoleslam Ezimi Qedimi was reportedly sentenced in camera, without access to a lawyer or a translator, by a branch of the Special Court for the Clergy<sup>19</sup> in Tabriz to one year's imprisonment for "propagandising on behalf of groups opposing the state" and was stripped of his credentials as an Islamic scholar for ten years for "undermining the integrity of the clergy". He also received a travel ban preventing him from leaving Iran and was forbidden to return to the provinces of East Azerbaijan, West Azerbaijan, Ardebil and Zenjan for five years. At the end of January 2006 he was believed to be free on bail pending an appeal against his sentence.
- **Abbas Nikravan**, the Head of the Salmas Musical Association and an Azeri Turk activist was reportedly detained on 1 November 2005 while awaiting the results of his appeal to the Supreme Court against an earlier conviction to four months' imprisonment on charges of "*propagating Pan-Turkism and advocating separatism*" possibly in connection with his musical work relating

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<sup>19</sup> For information on the Special Court for the Clergy please see Iran: Human Rights Violations against Shi'a Religious Leaders and their followers (AI Index MDE 13/018/1997).

to Azeri music and dance. A picture of Dr Mahmoudali Chehregani<sup>20</sup> was also said to have been found in his home. According to reports, his case is due to appear before the Revolutionary Court in Khoy. In January 2006 he was still detained in Salmas Prison, despite an order for his release on bail of 20 million Toumans (almost US \$22,000) having been issued.

- **Javad Abbasi**, a teacher and Azeri activist from Salmas was reportedly began a six-month prison term on 22 December 2005 after being sentenced by the Revolutionary Court in Khoy apparently for “*promoting separatism and connection with ‘pan-Turkic groups’*”. He was also reportedly charged with participation in the Babek Castle event, working to overthrow the Islamic Republic of Iran, disturbing national security, and printing and publishing material on behalf of the Azerbaijan National Movement. His trial verdict reportedly referred to the fact that he had taught school lessons in Turkish. He is reported to need medical treatment for a throat condition.
- **Hedayat Zaker**, a teacher and activist from Tabriz, was reportedly arrested on 24 December 2005 after having been sentenced to a prison term by the Revolutionary Court in Tabriz. He was arrested from his home one day before he was due to report for his sentence to begin, apparently because security forces feared that he would try to escape. His lawyer reportedly stated that the sentence had been confirmed by the Supreme Court, but that neither he nor Hedayat Zaker had been given a copy of the verdict.
- **Yashar Haqqaqpour Maraghei**, a student of architecture at Zenjan University and a member of Zenjan University’s Islamic Students’ Association, was reportedly arrested in front of his father’s shop in Maragheh on 21 January 2006 by security forces who reportedly did not have an arrest warrant, and was taken to an unknown location. His family home was then said to have been searched by members of the security forces. On 2 February 2006 he was reported to have informed his family by telephone that he had been transferred to Tabriz.
- **Davoud Azimzadeh**, a graduate of environmental sciences and a teacher from Maragheh was reportedly arrested by Intelligence Ministry officials on 23 January 2006 after having been summoned to the local Education Department. Reports have indicated he may have been arrested in connection with a series of articles he wrote about environmental pollution in Maragheh.

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<sup>20</sup> Dr Mahmudali Chehregani, a former lecturer at Tabriz University, was detained as a prisoner of conscience in 2000 for his advocacy of Azeri Turkish rights (See AI Index MDE 13/011/2000. He has since left Iran and is the head of GAMOH (South Azerbaijan National Awakening Movement).

Turkish language publications and journalists have also been subject to repression and harassment. In September 2005, “*Araz*”, a political, cultural and historical periodical published by students at Tabriz University since 1999 in Persian and Turkish had its registration withdrawn, reportedly for having published a map of the Republic of Azerbaijan on its front cover. “*Qizil Uzen*”, a Turkish student publication in Zenjan University run by **Reyhaneh Purgeni** was reportedly closed down on 30 November 2005 by the committee monitoring student publications, apparently on the grounds that it was divisive and promoted separatism. Reyhaneh Purgeni, also a member of the Islamic Students’ Association at Zenjan University, was reportedly detained on 20 January 2006 after her father received a phone call in which she was told to report to the Zenjan Intelligence Office. **Marefatollah Fazli**, the editor of another student publication at Zenjan University, “*Zangan Sozlari*”, was also summoned for investigation in January 2006.

## **2.2 Religious Minorities**

Since President Ahmadinejad’s election, members of Iran’s religious minorities have also been killed, detained or harassed solely in connection with their faith. Even the recognized religious minorities of Jews, Christians and Zoroastrians face discrimination in law and practice with respect to employment, marriage, and criminal sanctions. Unrecognized religions such as the Baha’is, Ahl-e Haq and Sabeaens (Mandaeans) are at particular risk of discrimination. Converts from Islam can risk arrest, attack or the death penalty.<sup>21</sup> Official statements from time to time create an atmosphere in which human rights abuses by non-state actors against minorities may be encouraged. For example, on 20 November 2005, Ayatollah Jannati, the Secretary General of the Council of Guardians which vets legislation passed by the *Majles* to ensure its conformity with Islamic Law, stated in a speech at a commemoration of those killed in the 1980-1988 war with Iraq that “*human beings, apart from Muslims, are animals who roam the earth and engage in corruption*”.

### **2.2.1 Christians**

Prisoner of conscience **Hamid Pourmand**, who converted to Christianity from Islam over 25 years previously, remained in prison after being sentenced to three years’ imprisonment by a military court in February 2005 on charges of deceiving the Iranian armed forces about his religion and ‘acts against national security’. In May 2005 he was acquitted of further charges of apostasy. He was arrested along

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<sup>21</sup> Conversion from Islam (apostasy) is forbidden under Islamic Law, which requires apostates to be put to death if they refuse to reconvert to Islam. There is no specific provision in the Iranian Penal Code for apostasy, but judges are enjoined to use their knowledge of Islamic Law to rule on cases where codified legislation does not exist.

with 84 others at the annual general conference of Iran's Assemblies of God Church in Karaj in September 2004; all the others were later released.<sup>22</sup>

**Ghorban Dordi Tourani**, 50, an ethnic Turkmen convert from Islam who pastored an independent house church of convert Christians in Gonbad-e-Kavus, was killed by unknown assailants on 22 November. After his body was found outside his house, up to 10 other Christians in various cities were reportedly detained briefly by officials of the Ministry of Intelligence and may have been tortured. Christian leaders are also reported to have been warned to tell Protestant pastors of house churches that "*the government knows what you are doing, and we will come for you soon*". Ghorban Dordi Tourani is the fifth Protestant pastor to be killed by unknown assailants in 11 years.<sup>23</sup>



**Ghorban Tourani**  
© Compass Direct

### **2.2.2 Baha'is**

Members of the Baha'i community, an unrecognized religious minority in Iran, are subject to discriminatory laws and regulations which violate their right freely to practise their religion, and deny them equal rights to work and to a decent standard of living by restricting their access to employment and benefits such as pensions. The community reported increased repression in 2005, including attacks by unidentified assailants, the vandalising and destruction of cemeteries and holy sites, and the confiscation by the state of properties belonging to Baha'is. Two Baha'is were imprisoned as prisoners of conscience: **Mehran Kawsari** and **Bahram Mashhadi** were serving three year and one year prison terms imposed in early 2005 after they were unfairly tried in connection with an open letter which was addressed to President Khatami in November 2004. The letter detailed violations against the Baha'i community in Iran and called for the restoration of their human rights.

Repression of the Baha'i community has continued since the election of President Ahmadinejad. At least 32 Baha'is are known to have been detained since the new president's election. All have since been released on bail and are said to be awaiting

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<sup>22</sup> For more information on this case see Hamid Pourmand: Imprisonment due to religious belief (AI Index MDE 13/060/2005)

<sup>23</sup> See <http://www.compassdirect.org/en/newslongen.php?idelement=4099>

trial. Specific details of the charges being brought against them are not known to Amnesty International, but the organization fears that they may have been detained solely on account of their peaceful activities on behalf of the Baha'i community's religious or administrative affairs or on account of their identity as Baha'is. There is concern too about what appears to be increasing "demonization" of non-Muslims, especially the Baha'i community, by Iranian officials and in the Iranian state-controlled media. In addition to the statement by Ayatollah Jannati referred to above, for example, since November 2005, the newspaper *Keyhan* is reported to have carried over 30 extremely negative or defamatory articles about the Baha'i faith or Baha'is, prompting fears within the Baha'i community that non-state actors may feel empowered to commit abuses against them with impunity.

- **Behrouz Tavakkoli** was arrested in Mashhad with **Fariba Kamalabadi Taefi** on 26 July 2005 after they arrived at the bus station from Tehran in order to meet some other Bahai's and take care of some administrative matters. Fariba Kamalabadi Taefi, who was released on bail on 19 September 2005, is a member of a coordinating group that supervises course work for Bahá'ís in Iran who wish to study their religion. She was previously arrested on 25 May 2005 and released on bail on 28 June. Behrouz Tavakkoli, who carried out administrative work for the Baha'I community at the national level, was released on bail on 15 November 2005.
- **Nasim Ashrafi, Pooya Movahhed, Nasim Naderi, and Emad Sharghi**, all involved in youth education in the Baha'i community were arrested on 5 August. They were released on bail on 15 August 2005. On 5 September 2005, all four were reportedly sentenced to ten months' imprisonment by a court in Karaj on charges of "opposition to the Islamic Republic of Iran", a charge applied in the past to Baha'is who have been detained. This charge is said to have been verbally conveyed to them, and when they asked for a written document, the court refused to issue one. They remain free on bail while awaiting an appeal against their sentences.
- **Sima Rahmanian Legha'i, Changiz Derakhshanian, and Mina Hamran** – were arrested in the city of Ghaem Shahr on 14 September 2005. Changiz Derakhshanian was released on bail three days later, on 17 September 2005. Sima Rahmanian Leha'i and Mina Hamran were released on bail on 2 October 2005. None is known to have been formally charged.
- On 21 September 2005, **Misagh Lagha'i, Shahin Sana'i and Mahvand Lagha'i** were arrested in the city of Babol Sar. They were released on bail on 11 October 2005 and are not known to have been formally charged.

- **Mr. Afshin Akrami, Shahram Bolori, Vaheed Zamani, Mehraban Farman-Bordari** were all reportedly arrested on 8 November 2005 in Karaj. On the same day **Sohrab Hamid** was arrested in Qal'ih Hasan (near Karaj) and **Hooshang Mohammad-Abadi** was arrested in Fardis, near Karaj. All were released on bail, apparently without formal charges having been brought against them, on 7 December 2005.
- Another Baha'i prisoner of conscience, **Dhabihullah Mahrami**<sup>24</sup>, died in Yazd Prison on 15 December 2005. His family were apparently informed that he had died of a heart attack and were given his body, which has since been buried. However, Dhabihullah Mahrami was reported to be in good health shortly prior to his death and was not known to be suffering from heart disease, though he was apparently made to engage in strenuous physical labour while in prison, raising concern that this may have caused or contributed to his death. He is also said to have received death threats. Amnesty International urged the Iranian authorities to investigate his death in conformity with the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions and that any person found responsible for his death should be brought to justice and given a prompt and fair trial.

The Baha'i community has also reported a number of cases of land and property confiscation. It is feared that the hefty bail sums required for the release of those referred to above, which in most cases were met by posting property deeds or business licenses as collateral, may result in further property confiscations and economic disenfranchisement of Baha'is.

Young Baha'is have also been denied their equal right to university education. For decades, Baha'i students have been denied access to higher education by an official requirement that applicants state their allegiance to Islam or one of the three other recognized religions. Although this requirement is no longer maintained, in August 2005, a large number of Baha'is who had taken the university entrance exams discovered they had been designated as Muslims on their results forms. They have protested against this designation. A similar event took place in 2004, the first year that there was no requirement for the designation of faith on the entrance exams: then, despite being told the incorrect faith on the results form would be corrected, only ten

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<sup>24</sup> Dhabihullah Mahrami had spent 10 years in prison after being convicted of apostasy. His death sentence was reportedly commuted to life imprisonment in 1999. For further details of his case see Iran: Dhabihullah Mahrami: Prisoner of Conscience (AI Index: MDE 13/034/1996) and Iran: Inquiry needed in the death of Baha'i prisoner of conscience (AI Index: MDE 13/004/2006)

out of some 800 students who passed were eventually admitted. These ten refused to take up their places in protest at the exclusion of their fellow Baha'is.

### **3. Human Rights Defenders**

“Human rights defenders” (HRDs) include men and women who act on their own or collectively to promote or protect human rights. HRDs work in various spheres and their work is inspired by international human rights standards. This work includes, but is not limited to, the search for truth and justice; the strengthening of the rule of law; increasing government accountability; promoting gender, sexual and racial equality as well as children’s rights; and the rights of minorities and refugees and other vulnerable groups. In Iran, the courageous community of HRDs includes men and women who work as journalists, lawyers, trade unionists or who are members of associations, non-governmental organizations (NGOs) and professional bodies who work to promote and protect the rights of minorities, children and women and others.

Human Rights defenders in Iran face severe limitations on their work. Iranian legislation severely restricts freedom of expression and association and human rights defenders often face reprisals for their work in the form of harassment, intimidation, attacks, detention, imprisonment and torture. Many are subject to travel bans that prevent them from leaving the country. The registration process for independent non-governmental organizations (NGOs), including human rights organizations such as the Centre for the Defence of Human Rights run by Nobel Peace Prize Laureate Shirin Ebadi, is complex and registration is frequently denied, leaving NGOs at risk of enforced closure. Few risk accepting foreign funding for fear of opening themselves up to charges of contact with, and support for, “hostile foreign organizations” or “espionage”. For example, in January 2006 the Ministry of the Interior was said to be compiling a list of NGOs that allegedly received finance from “problematic internal and external sources aimed at overthrowing the system”, some of which had received support from the office of former President Khatami. The Ministry of the Interior was said to be preparing measures to restrict their activities<sup>25</sup>.

#### **3.1 Journalists**

In October 2005, Press Courts were reintroduced to try cases of breaches of the Press Code, which contains vaguely worded provisions which can be used to punish people

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<sup>25</sup> Aref News 9 January 2006

for the peaceful expression of their opinions.<sup>26</sup> They comprise a panel of three judges and a jury selected by the judiciary. Some journalists' organizations criticised the composition of the juries. Earlier, in April 2005, the *Majles* had suspended the law which required that juries in Press Courts should include press union officials and other representatives of civil society. Following the reintroduction of the Press Courts, dozens of cases of journalists and newspapers began to be examined, leading in several cases to suspended prison sentences.

It was also reported that at least 10 journalists were summoned by Ministry of Intelligence and Security officials and warned not to criticise the government of President Ahmadinejad or to write on sensitive issues such as Iran's nuclear programme. In January 2006 it was also reported that the Iranian Students News Agency (ISNA) and Iranian Labour News Agency (ILNA) had also been "instructed" not to report on cases of students or other political activists without first "coordinating" with the Ministries of Intelligence and Security, and Islamic Culture and Guidance. The authorities made increasing use of internet filters to ban access to a wide range of websites and in December 2005, the Supreme National Security Council (SNSC) declared the Dubai-based independent TV satellite station, Saba TV, set up by Hojjatoleslam val Moslemin Mehdi Karroubi, a former Speaker of the *Majles*, to be illegal. The station, whose launch had been announced in the summer, then decided to delay its opening and stated on 26 December 2005 that it would file a complaint against the SNSC. The Constitution forbids the operation of independent radio and TV stations within Iran.



**Akbar Ganji** ©  
**Heinrich Böll**  
**Institute**

Prisoner of conscience **Akbar Ganji**, an investigative reporter who uncovered the still-unpunished involvement of government officials in the murder of intellectuals and journalists in the 1990s known as the "serial murders", continued to serve a six-year prison sentence. He was arrested in April 2000 and sentenced to 10 years' imprisonment, which was reduced on appeal to six months, for "taking part in an offence against national security" and "propaganda against the Islamic system". In July 2001 he was again brought to trial on charges of "collecting confidential state documents to jeopardize state security" and "spreading propaganda", and was sentenced to six years' imprisonment.

Following a hunger strike in protest at being denied independent medical treatment outside prison, accompanied by considerable domestic and international protests including by Amnesty International, he was temporarily released

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<sup>26</sup> For further information about legislation restricting freedom of expression see Iran: A legal system that fails to protect freedom of expression and association AI Index MDE 13/045/2001)

for medical treatment in July 2005. However, he was returned to prison in September 2005 and was placed in solitary confinement. Following a visit in October 2005 his wife reported that he had informed her that he had been beaten by security forces while in hospital prior to his return to prison.

- **Masoud Bastani**, a journalist who had written a number of articles about Akbar Ganji's case, was detained on 25 July 2005 along with 14 others while covering a demonstration outside the hospital where Akbar Ganji was receiving treatment.<sup>27</sup> Released from Evin Prison on 6 August 2005, he was re-detained a week later and taken to Arak prison, which usually holds non-political cases. In 2003 he had been sentenced to six months' imprisonment, 70 lashes and had been banned from working as a journalist for five years after conviction on charges of libel, and was told that his re-arrest in August 2005 was in order for him to serve the remainder of that sentence, despite the plaintiff in the case having withdrawn their complaint. According to Iranian law, this should have led to his release, but the Provincial Prosecutor, a former judge in his case, reportedly refused to order his release. According to Masoud Bastani's wife, the prosecutor was demanding that Masoud Bastani should write a letter of repentance and asking for clemency in order to be released. She also reported that he was being held in a cell with violent, non-political convicts and was in need of medical treatment, which he was denied. He was released for a month's conditional leave in October 2005, but was returned to prison on 5 November 2005. In a short message from prison, relayed by his wife in an interview with *Rooz* newspaper on 7 January 2006, Masoud Bastani stated that he was not prepared to ask for a pardon. "*Even though living in prison is difficult, ...I am not willing to ask for a pardon for a sin I have not committed. Freedom is sweet, but its price is more important*", he reportedly said.
- Weblogger **Sayed Ahmad Sayed Sigarchi** was reported to have received 30 lashes in Tabriz Prison in October 2005. He was arrested on 29 June 2005 in connection with a weblog he had started in 2003, and sentenced by the Revolutionary Court in Tabriz to six months' imprisonment and flogging, (reduced to four months' imprisonment and flogging on appeal) after conviction of charges including "insulting the Leader and senior officials" and "propaganda against the system. He is reported to have said that in the four months before his trial, he was denied access to visits by his family or a lawyer and that he was beaten while in detention."<sup>28</sup>

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<sup>27</sup> See Iran: Hunger Strikers at serious risk of death AI Index MDE 13/042/2005)

<sup>28</sup> Tabriznews 26 January 2006

- **Ahmad Reza Shiri**, a weblogger from Mashhad, was given a three-year suspended sentence on 8 January 2006 apparently on charges relating to articles he had written on his blog in 2004 calling for a boycott of the elections. He spent 21 days in prison in February 2004 and was given a one-year suspended sentence in June 2005. His computer was confiscated and his blog was closed down, but he opened another shortly afterwards. Ahmad Reza Shiri has stated that the Ministry of Intelligence asked for his case to be retried on new charges, including the fact that he gave interviews to foreign radio stations, which led to the new sentence<sup>29</sup>.
- **Arash Sigarchi**, another weblogger and former editor of the newspaper *Gilane Emrooz*, was imprisoned in January 2006 to begin a three-year sentence for “collaborating with the enemy (USA)” through an interview he gave to Radio Farda, “insulting the Supreme Leader” and “propaganda against the system”. He was detained for two months in January 2005 after he had criticised a wave of arrests of other bloggers which began in October 2004 and was sentenced to 14 years’ imprisonment by a Revolutionary Court. He was released on bail pending an appeal against this sentence. The Appeal Court reportedly reduced the sentence to three years in June 2005 but did not inform him of this until 22 January 2006. When he went to the Appeal Court on 26 January 2006 to request a copy of the verdict, he was detained and transferred to Rasht Prison to begin his sentence.

### 3.2 Lawyers



Nasser Zarafshan ©  
Private

**Nasser Zarafshan**, a lawyer who represented families of intellectuals and journalists murdered by intelligence ministry agents in 1998, (the “serial murders”) remained a prisoner of conscience serving a five-year prison sentence imposed after an unfair trial in March 2002 for, among other things, “*dissemination of confidential information*” relating to the “serial murders” case, illegal possession of firearms and to flogging for possession of alcohol. Amnesty International believes that the weapons and alcohol were planted in his office to discredit him, and that the case against him is politically motivated and intended to discourage other human rights defenders from pursuing cases of impunity.

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<sup>29</sup> See Reporters without Borders Iran: Blogger gets three year suspended sentence [http://www.rsf.org/article.php3?id\\_article=16207](http://www.rsf.org/article.php3?id_article=16207)

Nasser Zarafshan went on hunger strike in protest at being denied independent medical treatment. In July and November 2005, following international action by Amnesty International and others, he was granted periods of conditional leave for treatment for his kidney stones.



Abdolfattah Soltani ©  
IranPressNews

**Abdolfattah Soltani**, a lawyer and co-founder of the Centre to Defend Human Rights, was detained in July 2005. He was reportedly accused of releasing “secret and classified national intelligence” in connection with his work defending clients accused of espionage. Prior to his arrest, he had also been a member of the legal team representing Akbar Ganji; and the family of Zahra Kazemi, (see below). He was held in incommunicado detention for over six weeks before being granted a visit by his wife in September 2005. In December 2005, his pre-trial detention, during which detainees are not granted access to lawyers, was extended for a further three months.

### 3.3 Trade Unionists

- **Borhan Divargar** (see section 2.1.2 above) was also sentenced on or around 9 November 2005 by the Revolutionary Court in Saez to two years’ imprisonment after being convicted of charges relating to his participation in a peaceful demonstration on May Day 2004 after which he and six other trade union activists were arrested and released on bail.

Of the six others who were also arrested at the same time and similarly charged, two were acquitted. **Mahmoud Salehi**, Spokesperson for the *Organisational Committee to Establish Trade Unions*, former President of the *Saez Bakery Workers’ Association*, and co-founder of the *Coordinating Committee to Form Workers’ Organisations*, was sentenced to five years’ imprisonment and three years’ in exile in the city of Ghorveh. At his trial, the Prosecutor reportedly pointed to his trade union activities as evidence against him, and referred to a meeting he had held with officials from the International Confederation of Free Trade Unions (ICFTU) in April 2004 shortly before the

May Day demonstrations. He was also detained for about one hour on 4 August 2005 during the demonstrations in Iranian Kurdistan and reportedly warned not to participate in any demonstrations.



**Mohammad Abdipour** © Private



**Mahmoud Salehi** © Private

- **Jalal Hosseini**, a member of the *Bakery Workers' Association* of Saqez, was sentenced to three years' imprisonment. **Mohsen Hakimi**, a member of the *Iranian Writers' Association*, and **Mohammad Abdipour**, also a member of the *Saqez Bakery Workers' Association*, were both sentenced to two years' imprisonment. All were reportedly convicted under Article 610 of the Iranian Penal Code<sup>30</sup> after being charged with participation in the 2004 May Day event. All were subsequently charged with membership of the illegal Kurdish organisation *Komala*, which can carry the death penalty, although all were acquitted of this charge at their trial which had been repeatedly delayed. In January 2006 all were reportedly free on bail pending an appeal against their conviction.



**Jalal Hosseini** © Private



**Mohsen Hakimi** © Private

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<sup>30</sup> Article 610 states: "If two or more persons gather together and collude to commit crimes against the internal or external security of the country or prepare the means to commit the same, if they are not one of the instances of *Mohareb* (enmity against God), they will be sentenced to two to five years' imprisonment."

- On 22 December 2005, police arrested 12 of the leaders of the Union of Workers of the Tehran and Suburbs Bus Company, (Sharekat-e Vahed)<sup>31</sup> at their homes but quickly released four of them. Further union members were arrested on 25 December 2005 while staging a bus strike in Tehran to call for the release of their colleagues. They and all those arrested earlier were released in the following days with the exception of **Mansour Ossanlu**, who at the end of January 2006 remained detained in Evin prison without access to a lawyer, possibly facing charges of having contact with exiled opposition groups and instigating armed revolt, which can carry the death penalty.
- Seven union members, including **Mansour Hayat Ghaybi; Ebrahim Madadi; Reza Tarazi; Gholamreza Mirza'i; Abbas Najand Kouhi** and **Ali Zad Hossein**, were reportedly summoned to appear before a Revolutionary Court in Tehran on 1 January 2006 to face public order charges but their trial was postponed when other union members protested outside the court. On 7 January 2006, five drivers were reportedly detained when bus company workers staged another strike but were later freed. Mass arrests of union officials and hundreds of members then took place ahead of a strike planned for 28 January 2006. In early February 2006 most were still believed to be detained in Evin prison in Tehran, apparently without access to their families or to lawyers.

#### **4. Torture, including cruel, inhuman and degrading punishments**

Torture has been used systematically in Iran for many years for the purpose of extracting information and confessions. Torture is facilitated by laws and procedures governing detention and interrogation which permit solitary confinement and ban access of detainees to lawyers until the process of investigation is completed, and by the existence of parallel and sometimes informal institutions which run their own detention centres to which the judiciary has no access.

In July 2005 the authorities announced that a report prepared by the judiciary had produced detailed evidence of human rights violations, including torture and ill-treatment, of prisoners and detainees in prisons and detention centres, referring,

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<sup>31</sup> The union representing Tehran's bus workers was banned after the 1979 Islamic Revolution, then reactivated in 2004 although it is not legally-recognized.

among other things, to the problem of parallel detention facilities. The report was said to have confirmed that measures had been taken to address the problems identified, but no information was disclosed as to the extent or efficacy of any such measures. However, Amnesty International has continued to receive new reports of torture and ill-treatment of detainees and is concerned that torture and other abuses remain routine in many Iranian prisons and detention centres. Denial of medical treatment as a means to place pressure on political prisoners has also emerged as an increasingly common occurrence (see Akbar Ganji and Nasser Zarafshan above).

In addition, Iranian legislation permits the use of cruel, inhuman and degrading punishments which amount to torture, such as flogging and amputations.

#### ***4.1. Cases of torture documented by Amnesty International since President Ahmadinejad's election***

- In August 2005, a group of almost 40 people, followers and family members of the late Grand Ayatollah Mohammad Hossein Shirazi were attacked by members of the security forces when they tried to visit the grave of the Grand Ayatollah in the shrine of Sayedeh Ma'soumeh in Qom. The group, who were mostly women but included children and six men, were beaten with cables and sticks by officials who were probably from the Ministry of Intelligence before being arrested. They were all released the following day, after at least some were tortured or ill-treated further in detention. At least two required immediate hospital treatment, including **Amirah Shirazi**, who sustained a broken leg and severe bruising. **Rayhana Shirazi**, aged 11, reportedly sustained bruising to the neck after being choked and was said to have been dragged on the ground for about 100m before being pushed into a van belonging to the security forces. No investigation is known to have taken place and none of the officials responsible for this brutal and unprovoked attack are known to have been disciplined or brought to justice.
- In September, **Arezoo Siabi Shahrivar**, a photographer, was arrested, along with up to 14 other women, at a ceremony commemorating the 1988 "prison massacre" in which thousands of political prisoners were executed. She told Amnesty International that she had been kicked and punched by the security officials who arrested her. She said "*when [my interrogators] realised that they could not find out anything by questioning me, they handcuffed my hands and hung me on the steel bars from the ceiling, so that the tips of my feet could hardly reach the ground. Subsequently they started beating me with a lash, which was made of a very hard wire cable. They whipped me a lot on my flesh so that I felt that I was hardly breathing due to the pain. Two people were*

*constantly beating me up; and in the meantime I was subject to their verbal abuse and sexual harassment.... They continued beating me until about midnight, when I could not bear it any longer”.*

- A man from Shiraz identified to Amnesty International only by the name “**Amir**” who had been sentenced to 100 lashes on charges of carrying out homosexual activities in 2004 alleged that he had been tortured and harassed and threatened with death by security forces.



**Zahreh Nasser-Torfi** ©  
Private

Arab activist **Zahra Nasser-Torfi** (see 2.1.1 above) was reportedly tortured while in detention in November 2005. She alleged that she was severely beaten, threatened with execution and was threatened with rape.

Kurdish HRD **Roya Toloui** (see 2.1.2 above) also alleged that she was tortured and ill-treated, including with beatings during her time in detention. “*During the night of 6 August, [an official] personally tortured me in the most brutal ways and subjected me to such behaviours that cannot be expressed,*” she said. “*They were forcing me to confess. I wrote that I will speak only in the presence of my lawyer and they*

*laughed at me. I wrote that this is against human rights and that I had the right to see my lawyer. They lost their patience and they ordered that my children should be brought in and they threatened me and said that they will burn my children alive in front of my eyes.”* She added, “*It’s very difficult for me to talk about [what I went through]...I’m partly worried that women who are actively involved in the women’s movement would fear that they could face torture in case of arrest. But my message to all Iranian women who fight for their rights is that their struggle should [continue] with courage.*”<sup>32</sup>

In this period, flogging sentences have continued to be imposed by the courts and implemented on a frequent basis. For example, on 28 December 2005, the daily ‘*Etemad* reported that three men had been flogged in public in Velayat Square in Jahrom after being convicted of drinking alcohol and unruly behaviour by Branch 102 of Jahrom General Court.

Sentences of amputations have also been implemented. In November 2005, an Iranian television station in Khuzestan was reported to have announced that, after confirmation of the sentence by the Supreme Court, an amputation was carried out in

<sup>32</sup> Interview with Radio Farda 27 January 2006

Karoun Prison, Ahvaz city on the left foot of a person named only as **Abbas G.**. A local Justice Ministry official was reported to have said, “*He was sentenced by a Revolutionary Court in Mahshahr to have his right hand and left leg severed in public for taking part in armed robbery and creating fear among the public*”.<sup>33</sup> On 28 November 2005, ISNA reported that another amputation, on the left foot of a man named only as **Adel** also carried out in Karoun Prison after his sentence for armed robbery, passed by the Revolutionary Court in Mahshahr, was upheld by Branch 32 of the Supreme Court. On 2 January 2006, the *Iran* newspaper reported that an unnamed 32-year-old man had been sentenced to three-and-a-half years’ imprisonment, 40 lashes and amputation of his hand for repeated burglary.

#### ***4.2 Zahra Kazemi – ongoing impunity for her killers***

On 23 June 2003, 53-year old Canadian-Iranian photojournalist **Zahra Kazemi** was arrested for taking photographs outside Evin prison. According to a governmental enquiry, Zahra Kazemi died as a result of a blow to her skull, while she was under guard at the Baghiyetollah (or Baghiyeta’zam) hospital in Tehran.

On 16 November 2005, the Appeals Court verdict was announced, upholding the acquittal of Mohammad Reza Aghdam an official of the Ministry of Intelligence who had been charged in connection with Zahra Kazemi’s death. He went on trial on 2 October 2003 but was acquitted on 24 July 2004. During his trial, lawyers representing the Kazemi family asserted that a judiciary official who had not been charged, not the defendant, was responsible for the death. Mohammad Reza Aghdam’s lawyer told reporters that the Judiciary had concluded that there had been shortcomings into the investigation into the July 2003 death in custody, and had ordered that the case be sent back to the General and Revolutionary Court for a new investigation.

Amnesty International welcomed the announcement of a new investigation, and urged that it be thorough and independent. Those carrying out the investigation should be empowered to:

- summon witnesses, including members of the Office of the Tehran Chief Prosecutor,
- compel the disclosure of documents,
- ensure the protection of witnesses from harassment or intimidation,
- develop mechanisms to prevent the recurrence of similar human rights violations in the future.

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<sup>33</sup> Khuzestan TV 22 November 2005

### **4.3 Denial of Medical treatment**

A number of prisoners of conscience and political prisoners convicted after unfair trials reported that they were being denied medical treatment, possibly as an extra punishment for their perceived crimes, or their behaviour in prison. Examples include:

- **Mehrdad Lohrasabi**, who was arrested during the July 1999 student demonstrations (known as the “18 Tir” demonstrations), was originally sentenced to death after an unfair trial before the Revolutionary Court and then had his sentence reduced to 15 years’ imprisonment, is currently held in Reja’i Shahr Prison. In a letter from the prison dated 1 November 2005 he stated, “*At this moment however, I am extremely ill and suffer from everything from problems with my left knee, my lungs, gums and teeth (scurvy) and a tumour that has begun to rapidly grow in the left side of my cerebellum which I am told may be malignant and probably cancerous. I have requested a medical furlough from the prison authorities and they have categorically refused to permit me to receive medical attention.*”
- **Khaled Hardani**<sup>34</sup>, was sentenced to death for participating in the attempted hijacking of a 30-seater passenger aircraft in January 2001. The Head of the Judiciary reportedly issued a stay of execution on 19 January 2005, the day before he was due to be put to death and he has remained in a unclear legal situation since. He is reported to be suffering a severe skin infection from a wound to the upper chest he received at the time of the attempted hijacking. He has undergone a number of operations and prison medical officials are said to have recommended that he receives specialist treatment outside prison, which to date has been denied. On 24 October 2005, he was reportedly beaten by prison guards in the sight of his wife and children while they were visiting him at the prison.
- **Bina Darabzand**, a founding member of the Democratic Party of Iran (*Hezb-e Demokrat-e Iran*), was arrested on 17 August 2004 outside the UN offices in Tehran while demonstrating peacefully calling for better treatment of political prisoners and was sentenced to three-and-a-half years’ imprisonment, five years’ denial of civil rights and 50 lashes. A prisoner of conscience, he reportedly intervened to try to stop the beating of Khaled Hardani in October 2005 (see above). Both prisoners were removed from the visiting area without seeing their visitors. Bina Darabzand reportedly suffers from heart disease,

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<sup>34</sup> See AI Index MDE 13/003/2005

kidney, dental, and eye problems for which he requires urgent medical treatment.

- **Behrooz Javid Tehrani**, arrested at the same time as Bina Darabzand (above), and sentenced to seven years' imprisonment and 74 lashes (reduced to four years' imprisonment and 74 lashes on appeal) was reportedly denied family visits in October 2005 after giving an interview to an external radio station (Radio Farda) about the severe torture to which he was subjected in Evin Prison following his arrest. He is reported now to have gone blind and to have been diagnosed with a malignant brain tumour.
- **Arzhang Davoodi**, an author, poet and Director of the Parto-e Hekmat Cultural-Educational Centre in Tehran, was arrested in October 2003 after he assisted in the making of a secretly and illegally filmed TV documentary, called "Forbidden Iran" in which he criticised the Iranian authorities. He was kept in solitary confinement for over three months in a detention facility run by the Revolutionary Guards, where he was severely tortured, resulting in injuries including a broken shoulder blade, bleeding in his left eye, deafness, a broken jaw and broken teeth. He was later transferred to Evin prison, then to Reja'i Shahr Prison, and in September 2005 was reported to have been moved to Bandar Abbas Prison, in a coastal town far from his family.



**Arzhang Davoudi** ©  
**Private**

In a communication from prison believed to date from July 2005, Arzhang Davoodi stated that he had been sentenced to 15 years' imprisonment, 70 lashes and 5 years of house arrest and that his sentence had been confirmed on appeal. He said that he was convicted on charges of establishing and directing the Iranian Liberation Movement, writing a book calling for a secular Iran, organizing political prisoners inside prison, and other political activists in order to undermine the state, and cooperation with the production of the documentary film "Forbidden Iran". He stated, "*There is a special government account that prisoners' families are asked to deposit money in so their loved ones can receive medical treatment.*"

*Despite proof of the availability of such funds, the prison staff have repeatedly refused to allow me to receive private medical care that I desperately need."*

## 5. Death Penalty

Amnesty International has recorded 69 executions between July 2005 and the end of January 2006, including two of youths reportedly under 18 at the time of their execution. It has recorded over 30 other death sentences in the same period, including at least six imposed on defendants who were under 18 at the time of their alleged offence. The true figures are probably much higher. Death sentences continue to be imposed for vaguely worded mainly political charges such as “corruption on earth”, for consensual private adult sexual relations and for other offences such as drinking alcohol, as well as for crimes such as rape, murder and drug-trafficking.

### 5.1 Execution of minors and child offenders

- On 13 July 2005, **Ali Safarpour Rajabi**, aged 20, was hanged for killing Hamid Enshadi, a police officer in Poldokhtar. Amnesty International recorded his death sentence as having been passed in February 2002, when he was 17 years old, and believes his crime may have been committed when he was only 16 years old.
- On 19 July 2005, **Ayaz Marhoni**, 18, and a minor, **Mahmoud Asgari**, were publicly hanged in the north-eastern city of Mashhad. According to press reports, they were convicted of sexual assault on a 13-year-old boy and had been detained 14 months before. Prior to their execution, the two were also given 228 lashes each for drinking, disturbing the peace and theft.
- In September 2005, a 22-year-old Iranian man convicted of rape was publicly hanged in the southern province of Fars. According to *E'temad* newspaper, he had been sentenced to death in 2000, suggesting he was under the age of 18 when the crime was committed.
- In December 2005 **Rostam Tajik**, an Afghan national aged 20, was publicly executed in a park in the city of Esfahan after conviction of the murder of a woman when he was aged only 16. He had been sentenced to *qisas* (retribution specified by the victim's family). On 9 December, the Special Rapporteur on extrajudicial, summary or arbitrary executions of the United Nations Commission on Human Rights, Philip Alston, had called on the Iranian authorities not to proceed with the execution, saying "*At a time when virtually every other country in the world has firmly and clearly renounced the execution of people for crimes they committed as children, the Iranian approach is particularly unacceptable. It is all the more surprising because the obligation to refrain from such executions is not only clear and*

*incontrovertible, but the Government of Iran has itself stated that it will cease this practice."*

- On 3 January 2006, 18-year-old **Nazanin** was sentenced to death for murder by a criminal court, after she reportedly admitted stabbing to death one of three men who attempted to rape her and her 16-year-old niece in a park in Karaj in March 2005. She was 17 at the time. Her sentence is subject to review by the Court of Appeal, and if upheld, to confirmation by the Supreme Court.
- 19-year-old **Delara Darabi**, was sentenced to death by a court in the city of Rasht for a murder committed when she was 17 years old. She denied the killing but the sentence was upheld by the Supreme Court at the beginning of January 2006, though her lawyer reportedly appealed the decision.

The Persian language news service *Aftab* reported that Delara Darabi and a 19-year-old man, Amir Hossein, broke into a house intending to commit burglary, but killed the woman who lived there. Delara Darabi initially confessed to the murder, but subsequently retracted her confession and stated that she had admitted responsibility for the murder at the request of Amir Hossein, to help him escape execution, because he believed that she would not be sentenced to death because she was under 18 at the time of the murder. She said that she was under the influence of sedatives during the burglary.

For about four years, the Iranian authorities have been considering legislation that would prohibit the use of the death penalty for offences committed under the age of 18. On 11 October 2005, Minister of Justice, Jamal Karimirad, acting in his capacity as spokesman for the Iranian Judiciary, was reported as having told ISNA that if this bill was passed by the *Majles*, then those under the age of 18 would no longer be executed. However, he made a distinction between "*qisas*" and other crimes carrying the death penalty, stating that "*qisas*" was a private, not a state matter, although he did state that attempts were being made to address the issue of "*qisas*" as well.

It is clear from his statement that the draft law currently under consideration falls far short of the measures which are urgently needed in Iran if it is to meet its international human rights obligations not to execute children and juvenile offenders. The majority of executions of minors and juvenile offenders in Iran are cases of "*qisas*" where the individual has been found guilty of murder and it is unacceptable in this regard for the Iranian authorities to separate cases of murder from other crimes carrying the death penalty. Legislation is urgently required to ensure that no person in Iran is sentenced to death for any crime, including murder, committed when they were under the age of 18.

## ***5.2 Death penalty for consensual adult sexual relations***

A woman, identified only as “**Soghra**” was sentenced to death by stoning in October 2005 after conviction of adultery, despite a moratorium on stoning imposed in December 2002 under a directive from the Head of the Judiciary. Amnesty International has recorded several sentences of stoning being imposed since the moratorium was announced, although it is not aware of any such sentences being carried out. The organization wrote to the Iranian authorities in October 2005, seeking clarification of the precise status of stoning in Iran, but by January 2006 had not received any reply.

In November 2005, according to a report in the *Keyhan* newspaper, two men identified as **Mokhtar N.**, aged 24 years, and ‘**Ali A.**, aged 25 years, were publicly executed in Shahid Bahonar Square, Gorgan for the crime of *lavat* (“sodomy”). The report went on to state that the men had committed previous crimes, including kidnapping, stabbing and rape. Amnesty International sought clarification from the Iranian authorities about the precise charges for which these two men were executed, but had received no reply by early February 2006.

## ***5.3 Death penalty for political offences***

In this period executions have been carried out on people who have been convicted of vaguely worded political offences after unfair trials, usually before Revolutionary Courts. Many others political prisoners convicted after unfair trials remain at risk of execution.

- **Esma’il Mohammadi** was executed on 3 September 2005 in Oroumieh Prison. His family learned of his death when they went to visit him and were told he had been executed. They were given his clothes and personal effects, but not his body. He had been sentenced to death in July 2003 after an unfair trial by Branch 1 of the Revolutionary Court in Oroumieh. He was convicted of “armed struggle against the Islamic regime” and “membership of a proscribed organization”, believed to stem from his activities on behalf of *Komala*, a Kurdish opposition group.
- On 17 September 2005 **Jassem Ma’rouf**, also known as **Abbas Khosreji**, an Iranian Arab, was executed in Ahvaz reportedly after conviction of being a *mohareb* (at war with God).
- **Abu Baker Mirza’i Qaderi, Othman Mirza’i Qaderi, and Qader Ahmadi** were all reported to be at imminent risk of execution in September 2005 after

conviction of charges relating to activities on behalf of the KDPI. They are not known to have been executed by January 2006.<sup>35</sup>

- 41-year-old **Sheikh Abbas Abou Ali Zalim**, an Iranian Ahwazi Arab was hanged in Sepidar prison in Ahvaz city at the end of November or early December 2005. His family were reportedly given his body on or around 5 December 2005. He was involved in the April unrest. He was believed to have been detained around September 2005 and to have been executed after conviction of charges relating to involvement in the ongoing unrest in Khuzestan province.
- **Aziz Khalakani**, a Kurd, was executed on 18 December 2005 after spending over 9 years in Oromieh prison after conviction of having killed a member of the security forces. **Masoud Shokeh**, arrested at the same time, was executed two weeks later on 1 January 2006.

#### ***5.4 Death Penalty for drinking alcohol***

In November, **Karim Fahimi** (also known as Karim Shalo), aged 32 and married with two young children, was reported as being at imminent risk of execution by firing squad after his death sentence, originally passed in June 2005, was confirmed by the Supreme Court. He had been convicted for the fourth time of drinking alcohol, to which he had become addicted after becoming unemployed about four years previously. Article 174 of the Iranian Penal Code provides for a sentence of 100 lashes for anyone convicted of consuming an intoxicant. Under Article 176, a third such offence carries the death penalty.



**Karim Fahimi** © Private

Karim Fahimi is reported to have been arrested after his family called the police for help one night when he was drunk at home. His family is reported to have said, *“If we had known that instead of medical treatment, he would be put in jail and sentenced to death, we would never have called and asked for the government’s help”*.

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<sup>35</sup> See Urgent Action AI Index MDE 13/054/2005 for further details.

## **6. Amnesty International's concerns and international human rights standards**

### ***6.1. Imprisonment of prisoners of conscience***

Amnesty International is aware that there has been a high level of violence in parts of Iran in this period and recognizes the rights and responsibilities of governments to bring to justice those accused of recognizably criminal offences such as causing explosions, murder or participation in violent demonstrations. However, Amnesty International is concerned that many of those referred to in this report are prisoners of conscience who have been detained or imprisoned solely on account of the peaceful expression of their political, religious or other conscientiously held opinions, or on account of their ethnic origin, gender, or language. All such prisoners of conscience should be released immediately and unconditionally. Such detention is facilitated by often vaguely worded and contradictory Iranian legislation which restricts the internationally recognised right to freedom of belief, expression, and association as contained in the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party.

### ***6.2 Detention of children with adults***

Amnesty International is concerned at reports that children in Iran are being detained alongside adults and are, on occasion tortured or ill-treated. Both the ICCPR and the Convention on the Rights of the Child (CRC), to which Iran is also a state party, requires that children shall be separated from adults in detention.

### ***6.3 Unfair trials of political prisoners***

Trials in Iran before General, Revolutionary or other Special Courts do not meet international standards for fair trial, most notably those laid down under Articles 6 (in capital cases) and 14 of the ICCPR. The independence of the judiciary is compromised, the independence and security of lawyers are undermined and detainees are not afforded access to legal counsel until investigations are deemed complete, leading to prolonged periods of incommunicado detention, sometimes in parallel or informal detention centres to which the judiciary has no access, which facilitate the use of torture or ill-treatment to obtain confessions.<sup>36</sup>

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<sup>36</sup> For a fuller discussion of the shortcomings of the Iranian legal system and unfair trials in Iran, see Iran: A legal system that fails to protect freedom of expression and association (AI Index MDE 13/045/01) and Iran: Unfair trials of political detainees (AI Index MDE 13/015/1992)

## **6.4 Denial of minority rights**

Amnesty International is concerned about the violation of economic, social and cultural rights of persons belonging to minorities in Iran. Iran is a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as to the International Convention on the Elimination of Racial Discrimination (ICERD) which require the immediate prohibition, and steps towards the elimination of discrimination against minorities, in the realisation of economic, social and cultural rights, including the rights to free choice of employment, to housing, to education, to equal participation in cultural activities and to social services. Reports of huge disparities between minority communities and majority groups in literacy, access to education, basic services such as adequate water supplies, sanitation and electricity, as well as reports of “land grabbing” which appears to target minority communities, all suggest that Iran is failing to comply with these international obligations.

The Committee on the Elimination of Racial Discrimination stated in paragraph 14 its concluding observations in 2004: *“The Committee takes note with concern of the reported discrimination faced by certain minorities, including the Bahá’ís, who are deprived of certain rights, and that certain provisions of the State party’s legislation appear to be discriminatory on both ethnic and religious grounds.*

The Committee on Economic, Cultural and Social Rights has stated in relation to Article 11(1) of the ICESCR, which provides the right to adequate housing, that forced evictions from a place of habitual residence without consultation, due process or assurance of adequate alternative accommodation are prohibited<sup>37</sup>. The Human Rights Committee (HRC), has stated in relation to Article 12(3) of the ICCPR: *“the right to reside in a place of one’s choice within the territory includes protection against all forms of forced internal displacement. It also precludes preventing the entry or stay of persons in a defined part of the territory.”*<sup>38</sup>.

## **6.5 Human Rights Defenders**

Amnesty International is concerned about the restrictions placed on the work of human rights defenders in Iran, including journalists, lawyers and trade unionists, and the human rights violations they suffer as a result of their peaceful activities to promote and protect human rights.

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<sup>37</sup> CESCR General Comment 4 (Sixth Session 1991) and 7 (Sixteenth Session 1997)

<sup>38</sup> HRC General Comment 27, paragraph 7 (Sixty-seventh Session 1999)

The UN Declaration on Human Rights Defenders<sup>39</sup>, while not legally binding, reiterates binding safeguards for the right to defend human rights. These include the right to promote and protect human rights and fundamental freedoms, the right to benefit from an effective remedy for human rights violations, and the right to participate in peaceful activities against human rights violations. States are also required to take necessary measures to protect human rights defenders from violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or other arbitrary action related to their work.

The UN Basic Principles on the Role of Lawyers<sup>40</sup> outlines protections for legal professionals. In particular, Article 16 stipulates that lawyers should be able to work without “intimidation, hindrance, harassment or improper interference”, be free to travel within their own country and abroad, and should not be prosecuted or suffer other sanctions or threats in connection with their legitimate professional work. Article 23 safeguards the right of lawyers to freedom of expression and association, especially in relation to public discussion of the law, the administration of justice and the protection and promotion of human rights.

The right to form and join trade unions is well-established in international law, notably under Article 22 of the ICCPR and Article 8 of the ICESCR. Iran is also a member of the International Labour Organization (ILO) and is bound by its requirements, including the ILO Committee on Freedom of Association’s ruling that it is not legitimate for states to restrict the right to strike during disputes concerning workers’ occupational and economic interests. States can restrict the right to strike only in cases of acute national emergency (and then for a limited period only). Freedom of association and the effective recognition of the right to collective bargaining are core principles of the ILO’s Declaration on Fundamental Principles and Rights at Work, which requires all state parties “to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles [of the Declaration].<sup>41</sup>

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<sup>39</sup> The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Resolution 53/144, 9 December 1998

<sup>40</sup> Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Cuba, 27 August to 7 September 1990

<sup>41</sup> Adopted by the ILO at its 86<sup>th</sup> Session, Geneva, June 1988

## ***6.6 Torture and other cruel, inhuman or degrading treatment or punishment***

Amnesty International is concerned at the continuing reports of torture and ill-treatment in Iran, including that of women and children. Article 7 of the ICCPR provides that: *"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment"*. Under Article 4(3) of the ICCPR, this provision cannot be derogated from even *"In time of public emergency which threatens the life of the nation"*. The CRC reiterates this absolute prohibition with respect to children. Under Article 9 of the UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *"[w]herever there is reasonable ground to believe that an act of torture ... has been committed ...[states must] promptly proceed to an impartial investigation even if there has been no formal complaint."* The Human Rights Committee has also stated in relation to Article 7 of the ICCPR (cited above) that *"[c]omplaints [about torture and ill-treatment] must be investigated promptly and impartially by competent authorities..."*<sup>42</sup>. Judicial corporal punishments such as flogging and amputation constitute torture or cruel, inhuman or degrading punishment, and are therefore prohibited at all times.

Amnesty International also considers the denial of adequate medical treatment to prisoners and detainees to be a violation of international law and standards, including the provisions of the ICCPR that *"All persons deprived of their liberty shall be treated with humanity"* (Article 10(1)) and the prohibition on cruel, inhuman or degrading treatment or punishment (Article 7).

## ***6.7 The death penalty***

Amnesty International opposes the death penalty in all circumstances as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment. In addition, Iran, as a state party to the ICCPR and the CRC has an absolute obligation not to execute anyone for an offence committed when they were less than 18 years old. Article 6 of the ICCPR provides: *"Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age"*. Article 37 (a) of the CRC states *....Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of*

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<sup>42</sup> Human Rights Committee, General Comment 20, Article 7 (Forty-fourth session, 1992), para. 14.

*age*. Methods of execution such as stoning, which are specifically designed to cause the victim great pain before death are of particular concern to Amnesty International, as an extreme form of torture.

Amnesty International also opposes the criminalisation of consensual adult sexual relations conducted in private, including same sex relations. Amnesty International urges the Iranian authorities to urgently review legislation to ensure that no one in Iran is detained or punished, including by execution, solely on account of such consensual relations.

## **7. Amnesty International's Recommendations**

Amnesty International is calling on the Iranian government to take urgent, concrete measures to address the longstanding pattern of human rights violations and to ensure that all the fundamental human rights of all persons in Iran are protected irrespective of their gender, ethnicity, religious faith or other such defining characteristics. In particular, Amnesty International urges the government of President Mahmoud Ahmadinejad to take the following steps:

- Release all prisoners of conscience immediately and unconditionally;
- Review law and practice to ensure that no one may be imprisoned as a prisoner of conscience or discriminated against solely on account of their political opinions, race, ethnicity, gender, sexuality or language;
- Review as a matter of urgency, through an independent judicial body, the cases of all political prisoners held without trial or convicted after unfair trials, and order the immediate release of all of those against whom there is no evidence that they have committed a recognizably criminal offence;
- Grant all such prisoners prompt and regular access to lawyers of their own choosing and their families and to appropriate medical care if necessary;
- Investigate all allegations of torture or ill-treatment promptly and thoroughly. The methods and findings of any such investigation should be made public. Anyone implicated in human rights violations should be brought to justice promptly and fairly and victims of torture and ill-treatment should be granted compensation;
- Take effective measures to eradicate the use of torture, including the full implementation in practice of Iran's own legislation and the ratification of the

UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and complying with its provisions;

- Ensure that children are detained only as a last resort and for the shortest possible time and that they are not held with adult detainees;
- Demonstrate its respect for the inherent right to life by ordering a moratorium on executions, and take immediate steps to prevent further executions of prisoners who are children, or who were children at the time of their alleged crimes;
- Ensure that all trials, including in capital cases, respect, as a minimum standard, the relevant provisions of the ICCPR;
- Ensure exhaustive and impartial investigations are conducted into violations against human rights defenders, that anyone found responsible is brought to justice and that victims or their relatives are provided with reparation;
- Take effective action to sanction state officials who abuse the legal process to the detriment of human rights defenders, including journalist, lawyers and trade unionists, with the intention of harassing them or curtailing their legitimate activities for the defence of human rights and fundamental freedoms;
- Ensure that the principles contained in the UN Declaration on Human Rights Defenders, adopted by the United Nations General Assembly on 9 December 1988 are fully incorporated into national law and mechanisms for the protections of human rights. Authorities at all levels of government should explicitly commit themselves to promoting respect for human rights, and to the protection of human rights defenders;
- End any policy of deliberate land expropriation or population transfer aimed at dispossessing minority populations from their traditional lands;
- Cease any practice of forced evictions: that is evicting people from land or housing without consultation, due process of law, and assurances of adequate alternative accommodation;
- Cease forced internal displacement linked to forced evictions and “land grabbing”;

- Take immediate steps towards the elimination of *de facto* discrimination in the exercise of economic, social and cultural rights such as rights to education, adequate housing, water and sanitation as well as in access to utilities such as electricity adopting special measures, such as multilingual education, as necessary.