Report to the United Nations Human Rights Committee on the Islamic Republic of Iran’s Compliance with the ICCPR

1 August 2010

International Campaign for Human Rights in Iran

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I. Executive Summary

This report presents information about compliance by the Islamic Republic of Iran (IRI) with its obligations as a signatory to the International Covenant on Civil and Political Rights. Following introductory information and general observations, Iran's adherence to the pledges contained in a number of the articles is discussed, with respect both to the country's laws and its human rights practices. Not all articles of the Covenant are discussed, nor is the presentation comprehensive, as it reflects those aspects of the problem about which the most detailed information is available.

The grave human rights violations in Iran are primarily violations of the fundamental civil and political rights protected by the ICCPR. In many, and very serious cases, Iran's laws themselves are incompatible with the Covenant. However, Iranian authorities routinely violate the country's own Constitution and laws that are meant to protect human rights.

With respect to Article 2 and 3 of the Covenant, Iran's laws are deeply discriminatory, particularly against women. Iran's laws and social policies not only devalue women, but also put them at risk of exploitation, abuse, and even murder. The Right to Life (Article 3) is massively violated on the basis of laws under which citizens may be executed for a wide range of crimes including sexual offenses, while women and non-Muslims are at greatest risk. There are excessive numbers of executions and including executions of those who committed crimes as juveniles. Torture (Article 7) is systematic and widespread in a system in which confessions often are the main evidence upon which convictions are made. Thousands of Iranians have been arbitrarily detained (Article 9) in the context of recent political disturbances. Prison conditions (Article 10) are in many cases intentionally inhumane and unhealthy, particularly for prisoners of conscience. The Freedom of Movement (Article 12) is violated by arbitrarily-imposed travel bans.

This report deals at length with ways in which judicial processes and guarantees in Iran violate Article 14, and in particular with the lack of an independent judiciary. The Right to Privacy (Article 17) is violated by extensive monitoring of private communications. The Freedom of Expression (Article 19) is severely limited by censorship, the closing of newspapers, restrictions on Internet use, and arrests of journalists. The report includes information on how Iranian officials and publications have engaged in incitement to violence (Article 20). Iranian civil society organizations and social movements, in particular women's rights groups, students, human rights activists and labor activists, have been denied the Freedom of Assembly (Article 21) and the Freedom of Association (Article 22). Finally, the report includes an analysis of laws governing elections in Iran, which conflict with Article 25 and with the basic principles of equality and non-discrimination.

II. Introduction

a. Description of the International Campaign for Human Rights in Iran

The International Campaign for Human Rights in Iran was founded in 2008 to provide urgent and needed support for human rights and human rights defenders in Iran. The Campaign is dedicated to a nonpartisan approach to human rights documentation and advocacy based on international standards and legal obligations. The work of the Campaign has three main dimensions: research and documentation;
international advocacy; and stimulating international support and solidarity for
human rights defenders and other groups. The Campaign researches and reflects
the concerns of members of the Iranian civil society, including human rights
defenders, journalists, members of women’s, student and labor organizations, and
others inside Iran. The Campaign has become a leading source of objective
information and analysis for international governmental institutions, national
governments, media and civil society.

The Campaign is affiliated with the Foundation for Human Security in the Middle East,
an independent, nongovernmental organization based in The Hague, Netherlands,
and registered under Dutch and European law, and chaired by Professor Cees
Flinterman. Funding for the work of the Campaign comes exclusively from private
foundations and individuals, as the Campaign accepts no grants or donations from
governmental sources.

b. Context of the Report

Particularly over the past five years, Iran has become among the most repressive
countries in the world in terms of basic civil and political rights, with an official
policy aggressively hostile to human rights and civil society; a country where torture
is routine and more people are executed per capita than in any other country in the
world. The profound legal discrimination faced by women and religious minorities
has not been addressed, but peaceful and legal efforts to change it from civil society
have been met with violent repression. Especially since the June 2009 presidential
election, peaceful political dissent and demands for human rights have been met
with extreme violence, including dozens of murders, and dissent has been
criminalized and punished with sentences including the death penalty. Over five
thousand people were detained after the 2009 election and at least 500 of them
remain in temporary detention or serving prison terms, and arrests of human rights
defenders and reform-oriented intellectuals, journalists and others continue as of
this writing. The Iranian judiciary has given up any pretense of independence and
objectivity on politically sensitive cases, and is influenced by the Revolutionary
Guards and intelligence services. Victims of human rights abuses are receiving
credible threats of harm to themselves or their families if they speak to journalists
or human rights groups. A sizable segment of Iran’s community of independent
human rights activists have been forced into exile or are imprisoned, and those in
Iran are isolated and often banned from travel. Iran is stepping up attempts to
restrict Internet access, imposes travel bans on civil society activists on their way to
international conferences, and otherwise seeks to impose isolation on the society.
Iran has barred visits from UN special rapporteurs since 2005. It is one of the few
countries in the world that refuses visas to international human rights groups.

III. Report on Compliance with Selected Articles of the ICCPR

a. General Remarks

Quality of National Report: Seventeen year ago, when the IRI last reported the
Human Rights Committee, the Committee noted in its Concluding Observations
(para.2) “that the report contained little reference to the implementation of the
Covenant in practice and provided virtually no information about factors and
difficulties impeding the application of the Covenant in the Islamic Republic of
Iran.” That same observation would apply to the current National Report, which
contains little if any information about the actual human rights situation in the
country.
Article 9 of the Civil Code of the Islamic Republic of Iran endorses international treaty obligations as having the force of law, by stating that: “Treaty stipulations which have been, in accordance with the constitutional law, concluded between the Iranian Government and other government, shall have the force of law.”

There are no National Human Rights Institutions in the Islamic Republic of Iran that meet the requirements of the Paris Principles. In 2008, the Asia Pacific Forum of National Human Rights Institutions, in considering membership application of the Islamic Human Rights Commission from Iran, determined that this institution does not meet the requirements of the Paris Principles (http://www.asiapacificforum.net/about/annual-meetings/13th-malaysia-2008/downloads/forum-councillors-meeting/Forum_Councillors_Report.pdf).

b. Implementation of previous concluding observations

We wish to call attention at the beginning of our report to several specific issues respecting the implementation of recommendations contained in the last Concluding Observations, on 08/03/1993, viz:

- The Committee recommended curtailing number of offenses punishable by the death penalty (para 18).

- The Committee recommended that severe forms of punishment should be removed (para 18). In the many intervening years, no improvements can be recorded in Iran's application of punishments that can be termed inhumane and incompatible with the Covenant. As discussed below, stoning ("lapidation") is still a legal punishment, and has never been outlawed by an act of the Iranian Majlis.

- The Committee recommended improvements to the fairness of trials by bringing processes into conformity with Covenant (para 20). As we discuss and document at length below under an explication of problems in implementing Article 14, the Iranian Judiciary today operates under the overt influence of the executive branch, specifically various intelligence and security agencies, and it is fair to say that the prospects for a fair trial in Iran today are worse than they were at the time of the Committee's last review.

- The Committee recommended that “active measures should be taken to enhance the status of women in accordance with articles 23 and 23 of the Covenant and to guarantee their equal enjoyment of rights and freedoms” (para 21). While Iran has made virtually no changes in its discriminatory laws and practices as regards equality between men and women, the authorities have suppressed, sometimes violently, a broad, peaceful civil society movement advocating for reform in this area, persecuting and prosecuting women’s rights activists.

- The Committee expressed concerns about the implementation of Article 18, and emphasized the need to end discrimination based on religion and belief. Those concerns should remain, especially in view of continuing persecution of members of the Baha’i Faith, a number of the leaders of which are baselessly incarcerated at this time.

c. Status of the covenant in domestic legislation
In the course of its Universal Periodic Review, in February 2010, Iran blatantly rejected numerous recommendations made by United Nations member states, asserting that the implementation of such recommendations, which were based on Iran's international legal obligations, would be inconsistent with "its existing laws, pledges and commitments."

d. Impunity

The Islamic Republic of Iran has a negative record in this area, as no evidence exists of serious efforts to address the problem. The history of impunity with respect to the serial murders of four dissidents and intellectuals in 1998 (Mohammad Jaafar Pouyandeh, Mohammad Mokhtari, Parvaneh Eskandari, and Dariush Forouhar) by intelligence agents was acknowledged by the government, but no transparent judicial process was initiated. If the then-president, Mohammad Khatami, had not intervened in the serial murders case, nobody would have been accountable for the crimes. Even so, those who ordered the crimes were never questioned. One of the suspects committed suicide or was murdered in prison. The rest of the suspects were eventually freed. Instead, Nasser Zarafshan, the attorney of victims’ families, spent five years in prison.

Similarly, there have been no attempts to hold responsible officials implicated in the murder of Zahra Kazemi, a photo-journalist, while under detention at Evin prison in 2003; the murder of Zahra Yaghoubi at a Hamadan detention center in October 2007; and the death of a student detainee, Ebrahim Lotfollahi in Sanandaj prison in January 2008.

Iranian authorities took limited steps to address the deaths of four persons who were arbitrarily detained in the Kahrizak detention facility following post-election demonstrations, and died following torture and ill-treatment (See below under the discussion of Article 6). The center was ordered closed by Iran's Leader, Ayatollah Khamenei. A special committee of the Parliament conducted an investigation, which was completed on 6 January 2010, which named Saeed Mortazai, the Prosecutor-General of Tehran at the time of the post-election protests, as a suspect. As of this writing, the Judiciary has refused to indict Mortazavi, and police officials in charge of detainees. Instead, two unnamed low-level prison guards have been prosecuted and sentenced to death. In this regard, it may be said that the case has been taken more seriously than cases before it. However, noting Article 578 of the Islamic Penal Code, which mandates harsher punishments for those in command responsibility positions, no commanders and responsible officials have been investigated or prosecuted.

Within the framework of Iranian laws, there are articles, items, and notes that allow for violations of human rights and even for ending human life without due judicial process, providing dangerous authorizations that are invitations to abuse and murder with impunity. Article 226 and Note 2 under Item C of Article 295 of the Islamic Penal Code is an example: Authorities with connections to powerful central institutions and political figures have used these two articles and notes and have successfully evaded punishment. The Islamic theocratic term "mahdoor-ol-dam" (literally, "his blood may be shed"), which is used in this article, is in direct opposition to human rights principles. According to this term and the articles and items in which it is used, if someone murders another on the assumption that the victim was mahdoor-ol-dam(deserving of death), he will not be punished at all or will only be required to pay the blood money, "diaa." When such a term enters a legal system, it robs that system from the possibility of upholding human rights.
Therefore, in the cases of murders committed on the pretext of combating immoral behavior or protecting revolutionary and Islamic values, politically-obedient judges have continually used these laws to rescue criminals and violators of human rights.

**IV. ARTICLE 2 (NON-DISCRIMINATION)**

*a. Provisions of the Iranian Constitution*

Articles 12, 13, and 14 of the Constitution give followers of the recognized religious minorities -- Christianity, Judaism and Zoroastrianism-- the right to practice their religious and also apply their religious rules to their personal lives. Consequently, followers of other religions do not have similar rights.

Article 12 details the “official religion” of Iran, the country's National Church.

Article 13 states, “Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education.”

According to Article 14, “the government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights.”

Article 23 of the Constitution specifies that the followers of other religions and religious sects enjoy freedom of opinion. It also prohibits inquisitions and says that no one may be prosecuted or persecuted merely for holding an opinion.

*b. Conclusions*

There is no guarantee for respecting Article 14 even insofar as it satisfies a pledge of non-discrimination in embracing the Covenant. The practices of the Iranian government, particularly with regard to the treatment of the Baha’i religious minority, do not conform to the Constitution or to the Covenant. Baha’is are effectively barred from higher education in universities; from holding government positions; and have no representative in parliament. At the same time, the Constitution fails to foresee for religious minorities the right of advocating their faiths or holding religious rituals in public.

For reference, the English texts of the above-cited articles follow below:

**Article 12**

The official religion of Iran is Islam and the Twelver Ja'fari school [in usual al-Din and fiqh], and this principle will remain eternally immutable. Other Islamic schools, including the Hanafi, Sha'fi, Maliki, Hanbali, and Zaydi, are to be accorded full respect, and their followers are free to act in accordance with their own jurisprudence in performing their religious rites. These schools enjoy official status in matters pertaining to religious education, affairs of personal status (marriage, divorce, inheritance, and wills) and related litigation in courts of law. In regions of the country where Muslims following any one of these schools of fiqh constitute the majority, local regulations, within the bounds of the jurisdiction of local councils, are to be in accordance with the respective school of fiqh, without infringing upon the rights of the followers of other schools.
Article 13

Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education.

Article 14

In accordance with the sacred verse; ("God does not forbid you to deal kindly and justly with those who have not fought against you because of your religion and who have not expelled you from your homes" [60:8]), the government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights. This principle applies to all who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran.

Article 23

The investigation of individuals’ beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.

c. Persecution of members of the Baha’i Faith

Members of the Baha’i Faith in Iran number approximately 300,000, making them the largest non-Muslim religious minority group. In recent years the persecution of Baha’is has intensified to include cemetery desecration, arbitrary detention, home raids, property confiscation, work expulsion and denial of basic civil rights. Iranian Baha’i youth continue to be denied the right to higher education, and any university found to have a Baha’i student is ordered to expel them. Baha’i professionals are denied government jobs and face discrimination from private businesses because of their faith. Harassment also occurs from ordinary citizens, for example the cars and homes of Baha’is reportedly being vandalized. Even those who come to their defense are targeted. Nobel Peace laureate Shirin Ebadi has come under fire for taking up the case of seven Baha’i leaders arrested in 2008 and put on trial on national security charges.

There are currently at least 40 Baha’is in detention throughout Iran. Baha’is released on bail have been ordered to pay exorbitant amounts. Aziz Samandari and Jinous Sobhani, a former secretary at the Defenders of Human Rights Center, were released on 11 March on bail of 700 million Rials (approximately $73,000). Didar Raoufi, Payam Aghsani and Nima Haghari were released on the same day and ordered to pay the same amount. Shahroksh Taef was released six days later on 17 March 2009 having paid the same amount in bail.

1. Enayatollah Haghighatjou — arrested 13 May 2007 in Shiraz and sentenced to 1-year imprisonment suspended for 4 years.

2. Haleh Rouhi — arrested 19 May 2006 in Shiraz and sentenced to 4 years in prison.


7. Mahvash Sabet — arrested 5 March 2008 who is being held in Evin prison in Tehran.


10. Afif Naemi — arrested on 14 May 2008 and is being held in Evin prison with no trial or charge announced.

11. Saeed Rezaie — arrested on 14 May 2008 and is being held in Evin prison with no trial or charge announced.


13. Vahid Tizfahm — arrested 14 May 2008 in Tehran and being held in Evin prison with no trial having been held.

14. Mehran Bandi – arrested 29 May 2008 in Yazd and is serving a sentence of 3 1/2 years in prison and 3 years imprisonment in exile in Shahre Babak in Kerman.


16. Rouhieh Yazdani — arrested on 26 October 2008 in Yasouj. Sentenced to 4 years in prison with two years suspended.

17. Zolaykha Ravanbakhsh (Mousavi) — arrested on 26 October 2008 in Yasouj and sentenced to 4 years imprisonment with two years suspended.

18. (Mir) Aliaskan Ravanbakhsh — arrested 26 October 2008 in Yasouj and sentenced to 4 years imprisonment with two years suspended.

19. Feizollah Rowshan — first arrested 1 November 2006 and again on 6 December 2008 in Sari. Sentenced to 1 year in prison and 4 years imprisonment in exile in Damghan.

20. Sahba Fanaiyan (Rezvani) — arrested 15 December 2008 in Semnan. No trial has been announced and sentences any sentence is unknown.


23. Taherverdi Eskandarian — arrested 4 January 2009 in Semnan and sentenced to 6 months in prison.

24. Saman Sabeti — arrested 4 February 2009 in Ghaemshahr. No trial date has been set or announced and any charges or sentencing unknown.

25. Kayvan Karami – arrested 21 February 2009 in Shiraz. No trial date has been set or announced and any charges or sentencing unknown.

26. Payman Roohi — arrested 1 March 2009 in Yazd. No trial date has been set or announced and any charges or sentencing unknown.

27. Rostam Behifar — arrested 1 March 2009 in Yazd. No trial date has been set or announced and any charges or sentencing unknown.


29. Pooya Tebyanian — arrested 8 March 2009 in Semnan and sentenced to 2 1/2 years in prison.

30. Shahram Chiniyan Miandoabi — arrested in March 2009. Location of detention either Hassanabad or Miandoab.

31. Moshfegh Samandari — arrested 14 April 2009 in Babol. No trial date has been set or announced and any charges or sentencing are unknown.


33. Shahram Safajou — arrested 26 April 2009 in Karaj.

34. Mohammad Reza Kandi — first arrested 9 April 2008 and again on 25 April 2009 in Manzandaran. Sentenced to 7 months in prison.

35. Ms. Manijeh Nasrollahi — former member of the Semnan Khademin (the group that used to take care of the affairs of the Baha’i community at the local level), was arrested in her home in Semnan on 17 June 2009 by Intelligence Ministry agents. No more details are known.

V. Article 3 (Equal Rights of Men and Women)

a. Laws governing family life; the legal status of women

For marriage, a girl must be 13, and a boy must be 15. If they are younger, marriage is contingent on the approval of their guardians (vali)[See Iranian Civil Code, Article 1041, which was amended (reformed) in July 2002 by majma’e tashkhis-e maslahat-e nezam (the Expediency Council).

Boys older than 15 may freely choose their wives, whereas women older than 18 are allowed to choose their spouses as long as they are virgins. The legality of their
marriage is also contingent on their father’s or the paternal grandfather’s approval or the court’s approval (See Iranian Civil Code, Article 1043).

The husband is designated the head of the household by law (See Iranian Civil Code, Article 1105).

A woman is legally obliged to be obedient to her husband (See Iranian Civil Code, Article 1108).

A woman cannot leave the country without her husband’s approval (See the Immigration and Passport Regulation of Iran, ratified 1971). This discrimination is also relevant to Article 12 of the Covenant, which is discussed below.

A man may take more than one wife (See Iranian Civil Code, Article 942).

A man may prohibit his wife from employment (See Iranian Civil Code, Article 1117).

b. Divorce and the financial situation of women

A man has undisputed and unequivocal rights to divorce his wife (see Iranian Civil Code, Article 1133), but the mere desire to do so is not enough for a woman to divorce her husband (See Iranian Civil Code, Article 1130).

As a result, Islamic Republic of Iran has never created a balance between the right of a man to divorce, and the right of a woman to divorce. Nonetheless, a few measures were introduced so that women are able to improve their domestic rights. One such action was that marriage conditions have been published in marriage certificates. These conditions have been in place since the beginning of Islam. Marriage conditions allow women to request certain rights, such as the right to divorce, before the marriage takes place. If the man agrees to them, then the woman is entitled to request a divorce from a court whenever she chooses. There are women who convince their fiancées to accept all or some of the conditions. In this manner, they obtain better terms in the event of a rupture in the marriage. Under no circumstances can such conditions replace the law, and will never be a permanent status since many men will not agree to all the conditions.

One more action that the Iranian government has taken is that the amount of Mehriyeh, or dowry, will be calculated with accordance to the inflation in the country, a decision that greatly benefits women. (Mehriyeh is the nuptial gift or the marriage settlement given to the woman by her husband-to-be. Mehriyeh is in place so that if a woman were to divorce her husband, since she inherits so little from him, she will still have some money to be able to start a new life. The woman can request the Mehriyeh at any time during the marriage and the man is obliged to give it to her.)

Another act is that a woman who is divorced by her husband has gained the right to receive an amount called ojrat’ul mesl. Ojrat’ul mesl is in effect marriage compensation. In early 1990s, the Iranian parliament, Majlis, expanded the interpretation of Article 336 of the Civil Code (the rights of men to be paid in exchange for work they did) and recognized a financial right for married women who claim to be paid money to provide domestic work during their marriage. The amount of this money is to be decided by the court expert working on the case.
In general, a man has unlimited power to divorce, and a woman has a conditional right to divorce that must be proven to court. In most cases, to be able to divorce, a woman renounces all of her financial benefits to obtain the man's acceptance and sometimes even pays additionally. Hence, it must be said that, for as long as an equitable balance between the rights to divorce is not created, none of the decisions that the Islamic Republic of Iran has taken will help women feel more secure in the long run. According to Iranian family law women are not shareholders of wealth in their family, but independent in using money and property which are her own.

c. Custody and guardianship

In cases of divorce, the legal custody of the child is with the mother up to the age of seven, and thereafter is determined by the court (See Iranian Civil Code, Article 1169).

The management and supervision of the affairs of children below the age of 18 is by their father or paternal grandfather, and the mother has no legal say in the matter (see Iranian Civil Code, Article 1181, this is the concept of Guardianship).

Should the father die, guardianship lies with the paternal grandfather, not with the mother (see Iranian Civil Code, Article 1181 and 1183).

Departure from the country for children below the age of 18 is possible only with the approval of the father or the paternal grandfather—the mother has no legal say in the matter (see Immigration and Passport Regulations of Iran, ratified 1971).

d. Inheritance

The portion of a husband’s wealth to be inherited by his wife from is very limited. Women will get only a quarter of the furniture and liquid assets of the deceased spouse, such as money, trees or buildings, if there are no children, and if there are children, her portion is reduced to one-eighth. If a man has more than one wife, the portion of the wives, i.e. the one-eighth, is divided equally between them (see Iranian Civil Code, Articles 946, 947, and 948).

Furthermore, if the man and wife have no other inheriting parties, the man inherits all of his wife’s properties and assets, but the woman will inherit only her designated quarter of her husband’s property, as mentioned above, and the rest will be given to the government (see Iranian Civil Code, Article 949).

According to Iranian law, a daughter’s inheritance is only half that of a son (see Iranian Civil Code, Article 907).

e. Citizenship

Citizenship of the children is that of the child’s father (see Iranian Civil Code, Article 976).

A Muslim man can marry a non-Muslim woman in Iran, and the children of such marriage are considered Muslim. But a non-Muslim man does not have the right to marry a Muslim woman unless he has converted to Islam before his marriage. (See Iranian Civil Code, Article 1059). This provision may also be seen as a violation of Article 2 of the Covenant.

Iranian women are legally unable to transmit their nationality to their children. They can only do so in one case, viz., when the mother is an Iranian and the children
are born inside Iran of a foreign father. Even then, the marriage should have been officially recognized through granting of a marriage license by the Interior Ministry and the relevant documents ought to have been registered at a notary office. If their child is born in Iran, an Iranian identity card is issued. But to issue the identity card for the child, he/she should stay in Iran for one year after attaining the age of eighteen and then enter the necessary procedure at authorized centers and prove the case before an application for Iranian citizenship is made. Otherwise, having an Iranian mother and a foreign father -even when the child is born in Iran- is not sufficient condition for granting of Iranian nationality.

f. Domestic Violence

The government of Iran does not have a particular approach for addressing the issue of domestic violence and violence against women in the home. The government has continually evaded demands by women's rights activists to establish safe houses, arguing that safe houses are against "Islamic values." Therefore there is no particular punishment for the men in a family, such as the father, the husband, the brother, and others who might abuse the women in the family unit.

Additionally, according to the discriminatory laws of Iran, when a woman is beaten and she suffers physical disabilities as a result of the violence-- if, for example, she loses her eyesight, becomes disabled, and becomes eligible for the Islamic financial compensation, *diya*-- the amount is negligible as compared to a man who has suffered the same disabilities as a result of a violent fight. For example, under Iranian law, the value of a lost eye for a woman is only half of the value of a lost eye for a man; this is true of all body parts. Furthermore, it makes no difference how and by whom the woman sustained the disability, whether it was a stranger who did this or a male family member.

What is more, "blood money" set for a woman is half of that of a man. In all crimes in which a woman becomes the victim of a murder, if the punishment is payment of blood money, *diya*, the amount is half of a man's (see Articles 209, 207, and 300 of the Islamic Penal Code).

Additionally, according to Iranian laws, a husband can murder his wife if he thinks she is having an affair and be exempted from the punishment for voluntary manslaughter which would normally be the death penalty (see Article 630 of Islamic Penal Code).

Therefore, domestic violence against the life and physical health of women is not only uncontrolled, it is allowed and encouraged. There are no specific laws addressing domestic violence against women. There are no support networks, which could connect the police, emergency medical services, social workers, the courts, safe houses, women's NGO's, etc. to help monitor and control domestic violence.

The Judiciary does not provide any records or statistics with regards to cases filed stemming from domestic violence against women. As such the extent and nature of domestic violence remains largely non-transparent. This lack of transparency prevents legal experts, social workers, and gender equality activists from examining domestic violence in proper context and also prevents formulation of relevant remedies.
g. Gender discrimination in Iranian social policies

The Ahmadinejad presidency initiated several major policies to limit women’s presence in the social sphere. Three of the most notable are described below:

1. Program for Social Safety

The Program for Social Safety, which includes several components for combating immorality and criminality, was officially launched in March 2007. The first and most visible component of this program included combating inappropriate dress. The program, which has been carried out by special Guidance Police, includes identification of women whose appearance allegedly does not conform to appropriate Islamic dress and their subsequent arrest and detention. Special Guidance Police vans are usually placed strategically in busy squares. The officials identify women with bad *hejab* (Islamic covering) and load them into the vans, transferring them to local detention centers or offices known as *Amaken* (in charge of monitoring immoral behavior in public places) where they are held until a family member can bring them appropriate clothing. These women are given a warning and are asked to enter into a signed agreement not to dress inappropriately in public again. Repeat offenders are referred to courts where fines and even lashings are issued as sentences under the law. Women’s rights defenders have objected to the Program for Social Safety on the grounds that it actually robs women of a sense of safety, is intended to restrict women’s presence in public spaces, and is arbitrary: while observance of Islamic dress is the law, there is no standard within the law, and arresting officers are left free to judge whether a woman meets the standard or not. These arrests have apparently disproportionately targeted younger Iranians. Thousands of women have been detained through this program.

Detail on the legality of Islamic dress codes:

All women, Muslim and non-Muslim alike, are required to wear the *hijab*. Literally meaning covering or concealing, *hijab* generally refers to the modest covering of Muslim women. The penalty for those who do not comply is imprisonment or payment of considerable fines (see the relevant section under Article 638 of the Islamic penal code). For three decades, the “morals police” have been arresting people for “bad hijab” those who, in their opinion, do not adhere to the government’s dress code for women. Yet there is not a single woman in Iran who does not wear *hijab* in public. The morals police have caused problems for women who wore any form of makeup or showed any of their hair. From the beginning of the Revolution, this attack was expanded to include people who wore bright and vibrant colored outfits instead of black, grey, navy blue and dark brown or other accepted dark colors. The universities refused to allow entry to female students who wore sunglasses or wore bright colored pants. In the past winter, the morals police cracked down on women who wore boots over, rather than under, their pants.

These examples are noteworthy because, according to the law, women are to abide by the *hijab* as described in the *shari’a*. In the Iranian Codes, there is no crime specified as “bad hijab,” but women are still arrested and punished for it. Not only is the law lacking in descriptive definition of what is allowed and what is punishable, the actions of the morals police are also illegal since they are not done in response to a law.
2. The Family Protection Act

Originally intended to streamline family legislation and court proceedings, this Act, submitted to the Parliament by the Judiciary in August 2007, included several provisions that women's rights activists found problematic. These provisions, it was later revealed, were included unconventionally in the proposed legislation, by the Executive Branch. The provisions that aroused the objections of women's rights activists and even reformist and some conservative political women included: 1) a provision that would allow men to take on a second wife, without obtaining an agreement from the first wife, and through court approval based solely on his financial ability to support more than one family; 2) a provision that would facilitate temporary marriage—the details of which were to be worked out by officials at a later date; 3) a provision that would set a standard rate for Mehrieh (dowry) and would impose a tax on Mehriehs that exceeded the standard rate—whether the sum of Mehrieh has been received by the woman or not; and 4) the insistence of the drafters on 13 as the age of marriage for women. Women's rights activists in the One Million Signatures Campaign hosted the first meeting to examine the Family Support Act, and issued a statement protesting the legislation. Other groups, including the Women's Commission of the Participation Front, the main reformist political party, held similar meetings. Following these activities, some female members of Parliament objected to certain provisions in the legislation as well. The legislation remains in the Parliamentary Commission, and has not yet been presented to the full Parliament for a vote. Women's rights activists have threatened to hold a demonstration in front of the Parliament should the Act come up for a vote.

3. Quotas to Limit Admittance of Female University Students to Centers of Higher Education

On 8 April 2008, a statement signed by over 700 student and women's rights activists, objecting to a governmental program designed to limit attendance and acceptance of female students in some fields of study within the higher education system, was released. The program, which seeks to address and rectify the disproportionately high rate of merit-based university entrances by female students as compared to male students, secretly imposed limits on the acceptance of female students to certain fields of study. While this issue has been up for public debate for some time, no official legislation had been adopted to implement quotas on female students. But on 8 February 2008, the organization charged with of the admission of university students to institutions of higher education (Sazeman Sanjesh) reluctantly admitted that they had been enforcing a quota system limiting the presence of female students in some fields of study for the academic years 2006-07 and 2007-08. The organization also admitted that they had been working to positively promote the acceptance of male university students into some fields of study with a formula of 30-40% female or male and 10% based on competition. The quota systems had been enforced in the academic year 2006-07 for 26 fields and for 2007-08 for 39 fields of study. It is worth mentioning that prior to being accepted to University, prospective students must take a rigorous and competitive entrance exam, and those scoring highest are accepted first. Women's rights and student rights activists have objected to this gender-based quota system, claiming that it limits women's participation in the social sphere, and in particular in an area where they have enjoyed great and justified success. Prior to the implementation of this quota system, the female acceptance rate to University was around 65%.
h. Closure of Zanan Monthly

On 28 January 2008, the feminist monthly Zanan (Women) magazine was banned by order of the Secretariat of the Press Oversight Council. The Council justified its decision by claiming Zanan to be “a radical feminist publication, engaged in publishing false claims of violence against women and unjustly criticizing laws governing the lives of women as discriminatory, exaggerating the negative conditions of women’s lives, and damaging the image of the Basij Volunteer Force.” The Council banned the monthly despite the fact that banning of publications is not one of its duties. Zanan is recognized as the first feminist publication in Iran. With a sixteen-year history, Zanan also boasts being the longest running feminist publication. Prior to its closure it provided the only print medium dedicated solely to addressing issues of importance to women, the concerns of women’s rights activists, and developments in the women’s movement. A supporter of the One Million Signatures Campaign, Zanan often covered news about developments within the Campaign, which most other print publications have refused to do. On the 13 February 2008, over 1500 persons objected to the closure of the monthly. Zanan is currently planning to object to the decision of the Council, and has lodged a court complaint asking for the reversal of the decision to ban the publication, on grounds that the action was illegal.

VI. Article 6 (Right to Life)

a. Laws governing application of the death penalty

The Islamic Penal Code (IPC) stipulates the death penalty in several articles, some of which are discussed below:

- If a man or a woman has committed the act of adultery several times and has received 100 lashes after each act, he or she shall be put to death following his or her fourth act of adultery (Article 90 of IPC). If such a suspect is diagnosed as insane, he will receive the murder punishment (Article 95 of IPC).
- Article 97 of IPC states that the severe physical punishments, such as flogging, amputations, and stoning, known as hudud cannot be implemented in the land of enemies of Islam. On the other hand, the law emphasizes that Iranians who commit crimes outside Iran and are found in Iran will be punished according to the Islamic Republic of Iran’s Penal Code (Article 7 of IPC). Therefore Iranians who live outside Iran do not have any immunity from being subjected to such punishments when living abroad.
- If a man or a woman has drunk alcoholic beverages several times and has received 100 lashes after each act, he or she shall be put to death following his or her third act (Article 179 of IPC). In this situation, also, even if the convicted person is shown to be mentally unfit, there will be no appeal in his death sentence (Article 180 of IPC).
- If an individual has accused others of adultery and sodomy several times and has received lashes each time according to the law, he or she shall be put to death following his or her fourth act (Article 157 of IPC). Adultery means all extramarital sexual relations between a man and a woman and sodomy is all different forms of homosexual acts among men.
- The penalty for adultery in the following cases shall be death: adultery with one’s consanguineous relatives; adultery with one’s stepmother in which the adulterer man is punished by death; adultery between a non-Muslim man and a Muslim woman, in which case the non-Muslim man shall receive the death
penalty and the Muslim woman shall receive lashes. Note: This type of
discrimination against non-Muslims in Iranian laws, which is clearly at variance
with Article 2 of the Covenant, has completely deprived them of their security
(Article 82 of IPC).
• If a man rapes a woman (adultery by force and against the woman's will), his
punishment is the death penalty (Article 82 of IPC)
• If in sodomy (term used in the law to describe completed sexual act between
two men) both the active and passive persons are mature, of sound mind and
have free will, the punishment for both of them is death (Article 111 of IPC).
• If a mature man of sound mind commits sexual intercourse with an immature
person, the doer will be killed and the passive one will be subject to 74 lashes if
not under duress (Article 112 of IPC).
• If the sexual act between two men (without penetration) is repeated three times
and each time both parties have received lashes, the punishment for the fourth
time would be death (Article 122 of IPC).
• If the act of lesbianism has been repeated three times and punishment of lashes
has been carried out each time, the death penalty shall apply if the act is
committed a fourth time (Article 131 of IPC).

The punishment for someone who voluntarily murders another is death, defined
under Qisas, or “law of retribution.” However, in the Iranian Islamic Penal Code, the
victims’ blood is evaluated differentially, according to gender, political, ideological
and other criteria. Cases are judged based on the victim's gender, who the murderer
is, and the murderer's beliefs and ideological characteristics and motivations. The
blood of a citizen is worthless (“mahdooor-ol-dam”) due to their political ideas and
conscience.

As a result, not all murderers are executed for their crimes. The death penalty or
"Qisas," is unfairly applied to different citizens. For example, a Muslim responsible
for the death of a non-Muslim will never receive the Qisas. A man who has
deliberately murdered a woman, even if both the victim and the murderer are
Muslims, will not receive the Qisas, unless the victim's family first pay 1/2 of the
blood money of a “complete person” (the Iranian Penal Code regards a Muslim man
as a complete person) according to the Judiciary's evaluation and based on the
expert opinion of Iran's Central Bank. Only in that case may the murderer be
executed (Articles 207, 209, and 300 of IPC). The father or the paternal grandfather
who has deliberately murdered his child or grandchild never receives the Qisas and
the mother or children of the victim cannot demand the Qisas for the murderer. The
law regards the children and grandchildren (regardless of their gender) as the
father's or the paternal grandfather’s property. Regardless of the age and situation
of the victim (the child or the grandchild), the murderer (the father or the paternal
grandfather) will only be sentenced to paying the blood money to the family (who
are the blood owners) (Article 220 of IPC).

The law will never allow a man who has murdered his wife because he believed her
to have been unfaithful to him to be executed. A husband's mere claim that he
imagined his wife was having extramarital relations with another man is sufficient
for the law to protect that criminal, and to let him continue his normal life. If a man
witnesses his wife and another man in conditions that resemble a sexual act, he can
kill his wife and that man. In such a case the law does not provide even for a man to
be interrogated, not to speak of being charged or facing Qisas and execution (Article
630 of IPC).
In murders committed by believers or those pretending to be believers, on the pretext of safeguarding Islamic values, the perpetrators are not executed. If they face widespread internal and international objections, they may prolong the trial to the point where the incident is marginalized. The judicial system can provide protection to the suspect under the pretext of calling the victim or victims the theological term of "mahdoor-ul-dam," meaning, as noted above, that their blood may be shed, justifying the murder under the Sharia law. Sometimes, based on the mere evidence of a telephone surveillance tape in which an individual has angrily uttered a few words against Islam and especially against the Islamic regime, the individual is sanctioned as "mahdoor-ul-dam." The perpetrators in the "Serial Murders of Intellectuals" and the case of the "Kerman Circle Murders" benefited from these laws.

b. Discriminatory application of punishment for murder

What is also relevant to the implementation of Article 2 of the Covenant is the deeply discriminatory nature of the Qisas Law. For example, while there are no expressed laws in the Islamic Penal Code giving impunity for shedding the blood of members of the Baha’i faith, because Sharia concepts and themes are prominently reflected in the Iranian laws, murdering a member of the Baha’i faith is basically not considered a crime in Iran. The Iranian Constitution does not treat members of the Baha’i faith as a recognized and respected minority group. A prominent defense attorney in practice for 22 years in Iran informed the International Campaign for Human Rights in Iran that she had never seen even one murderer of a Christian, Jew, or Zoroastrian receive the Qisas, let alone the murderer of a Baha’i. While the laws state that if both the murderer and the victim are non-Muslims, the murderer may receive the Qisas, in most cases the murderer of a member of a religious minority is a Muslim, or the murderer of a dissident or critic of the Islamic Republic of Iran is a Muslim.

If a mentally competent individual murders a mentally retarded or otherwise mentally incapacitated person, he will not be executed (Article 222 of IPC.) The lives of such highly vulnerable persons, whose right to life and dignity must be carefully safeguarded, are thus devalued in Iran, putting them at severe risk.

Extremist interpretations of the laws and the religious concepts of Sharia which overpower the laws, make Qisas for murder conditional on many different criteria. In effect, Qisas is a punishment which only addresses certain kinds of criminals and one in which a large group of criminals seek refuge, allowing them to freely kill others with impunity (Article 226 and Note 2 under Item C of Article 295 of IPC).

Because of the manner in which the Qisas law may be exploited and is intrinsically discriminatory, this particular law has the weakest regard for the right to life of women, children, non-Muslims, dissidents, and critics. The law provides a safety zone for the perpetration of crimes by those it favors and protects. In no way do the laws governing Qisas respect the right to life for all Iranian citizens. All women, all non-Muslims, all children, and even all Iranian people whose fathers or paternal grandparents are still alive, all those with differing points of view, all critics of Islamic extremism, all critical interpreters of the religious rule, all those who wish to enjoy freedom of conscience, and all married women must be aware of the danger that their lives may be taken away and instead of receiving Qisas, their murders might profit socially and politically.
c. Death sentences for the crime of moharebeh (enmity against God)

- Whoever takes up arms to provoke fear and terror among the public and to take away freedom and security from individuals is considered a “mohareb,” an enemy of God, and a corruptor on earth. There is no difference between warm and cold arms (Article 183 and Note 3 of IPC).
- The punishment for an individual who is proven to be a mohareb or a corruptor on earth is one of four things: 1. death, 2. death by hanging, 3. amputation of the right hand and then the left foot, 4. or permanent internal exile. The judge has discretion to choose the punishment. The law emphasizes that in order to determine whether a person is a mohareb and a corruptor on earth, it is not necessary that he or she have killed an individual or to take their belongings away. Even if he has not done any of these actions, the judge has discretion to choose one of the four punishments for him (Article 190 of the same Code).
- The crucifixion of a mohareb and a corruptor on earth will be executed as follows: A. method of tying doesn’t kill him/her; B. He/she should not remain crucified for more than three days, but if he/she dies within three days, he/she can be taken down [from the cross]; C. If he/she remains alive after three days shouldn’t be killed (Article 195 of IPC).

Since the onset of political unrest following the 2009 presidential election, political prisoners have been convicted and executed for the crime of moharebeh in violation of the law itself.

According to Abdolfattah Soltani, prominent Iranian attorney and member of Defenders of Human Rights Center, “Moharebeh laws in Sharia are rendered on the condition that the individual engages in armed activities. This has been explicitly explained in all religious reference books. In Articles 86 and 89 of Iran’s Islamic Penal Code, there are several conditions set for this. For example it has been expressed that if a group is formed for armed confrontation—meaning that the group’s policy is one of armed confrontation—members and supporters of this group who have participated toward that armed group’s goals, may also be moharebs. This means that the individual must either have engaged in armed confrontation or he must have been a supporter or a member of an armed group and must have committed effective [deliberate] actions on behalf of that organization. If these conditions are not met, moharebeh is meaningless.”

d. Executions in Iran

Iran’s violations of the Right to Life include its excessive application of the death penalty, making the country second only to China in the absolute number of executed people with the highest per capita execution rate globally. Under the current government, the number of executions has risen over 350%. For example, in 2005, Iran executed at least 86 people; this number rose to 312 in 2007.

Amnesty International documented 388 persons executed in 2009. The execution rate has jumped markedly since the onset of political stability in June 2009, including several mass executions, with around 115 persons executed in a period of only 50 days. The authorities have not released all the names of those thus executed or the crimes for which they have been convicted.

Although official disclosures make exact knowledge difficult or impossible, researchers believe that seven persons have been stoned to death since 2006. Most
recently, stoning was defended by the head of Iran’s High Council for Human Rights, Mohammad Javad Larijani, as an integral part of Iran’s religious law that would not be altered by international pressure.

Iranian citizens have also been executed because of their homosexuality, although charged under other offenses.

During post-election trials, Revolutionary Courts have handed down at least 13 death sentences for those charged with moharebeh, or “enmity against God.” Two of those convicted have since been executed.

In most cases where suspects have been convicted of moharebeh, defendants have been deprived of access to a lawyer of their choice and are brought to court after enduring harsh detention conditions without the opportunity to build an effective legal defense. In one of these cases, Mohammad Amin Valian, a 20-year old man whose only crime was throwing three rocks during a post-election protest, was sentenced to death. The appeals court subsequently overturned the sentence.

In January 2010, Rouhollah Hosseinian led a group of 36 parliamentarians in introducing an urgent bill in Parliament that would reduce the appeals period for persons charged with moharebeh and sentenced to execution to only five days. The bill was justified as a means to expedite the implementation of death sentences issued for post-election protestors.

e. Juvenile Executions

According to Iran’s criminal code, boys may be subjected to penalties including execution at the age of 15 and girls at age of 9.

Iran is the world’s leading executioner of those who have allegedly committed crimes as juveniles, and well over 100 young people thus convicted and sentenced await execution on death row. A list of 114 child offenders on death row, compiled by the Campaign in 2008, is found at Appendix I.

Iran leads the world in executing child offenders for crimes they committed under the age of 18. Since 2004, Iran accounts for 73% of all juvenile executions worldwide.

The majority of child offenders on the list are accused of murder. However, many sentences are based on confessions obtained from child defendants following torture and after interrogations in which they have had no access to a lawyer. Courts routinely ignore evidence presented by defendants demonstrating that they acted in self-defense.

f. Violations of the Right to Life in the context of political unrest following the June 2009 presidential elections

As of this writing there is still no credible government account of the number of deaths that have occurred during and after peaceful demonstrations that began in June 2009 after the disputed presidential election results were announced. At the same time, the authorities have taken active steps to force some families to attest that loved ones killed during demonstrations died of natural causes. Numerous credible reports suggest that the authorities have attempted otherwise to conceal the number of those killed in demonstrations, keeping bodies in makeshift morgues and burying bodies surreptitiously.
Authorities claimed that during post-election violence 48 people were killed. However, research conducted by the Campaign indicates that there were as many as 100 fatalities and hundreds of injuries. The use of firearms with live bullets is a clear instance of excessive use of force against unarmed civilians. Demonstrators were killed by gunshots to the head and chest, in other words, intentionally. Neda Agha Soltan, Kianoosh Assa, and Sohrab Aarabi are amongst a dozen who were thus killed on the streets.

The most extreme acts of abuse occurred soon after 12 June. In one street protest on 20 June, in which according to Tehran's mayor three million protestors participated, authorities claimed eleven people were killed, but the Campaign's research indicates that at least 34 people were murdered by Basij and plainclothes agents. According to documents, photographs, and eyewitness reports, Basij forces were widely responsible for shooting and killing demonstrators.

g. Deaths in custody

Nicknamed the "Torturer of Tehran," Saeed Mortazavi, who served as Tehran's Prosecutor General at the time of the June 2009 election, ordered the transfer of 147 post-election detainees to Kahrizak Detention Center alongside high risk criminals, and in substandard conditions. The detainees were subjected to torture and abuse, resulting in the deaths of at least four persons, including Mohsen Rouholamini, Amir Javadifar, Mohammad Kamrani, and Ramin Aghazadeh following violent treatment.

A statement by the Armed Forces Judiciary Organization on 18 December 2009 reported their cause of death as manslaughter through injuries sustained in beatings, despite claims by Mortazavi that they died of meningitis.

VII. Article 7 (Prohibition on Torture)

The Iranian constitution explicitly forbids use of torture. Article 38 of the Constitution states that: “Any kind of torture used to extract an admission of guilt or to obtain information is forbidden. Compelling people to give evidence, or confess or take an oath is not allowed. Such evidence or confession or oath is null and void. Any person infringing this principle is to be punished in accordance with the law.”

In its Concluding Observations in 1993, the Human rights Committee noted that "the application of measures of punishment of extreme severity, such as flogging, lapidation and amputation, is not compatible with the provisions of article 7 of the Covenant."

However, torture as documented below is widespread during interrogations in Iran. In addition several punishments stipulated in the Islamic Penal Code, such as stoning, amputations, and flogging, are forms of torture.

a. Forms of Torture Stipulated in Law as Punishment: Stoning, Flogging, and Amputation

Stoning: Execution by Torture

- According to Iranian law, adultery shall be punishable by stoning if it is committed by a married man who has access to his wife for sexual intercourse. If adultery is proven by his/her confession, then at the time of stoning the first stone will be thrown by the Sharia judge and then by others. If the adultery is proven by the testimony of witnesses (only male witnesses' testimony is
admissible), then the first stone will be thrown by the witnesses, followed by the Sharia judge, and then others (Articles 83 and 99 of IPC).

- During this punishment, it is deemed appropriate for the Sharia Judge to inform people about the stoning time and date. It is necessary for a group of believers, no fewer than three, to be present during the stoning (Article 105 of IPC).
- The stoning of an adulterer or adulteress shall be carried out while each is placed in a hole and covered with soil, he up to his waist and she up to a line above her breasts (Article 102 of IPC).
- The size of the stone used in stoning shall not be too large to kill the convict by one or two throws and at the same time shall not be too small to be called a stone (Article 104 of IPC).
- In all crimes registered in Iran's Islamic Penal Code under the category of adultery or homosexuality, women's testimony is completely worthless; so is the case in all other crimes which may have heavy physical punishments as a consequence. In such crimes, sometimes a woman's testimony equals half of the testimony of a man's, and sometimes it is worthless.

**Flogging as Punishment**

Flogging is stipulated in the Islamic Penal Code as a punishment for several offences under this code, including adultery, drinking alcohol, theft, and violations of national security. For example in case of adultery, the Islamic Penal Code states:

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

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

- Article 100. The flogging of an adulterer shall be carried out while he is standing upright and his body bare except for his genitals. The lashes shall strike all parts of his body—except his face, head and genitals— with full force. The adulteress shall be flogged while she is seated and her clothing tightly bound to her body.

  Note. The face and head and genitals of the condemned shall not be struck by the lashes during flogging.

**Amputations as a form of Punishment**

The Islamic Penal Code also provides for amputation of body parts as punishment for several offenses, including theft and moharebeh.

In cases of moharebeh (enmity against God, used against those accused of armed resistance against the government), the Islamic Penal Code stipulates amputations as one form of punishment:

- Article 190. The punishment of hadd for mohareb and mofsed-fil-arz (corruptor of the earth) is one of the following four: 1-execution, 2-death by hanging, 3-amputation of right hand and left leg, 4-internal exile.
• Article 201. The punishment of *had* for theft is: a) for the first time
offence: amputation of four fingers of the right hand from its bottom
such that the thumb and surface of the hand remain. b) for the second
time offence: amputation of left leg such that half of the foot remain. c)
for the third time offence: life in prison, d) for the fourth offence:
execution, even if the act of theft takes place inside prison.

*b. Torture and Ill-treatment Systematic, Widespread*

The use of torture is systematic, widespread, and routine in Iran, and connected to
the use of confessions as the primary evidence used to obtain convictions in courts.
Ill-treatment is also extremely common.

Following mass arrests affecting more than 5,000 persons in the aftermath of the
June 2009 elections, there have been credible reports of torture and ill-treatment
including *inter alia* rape, beatings, and sleep deprivation aimed at confirming the
government’s claims that protests have been orchestrated by foreign governments
or terrorist organizations.

For example, Ahmad Zaidabadi, the director of the *Advar Tahkim Organization* and a
prominent journalist, was detained on 13 June 2009 at his home. A person posing as
a delivery man lured him out of his house and unidentified agents kidnapped and
took him away. In protest against the illegal manner of his detention, the lack of
charges against him, and the conditions of his detention, Zaidabadi was on a hunger
strike during the first 17 days of his detention.

His wife, Mahdieh Mohammadi, was able to visit him only after 65 days of having no
access to him. During their visit, Zaidabadi told her that he had spent 35 days in
solitary confinement, in total isolation, where there was no sound, no light, and no
human contact. He told her he felt like he was in a grave, developing serious mental
disorientation, and becoming suicidal. Since he could not find any means for
committing suicide, he started to scream nonstop. The prison guards eventually
realized that he is on the verge of insanity and transferred him to a different solitary
cell. During the visit, Zaidabadi told his wife that interrogators had asked him to give
guarantees that he would never engage in political activism, although they had not
formally charged him.

*Amnesty International* has reported that Mostafa Tajzadeh, Abdollah Ramezanadeh
and Mohsen Aminzadeh, all imprisoned supporters of opposition candidate
Moussavi, are reported to have undergone “intensive interrogation” sessions in
Tehran’s Evin prison. Ramazanzadeh, the spokesperson in former Iranian president
Khatami’s cabinet, was arrested on 13 June 2009, in the street when he was
seriously beaten, causing injuries to his head and rib cage. After his detention, he
was not charged and the location of his imprisonment remained unknown. After 74
days of detention, Ramezanzadeh was brought to the mass trials of protesters, in
which he asked journalists to tell his family that he was fine. Up to that date, his
family had no information about his situation.

The Campaign has received information indicating that other prisoners have
suffered beatings and other ill-treatment, including Keyvan Samimi, a journalist and
human rights defender. Keyvan Samimi was arrested at the midnight of 14 June
2009 while Security Forces broke into his house and confiscated his personal
computer and belongs. According to his lawyer, Nasrin Sotudeh, she visited him for the first time on 10 September 2009 in the presence of his interrogator. He told her that he was beaten twice and the prison doctor certified that evidence of torture was seen on his left leg. Sotudeh also has said that she has had no access to his file, but during the visit, he and his interrogator informed her that he was charged with membership in illegal groups including the National Religious Coalition, the National Peace Council, and the Committee to Investigate Arbitrary Detentions.

"Confessions" by detainees aired on state television have led associates and family members of detainees to conclude that they could only have been obtained under coercion. The large number of persons held in incommunicado detention, and in unknown locations, leads to fears about torture and ill-treatment especially in consideration of the very widespread use of torture to produce confessions in Iranian trials, which are often the only evidence upon which defendants are convicted.

Students and many of ordinary prisoners were tortured severely, and there are credible reports of sexual abuse. For example, 50 students arrested on 14 June 2009, were taken to the basement of the Interior Ministry, four levels underground. According to information received by the Campaign, they were tortured en route to the facility and once there. Packed into a small room, they were reportedly beaten with batons if they touched one another. They were beaten and humiliated if they used toilets for more than 30 seconds. The students were reportedly sexually tortured.

The Campaign has been informed that as many as 100 cases of rape have been filed privately with the Speaker of the Parliament, Ali Larijani, but he has dismissed them all as false.

Ebrahim Sharifi, 24, a student in Tehran, was kidnapped by plainclothes agents on 22 June 2009 by plainclothes agents for one week. He provided detailed testimony to the Campaign regarding his torture and rape during detention. He said he was subjected to severe beatings, mock executions, and sexual assault. When he attempted to file a judicial complaint and told several judicial authorities what happened, intelligence agents threatened him and his family, forcing him into hiding. Sharifi’s full account is detailed in Appendix II of this report.

Another charge of rape was reported to the Campaign, in which a female detainee was raped in one of the prisons in north part of Iran. One of the members of an opposition election campaign was forced to accept that he had had sexual relationships with 10 women who were active in the campaign, and he refused. Suddenly, his female colleague was brought into the room and raped in front of the others. Both have now been released, but the rape victim suffers severe depression.

While Iranian authorities have claimed that abuse of detainees arrested for participating in peaceful demonstrations, or simply on the basis of their political beliefs, has been the result of “negligence” and “carelessness,” the abuse was systematic and reflected a policy of suppressing dissent, intimidating the population, and corroborating charges by producing false confessions.

Two Iranian officials, Prosecutor General Ghorban Ali Dorri Najafabadi and Police Chief General Ismail Ahmadi Moghaddam, have acknowledged the abuse of prisoners in Kahrizak prison. The head of the facility and three guards have reportedly been dismissed. As noted above, four detainees died at Kahrizak due to
torture and ill-treatment. The Judiciary acknowledged these abuses and prosecuted eleven low level officials. Two unnamed prison guards have been sentenced to death for the resulting deaths of detainees, but they prosecution was not public and no attempts were made to identify higher-level officials in position of command and responsibility for acts of torture and ill-treatment.

Documentation assembled by the Campaign and other human rights organizations, as well as credible media accounts, show that the abuse of prisoners has not been limited to the Kahrizak prison. It has also taken place at Evin prison and in other detention facilities in Tehran and elsewhere in Iran. The abuse of detainees has been widespread, affecting as many as 2,500 persons who have been detained. The Campaign has reviewed reports by numerous detainees, many of which have been collected firsthand by the Campaign. Virtually all these reports include descriptions of treatment that is classified as torture and ill-treatment under international law.

The widespread torture of detainees in numerous detention facilities has been confirmed by photographic evidence, reports by family members who have seen evidence, as well as by released detainees who were tortured and those who witnessed torture.

Officials admitted the deliberate use of torture in a number of cases. The life of Saeed Hajarian, a prominent reformist journalist and former presidential advisor who was detained in Tehran’s Evin prison beginning 15 June 2009, was placed in acute danger by his severe torture under interrogation. Hajarian was daily interrogated under direct sunlight, in temperatures exceeding 40 degrees Centigrade (104 degrees F), then doused with ice water, causing severe heart palpitations. Hajarian’s health was extremely fragile, and he requires a number of medications as well as regular medical treatment, following being shot in a 2000 assassination attempt that left him confined to a wheelchair and unable to speak because of spinal cord injuries. But while he was denied needed medications, he was forced to take what his family believed were psychotropic drugs to weaken his mental state. The wife of Saeed Hajarian was able to visit him on 25 July 2009, and noted a yellow complexion resembling jaundice.

The authorities have made an oblique admission that Hajarian is being tortured, telling his family that he will be released “when our project is completed.”

Another example may be seen in the case of a member of the staff of opposition candidate Hossein Mir Moussavi, Majid Sh., (whose full identity must be withheld). Majid Sh. was returning from the Moussavi campaign office in the election district of Ramsar, Mazandaran soon after the elections of 12 June. On his way home he was kidnapped, blindfolded, and taken to a secret location by car. When he asked his captors who they were they called themselves the “foot soldiers of the Twelfth Imam,” a phrase commonly used by the Intelligence Ministry to refer to its agents. He was severely beaten, stripped of his clothes, taken to shower and hanged from the ceiling with his hands tied. His torturers then began to burn his body with a hot iron rod.

After twenty-four hours he was thrown back onto the street. Majid Sh. was then taken to a hospital where local dignitaries in the city visited him. Despite the publicity his case has received in the region, there have been no investigations or arrests made to hold those responsible for his kidnapping and tortures accountable.
The Islamic Participation Front, many of whose high ranking members are currently in prison, has alleged that police forces under have beaten and flogged detainees while keeping them in organized lines. Police forces also tortured detainees, forcing them to swear at themselves and their families, dousing them in petrol and making them stand under the sun in hot summer weather for hours, and forcing them to lick the police station’s toilet bowl.

A former detainee told the Campaign, "Immediately after my arrest, they tried to defeat me psychologically through insults and degradation. During the interrogations in the first week, kicking and slapping me, the interrogator who was from IRGC’s Intelligence Unit repeatedly told me to confess to participating in the organization of the protests. But I hadn’t left my house after the elections because I was sick. They said that if I didn’t make confessions against the reformist leaders I would lose my job and would never be able to continue my education."

Former Deputy President Mohammad Ali Abtahi and Mohammad Atrianfar, a former Ministry of Interior official and journalist, were two prisoners who were forced under severe physical and psychological pressure to confess to actions they had not committed. Human rights organizations vehemently objected to the televised broadcast of these confessions.

c. *Failure to fully investigate and hold perpetrators of torture responsible*

In August 2009, former presidential candidate Mehdi Karroubi presented evidence of the rape and sexual abuse of detainees by intelligence officers to a three-member committee from the Judiciary. Mohseni Ejei, who was Minister of Intelligence at the time of the presidential election, currently the country’s General Prosecutor, and was one of the three committee members, said the allegations were “totally baseless.” Investigations by the Campaign, however, show that in the case of at least one of the detainees, Ebrahim Mehtari, the Tehran Medical Examiner, under the auspices of the Iranian Judiciary, issued a certificate confirming injuries resulting from sexual abuse. None of the victims’ statements regarding sexual abuse were acknowledged and instead, Ministry of Intelligence forces threatened rape victims that if statements were not retracted, they and members of their families would suffer the consequences.

On 9 September 2009, the reformist minority fraction of the Iranian Parliament denounced the extraction of coerced confessions from imprisoned reformist politicians. The parliamentarians termed the prisoners’ confessions illegal and the IRGC’s actions punishable by law. In their letter they wrote, “These degrading charges, which are a deflection tactic to cover up the effective interference of military personnel in the elections, are based on the claimed confessions of some imprisoned political activists. The credibility and accuracy of the claimed confessions and the legality of these prisoners’ trials have been repeatedly refuted by different groups inside and outside the country. There is no doubt that the unfair allegations and false accusations based on these confessions against the servants of the revolution and reformist leaders not only lack any credibility and value and do not warrant a reply, they should be pursued by the law.”

Replying to objections to the forced confessions, Mohammad Ali Jafari, Commander of the Islamic Revolutionary Guard Corps (IRGC) said, “Some may say that the published confessions of people such as Mr. Abtahi (former vice-president under President Khatami) were made under force and duress. The claimants have no choice but to lie. During the time of his incarceration, Mr. Abtahi was removed from
the atmosphere which no longer ruled him and by separation from his friends, through free discussion, he went through a transformation and made those statements. Of course he will leave [the prison] some day and you can then judge his reasoning. Because the people are entitled to knowledge, they must know."

Several post-election detainees told the International Campaign for Human Rights in Iran that they were mistreated and abused physically and psychologically after their arrest. They attest to being pressured to confess to acts they have not committed. One of these individuals was arrested two days after the elections on charges of participation in protests, even though he had not attended any of the gatherings.

VIII. Article 9 (Prohibition of Arbitrary Detention)

a. Iranian laws governing detention

Article 32 of Iran’s Constitution states that "charges with the reasons for accusation must, without delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of 24 hours." Under Iranian law, when an investigation begins, the judge is responsible to clearly explain the subject of the charges and the reasoning behind them. The questions asked during investigation should be clear and relevant to the charges. It is prohibited to ask suggestive questions and/or to resort to compulsion, manipulation, or dissembling. In addition, the responses of the accused should be registered without any changes and interpretation (Articles 129 and 131 of the Procedural Code for Public and Revolutionary Courts).

The limit of 24 hours arbitrary detention is also stipulated in Article 24 of the Code of Criminal Procedure. If longer detention is necessary, according to this article, the authorities must inform the detainee in writing the reason for it.

The text of Article 129 follows:

“The judge shall initially inquire about the identity and particulars of the (including name, surname, father’s name, age, occupation, marital status, spouse, offspring(s), and citizenship) as well as his precise address (city, town, district, rural district, street, alley and the number) so that it shall prove possible to serve writ of subpoena as well as other notices. The judge shall warn the defendant to be assiduous with his remarks and comments, and shall clearly and precisely explain the action brought against him and the reasons for such accusations, subsequent to which he shall embark on investigations and inquiries. The question shall necessarily convey a sense and meaning. It shall be prohibited to ask suggestive questions and/or to resort to compulsion, elusion, delusion, aversion or reluctance. If the defendant shall abstain from and refuse to answer the questions, the facts and circumstances shall be registered and inserted in the process-verbal.

Note 1 to Article 129: At the very initiation of investigation and inquiry, the judge shall have it explained to the defendant that the place he shall be specifying as his domicile shall be regarded as his legal domicile and that if he shall ever proceed to change his domicile, he shall be bound to immediately notify the court of the new address so that it shall prove practical to serve the notices and orders and that otherwise the notices and the orders shall be dispatched to the old address. If the change of domicile shall be meant to cause delay, to circumvent or to procrastinate in such a manner that it shall prove difficult to serve the orders, notices, and decrees, the new address shall not be accepted; hence, the notices and orders shall, as before,
be dispatched to the former address. It shall be the responsibility of the judge in charge of the hearing to make a proper decision over the issue. The petitioner and/or the private plaintiff shall be duty-bound to observe the stipulations made in the instant Article 129 concerning the subject of domicile.

Note 2: Violations of agents and persons in charge of serving the notices and orders when fulfilling their tasks and duties, and/or generation of a report contrary to and inconsistent with the truth concerning the affair which shall be related to their duties and tasks shall be punished by legal penalties stipulated against such violations, in the relevant laws and regulations.

In cases that require the judge to issue a temporary detention order, it is possible to “forcefully” keep the accused in detention until the issuance of the verdict. Article 32 is written in a way that allows the judge to interpret it to include security-related cases. In addition, in security cases the judge is permitted to issue a temporary detention order for the accused. Article 32 is as follows:

“In case the existing evidences and indications of the offence, under the following circumstances, shall establish and confirm the commission of the crime by the defendant, it shall be permissible to issue a writ of temporary detention:

a. Offences, the legal punishment for which shall comprise execution, lapidation, or amputation (mayhem).

b. Premeditated crimes, the minimum legal punishment for which shall comprise a 3-year imprisonment.

c. Offences, subject of Chapter 1 of Book 5 of Islamic Penal Code.

d. In cases where the release of the defendant shall result in likely effacement and elimination of evidences and traces of offence, collusion of the defendant with other persons and/or witnesses of the offence or the informed persons, or if the witnesses shall refrain from giving evidence of the offence. Furthermore, where the defendant shall be likely to flee and/or abscond, which shall prove impossible to forestall in any manner.

e. In the case of premeditated murder, with a request extended by the heirs of slain person in order to abduct and present clear evidence, in which case it shall not exceed six days.

Note 1: In case of offences prejudicial and derogatory to public morality, should the same name not be a personal one, it shall be permissible to temporarily detain the defendant, if the release of the same shall result in vitiation and perverseness.

Note 2: The stipulations made in Clause (d) above shall be applicable to Clauses (a), (b) and (c) as well.”

According to the law, in cases where temporary detention is not required, the judge can first issue an order for a one-month-long temporary detention and later, based on sufficient reason and evidence, he can extend the term of the temporary detention. Otherwise, the judge must release the accused by issuing an order for bail until the day of the trial (cf. Article 37 of the Procedural Code for Public and Revolutionary Courts).
b. *Arbitrary detentions in the post-election period*

The prohibition against arbitrary detention has been routinely violated in Iran. Incommunicado detention has been applied to literally hundreds of cases in the period since June 2009; many of these detainees have been arrested by plain-clothes, unidentified persons with no proper warrants, and held in unknown locations. Detainees have been held without charge, without access to lawyers and family, and without any information being provided as to their situation. Some have been “disappeared” into the system for extended periods of time. For example, Abdolreza Tajik, a journalist and member of the Defenders of Human Rights Center, was arrested on 12 June 2010, with no information being made available about his whereabouts, until 15 July 2010. Tajik’s sister had made repeated, unsuccessful inquiries to locate her brother, but told the Campaign, “It seems even the Prosecutor didn’t know why and by whom he was arrested and where he was kept.” When she was allowed to visit him in prison, Tajik reported that he had been “violated” by interrogators.

The political unrest that began with the presidential elections in 2009 was accompanied by mass arrests of citizens based on their peaceful activities or simply on their political views. On 11 August 2009, the Judiciary’s spokesperson, Alireza Jamshidi, announced that around 4000 citizens had been arrested and detained since the elections. Following subsequent demonstrations that extended into 2010, the figure was raised to a total of approximately 5000. About 500 people are believed to be in detention as of this writing, many of whom have not been formally charged, and/or are held in unknown locations.

A large number of those arbitrarily detained have been ordinary people who were taken into custody as they participated in peaceful demonstrations. The authorities also arrested hundreds of opposition figures, journalists, human rights lawyers and activists, intellectuals, and professors, and students including prominent former members of the government. The Campaign has compiled a list of about 240 of those detained who were arrested in the first 10 days after the election (see Appendix III). While some of them were released on heavy bail, others who had been ordered released on bail and paid the required sums were not released after posting bail for several months, including Mohammad Ghouchi, journalist. The families of some detainees could not pay the high bail demanded, as high as $500,000 (500 million toman) and such detainees, including for example Shiva Nazarahari, had to remain in jail.

Arbitrary detentions have continued, and have included, for example, three grandsons of Grand Ayatollah Montazeri, who has openly criticized the abuse of citizens’ rights, and son of Ayatollah Mousavi Tabrizi. On 17 September 2009, at least four well-known people were arrested, including Sayed Mehdi Mousavinejad, the brother-in-law of Ali Abtahi, a former vice president also in detention; Mehdi Mahmoudian, human rights activist and a member of the reformist *Iran Participation Front*; Mehdi Mirdamadi, son of Mohsen Mirdamadi, General secretary of *Iran Participation Front*, who is in prison; and Hossein Nourinezhad, the head of public outreach of *Iran Participation Front*. (A discussion of arbitrary arrests of members of civil society groups is found below, regarding the freedom of association.)

Following mass trials, many detainees have had no access to their families and lawyers and have been kept in solitary confinement, including for example Mustafa
Tajzadeh and Abdollah Ramezanzadeh. The first information available about Abdullah Momeni since his arrest on 21 June 2009, and confirmation that he was even alive, was his appearance at the mass trial on 13 September 2009.

Many of those detained are reportedly held in solitary confinement and in incommunicado detention. They have been prevented from contact with families, friends, or lawyers. Detentions have been extended without legal justification.

The government has not released a comprehensive list of those detained and their whereabouts, nor has it announced what charges detained persons face, leaving many hundreds of family members in a state of high anxiety; as indicated above, the charges may carry death sentences. Cases have been documented in which officials have willfully misled family members seeking information about missing relatives, and concealing the fact that such persons were dead. The large number of unaccounted for persons raises fears about torture and also that many of the missing are dead.

Among those detained have been several foreign nationals, including Kian Tajbakhsh, an Iranian-American social scientist, who was convicted and sentenced to a prison term, and Maziar Bahari, an Iranian-Canadian journalist.

Human Rights Watch and FIDH, in addition to the Campaign, have expressed concern about the appointment of Iranian prosecutor Saeed Mortazavi, who was tasked to investigate and prosecute detained reform leaders. Mortazavi has been implicated by the United Nations Working Group on Arbitrary Detentions for involvement in a range of grave human rights violations. He was subsequently removed from the position and appointed as a deputy of the national general prosecutor.

The mass trials of those detained for political reasons have been widely condemned for being “show trials” completely at variance with international standards of due process, and in violation of Iranian law. Defense lawyers have been denied access to their client’s files, and have not been informed about which courts would consider their cases. Lawyers have informed the Campaign that in some cases, defendants have been given court-appointed lawyers without informing their own attorneys.

On 16 June 2009, Mohseni Ejei, the Minister of Intelligence at the time, justified arresting political activists, claiming that the reason for the arrests of prominent and well-known figures was the “penetration of anti-revolutionary groups in elections campaigns.” He accepted responsibility for the arrests, saying, "Those elements have been identified and arrested, too, and they are in detention right now."

A prominent political figure who was arrested after the elections told the International Campaign for Human Rights in Iran that arrests of prominent reformists were planned prior to elections. As soon as he was detained his interrogators put forward a substantial file, showing he had been under surveillance conducted by IRGC Intelligence forces for months. Much of his interrogation, from the beginning, focused on his private and personal life, bearing no relation to his political activities.

Hundreds of those arrested were not present in the protests and were arrested at their homes, most of them without any prior record of activities against the Islamic Republic of Iran.
IX. Article 10 (Conditions of Detention)

Iran's National Report, para 242, states that "any physical or psychological mistreatment, or denigration of prisoners is forbidden," citing article 39 of the Constitution and article 44 of the regulation governing prisons.

The facts regarding prison conditions in Iran indicate that these laws are being severely violated, as are the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977. A cursory review of the record with respect to key indices of prison conditions, based on testimonies from inmates and their family members, strongly indicates that prison authorities deliberately inflict poor conditions on prisoners of conscience, including the denial of urgently needed medical care.

For example, Narges Mohammadi, Deputy Director of the Defenders of Human Rights Center, a mother of two young children detained around midnight on 10 June 2010, had to be hospitalized following her release. During her detention, she developed severe fainting spells in prison under interrogation. Instead of providing her with proper medical care, her jailors subjected her to further lengthy interrogations.

The list of prisoners of conscience, some of whom enjoy international reputations as leading human rights defenders, who have and continue to suffer from denial of medical care and other abuses in Iran’s prisons is very long. It includes Mehdi Mahmoudian, Emadeddin Baghi, Farid Taheri, Badressadat Mofidi, Issa Saharhiz, Nader Karimi Jooni, Mojtaba Lotfi, Mansour Osanlou, Jahangir Abdollahi, Jafar Panahai, Mohammad Sediq Kaboudvand, Ebrahim Madadi, and Abbas Khorsandi.

Likewise, prisoners of conscience have been routinely denied visits by family members, or such visits have been shortened in violation of regulations.

According to Article 187 of the Iranian Prisons Procedures, deprivation of visitation rights is an exceptional matter. Limitations in a prisoner’s visits with his/her lawyer is a completely exceptional occurrence and only imaginable for lawyers prior to the day the client’s trial begins. But judicial and prison authorities and Ministry of Intelligence’s interrogators prevent lawyers from meeting with their clients, some of whom have various charges and/or multiple cases and who have media or political backgrounds.

It should also be reported that non-governmental organizations have no access to Iran’s prisons for the purpose of monitoring conditions assisting prisoners.

a. Conditions in the “Political Prisoners Ward”

To illustrate the situation, a detail concerning a particular ward in Tehran's notorious Evin prison follows. Over a hundred post-election prisoners of conscience are held inside Ward 350 of Evin prison and are routinely denied access to proper medical care and subjected to exposure to filth, bad air, and low-quality food. A number of prisoners are suffering serious health problems that have been exacerbated by the unhealthy conditions in Ward 350 and other wards of Evin prison, including Zia Nabavi, Peyman Karimi Azad, Hamze Karami and Majid Tavakoli.
Evin prison’s Ward 350, or Correctional Facility 3, which houses political prisoners, has become the most crowded part of the Iranian prison system since the June 2009 election. Informed sources and individuals who spent some time in this ward have described the Ward’s living conditions for the International Campaign for Human Rights in Iran.

Following widespread arbitrary arrests of political activists, journalists, students, and human rights activists which took place after the elections, Ward 350 at Evin prison witnessed an unprecedented increase in the number of its political prisoners, reclaiming the name of “Political Prisoners’ Ward.” This ward previously housed prisoners who worked around Evin prison, but in the months following last year’s elections, the ward has housed members of the Iranian Alumni Association, the Participation Front reformist party, prominent journalists who continued their work despite the lurking dangers of censorship and repression, and students who have consistently received government crackdown over the past five years. After completing months of solitary confinement inside the security wards of Evin prison and completing their interrogations, these individuals are moved to Ward 350.

After the 9 May 2010 executions of five political prisoners, the composition of this ward changed. Many political prisoners were exiled to other prison facilities in Tehran Province or were transferred to other wards inside Evin prison. Even so, more than 100 political prisoners, most of whom were arrested after the June 2009 elections, are residents of Ward 350 as of this writing.

Much like food in other wards of Evin prison (Wards 1, 7, 8, and the Women’s Ward) the food inside Ward 350 is of very low quality. The quality of ingredients is very low, to the point where sometimes use of spoiled ingredients have caused food poisoning among the prisoners. The menu also lacks in quality, missing necessary nutrients. Most meals are comprised of ingredients such as potatoes and beans, devoid of even low-quality meat. Most prisoners are, therefore, forced to buy their food staples from the ward store. The store inside Ward 350 has to cater to between 150 to 250 prisoners, but the available stock in the store does not meet the demands of this many customers. Therefore the prisoners have to put up with the low-quality food of the prison. The prisoners’ lack of access to sufficient and required nutrition has led prisoner families to object to the gaunt and pale appearances of their relatives inside Ward 350, demanding that authorities enable the prisoners to purchase food from the prison store.

Many prisoners who are in poor physical conditions after completing their grueling interrogations are incapable of waiting in long lines for hours to purchase food at the store. In many cases, also, there are purchase limitations at the store, further limiting the prisoners from preparing their meals. The prison store does not have regular operating hours and sometimes, in order to create pressure on the prisoners, prison authorities suspend the store’s operations. In March 2010, in an act of protest, prisoners refused to accept their food inside the Ward. The ward store was closed down for three consecutive days as a result.

There are nine rooms inside Ward 350—five rooms in the lower floor and four rooms in the upper floor. The rooms on the upper floor have better hygiene, but since 9 May 2010, all the rooms on the upper floor are occupied by prison laborers (ordinary prisoners who work inside Evin prison). More than 100 political prisoners now live inside the rooms on the lower floor. Inside the five rooms on this floor, the
free space (space not covered by beds) in each room is less than 15 sq. meters. The fact that more than 20 prisoners have to live in that space is a major contributor to a lowered hygiene level which leads to easy transmission of viruses and sickness. Additionally, prisoner bedding such as blankets are generally filthy and unhygienic. The sinks for washing up and washing the dishes are located in a completely unhygienic environment.

Prison authorities use the prisoners to clean the hallways and prison bathrooms, which is considered prisoner exploitation. The bathrooms and showers on the lower level of Ward 350 are extremely old and eroded, which causes problems in and of itself. The toilets and bathrooms on the upper level are upgraded and clean, probably because financial crimes convicts are held on this floor.

b. Medicine and Medical Treatment: Limited Access, Refusal to Allow Timely Attention

Most prisoners in this ward suffer a multitude of illnesses and physical ailments caused by severe physical and psychological pressure during their interrogations. There is no space inside Ward 350 allocated to prisoners’ access to medicine or medical services. The only way prisoners in this ward can receive medical attention is to go to the Prison Infirmary. Transfer of prisoners to the Infirmary and a doctor’s visit also faces many problems and limitations. Each day, only 10 prisoners inside Ward 350 are allowed to visit the Infirmary. This deprives many prisoners who have need for immediate medical attention or who need painkillers or special medicines for extended periods of time. In most cases, despite their need for serious medical treatment, many prisoners are deprived from medical treatment and doctor’s attention. For example, it has happened many times that a prisoner of conscience has become ill, needing immediate treatment, but prison authorities have refused to send him to the Infirmary. Prison authorities believe that inmates should only be transferred to the Infirmary when they have lost consciousness. Such an attitude led to the death of Omid Reza Mir Sayyafi in March 2009 inside Evin prison’s Ward 7. The young blogger had been sentenced to 2.5 years in prison for “insulting the Supreme Leader,” and finally lost his life to the unbearable prison conditions.

Omid Reza Mir Sayyafi’s fate can be repeated for several other young prisoners inside Ward 350. Most of the 100 political prisoners inside Ward 350 are young protesters who were arrested during the post-elections events, lacking experience and mental capacities for enduring prison life. With the prison atmosphere and the authorities’ efforts to increase pressure on prisoners, the young prisoners are at more risk than the other political prisoners. Ignoring signs of depression in them and continued prison abuse can create new catastrophes inside Evin prison. Continual and consistent presence of experienced doctors and social workers is a necessity inside Ward 350.

c. Prison Abuse, Prisoner Degradation

Several prison guards inside Ward 350 try to break the prisoners’ spirits through increased pressure and abuse. Using illegal approaches, prison authorities attempt to destroy unity amongst the prisoners, promote gossip, and create emotional insecurity inside Ward 350. Forced yard breaks and morning exercises and unusual searches of prisoner belongings are some of the other abusive methods used inside Evin prison. Prison authorities also insult prisoners during the two daily head counts. It is easy for prison guards to count the prisoners in each room, yet they insist on making the prisoners exit their cells and step into the yard to be counted.
Even when the prisoner count is performed inside the cells, the prisoners are forced to sit in rows for long periods of time while they are being hand counted, and many prisoners say this behavior is extremely degrading.

Additionally, there is another unfortunate problem with inadequate beds for prisoners which forces many of them to sleep on the floor. During winter months, the cold floor brings on illnesses for the prisoners.

Aside from their day-to-day difficulties inside Ward 350, prisoners in this ward also have to deal with the abusive and insulting behavior of 350's Warden, Bozorgnia, who is famous for mistreating and abusing prisoners and creating illegal limitations for them.

**d. Abuse and poor conditions widespread**

Political prisoners also suffer poor conditions in other facilities. Speaking of conditions at Rajaee Shahr Prison, the wife of inmate Ahmad Zeidabadi told the Campaign:

“The hygienic conditions of the prison are not good. For a long time, the prison’s water was muddy and unusable. With the water condition, he couldn’t take showers, either. It appears that the hall where he resides is a long corridor with rooms, which were formerly solitary cells on both sides. The doors to the cells have been removed and now three people reside in each cell. The prison food is not good, and the prison store does not have sufficient food supplies. There is serious concern about diseases such as AIDS in the prison infirmary, too. I tell him not to go to the infirmary to the extent possible, because most of the addict prisoners have AIDS. I fear that he might contract the disease if he goes to the infirmary.”

Ahmad Zeidabadi regularly witnessed entanglements and fights among prisoners who are convicted murderers, smugglers, and addicts—and according to him, he has witnessed the murder of one of the prisoners in a group fight. Expressing concern about her husband’s lack of security among unclassified prisoners, Mahdieh Mohammadi told the Campaign:

“There are dangerous prisoners in this ward. For example they once stole a portable soccer goal net and made knives out of its metal frame. The prisoners pull knives on each other at the slightest disagreement. He has witnessed them injuring each other with knives, and once someone was killed in the scuffle. In this ward, many addict prisoners frequently get into fights over money. The fact that this prison has horrible conditions and that no human rights principles are observed in it is bad enough. But Mr. Zeidabadi does not belong to this prison. Even based on prisoner classification requirements, as a journalist, he should not be kept under such conditions.”

**X. Article 12 (Freedom of Movement)**

According to Article 133 of the Procedural Code for Public and Revolutionary Courts, judicial authorities are permitted to issue the order of forbidding the accused from leaving the country. The text of the Article is as follows:

“The court shall be authorized, considering the significance of the proofs and evidences of the crime, in addition to stipulations made in the afore-cited Article 132, to issue a writ of NE EXEAT, which shall be valid and effective for six (6) months. If the court shall deem it necessary, it may proceed to renew the same every
six months. Such a writ, upon the service of the process, may be protested and objected within twenty (20) days in the court of appeals of the province.

Note to Article 133: If the writ shall be rescinded and annulled by the issuing forum or authority, or if the same shall be quashed and disaffirmed by the rehearing forum, or if a writ of nolle prosequi (writ of non-prosecution) shall be issued, or if the accused shall be found guiltless and be acquitted, the court of the first instance shall be bound to immediately communicate the facts and circumstances to the relevant authorities.”

In all the cases where restricting orders such as detention or forbiddance from leaving the country are issued, the accused or his/her attorney could object to the order and the court is obliged to follow up with their objections. What happens in "security cases,” is that judicial authorities- in order to legitimize the case and give it a legally acceptable shape- force the accused to object to the issued order. Since all the different authorities, including offices of the intelligence services and the judicial branch function collaboratively and generally take the orders from the Supreme Leader of the Islamic Republic of Iran, almost all the orders issued by the court remain unchanged-despite any kind of objection and appeal.

a. **Travel bans as used to punish and silence critics of the government**

Article 133 limits travel bans to persons being legally prosecuted. Despite the fact that travel bans can only be applied in cases of open prosecution by judicial orders, on numerous occasions in recent years, security and intelligence agents, without any permit from the Judiciary, have confiscated the passports of activists, journalists, and political personalities, barring them from boarding planes and traveling abroad. Passports have often only been returned with a promise to alter political positions and cooperate with the government.

The Iranian government’s refusal to allow former president Mohammad Khatami to attend a conference in Hiroshima, Japan in March 2010, violated of his freedom of movement and part of a broad but futile effort to contain critical voices and prevent them from having contact with the international community. Khatami was to travel to Hiroshima to attend a nuclear disarmament conference, according to Iranian reformist sources who have told the media that the Foreign Ministry informed Khatami in writing of his travel ban. When Khatami attempted to find the reason for this decision, none was provided.

Seven members of the Defenders of Human Rights Center, a leading human rights group forced to close in 2008 (details to follow), have been banned from leaving the country, including Mohammad Seifzadeh, Mohammad Ali Dadkhah, Narges Mohammadi, Hadi Esmaizadeh, Nasrin Sotoudeh, and Abdolfattah Soltani. Javad Tavassoli, the husband of Nobel Peace Laureate Shirin Ebadi, one of the founders of the Center, has also been banned from travel, solely for his association with her.

Jafar Panahi, an internationally acclaimed film director, was banned from attending the Berlin Film Festival in February 2010, and was subsequently arrested on 1 March 2010, and imprisoned for several months.

b. **Note on travel bans against women’s rights activists**
The authorities have banned a large number of women’s rights activists from traveling abroad without providing any specific reason for such a decision, including Simin Behbahani, Hayedeh Tabesh, Gina Modarres Gorji, and Soraya Aziz Panah.

Numerous members of the One Million Signatures Campaign, a movement to change discriminatory laws, have been banned from travel. On March 3, 2008 Parvin Ardalan, who was awarded the Olof Palme Award for her activism on behalf of women’s rights, was on her way to Stockholm to take part in an event in her honor organized by the Olof Palme Foundation. At the last minute, despite having made it through the security and passport control check points, she was pulled off the plane and told that she was under a travel ban. Ardalan was summoned to court on April 6, 2008, in relation to her activities and writings in support of women’s rights on the site of the Campaign, Change for Equality, and Zanestan, the site of the Women’s Cultural Center. No information regarding her travel ban was provided during this court session.

The ban imposed on Ardalan was a continuation of a policy designed to limit the access of women’s rights defenders, and especially Campaign members, to the international community, through barring them from travel. Similarly, on 9 March 2008, Mansoureh Shajaie, also a member of the Campaign, while on her way to Dubai was told that she was barred from travel. Prior to this trip, Security officials contacted Nasrin Sotoudeh, a lawyer representing many Campaign activists, who was due to travel to Dubai with Shajaie, to warn her against travel. While a travel ban was not imposed on Sotoodeh, she decided to forgo the trip, when her colleague Shojiaie was stopped at the airport. Also, Talat Taghinia, was barred from travel while on her way to Morocco on 10 January 2008, where she intended to vacation. Sussan Tahmasebi, also a member of the One Million Signatures Campaign, was stopped at the airport on 23 October 2008. She was told that she had to forfeit her laptop computer before boarding the plane. Harassment by security officials at Mehrabad Airport, who had confiscated her passport, in an effort to secure her laptop, resulted in her missing her flight.

XI. Article 14 (Judicial Processes and Guarantees)

In its last concluding observations, the Human Rights Committee wrote that it "deplored the lack of respect for due process of law, particularly before the Revolutionary courts, where trials in camera tend to be the rule and where apparently no real possibility is provided to the accused to prepare a defense." (para 12).

While doubtless in serious violation of the Covenant at the last review in 1993, the integrity of the Iranian Judiciary, from the standpoint of the standards of Article 14, has eroded precipitously. The judicial system is overtly controlled or manipulated by various executive branch security agencies, especially as regards politically sensitive cases; the system is almost completely lacking in transparency, with many trials held secretly; lawyers are often not permitted to assist clients mount defenses; a number of trials have been recorded, in which convictions carrying the death sentences have been handed down, that have lasted only a few minutes and in which defense lawyers have been excluded and defendants had no possibility to speak; mass, “show trials” have been staged in which defendants have made what are clearly false confessions, apparently under the influence of drugs or after debilitating interrogations and torture; and confessions are the main evidence used to convict suspects. In many cases incompetent judges have ruled on very large
numbers of political cases, giving scant attention to any evidence or information supplied by defense lawyers.

a. Notes on applicable laws

Initiating and investigating a case:

Article 65 of the Procedural Code for the Public and Revolutionary Courts states that, in order for the judge to begin the investigation stage of the case, the announcement of the judicial bailiffs or the words of trustworthy individuals are sufficient. Article 65, and more specifically section b. of the article, reads as follows:

“To initiate investigations and hearings, the following legal circumstances shall be considered: a. a claim filed by a plaintiff, b. notification, informing and/or giving intelligence by bailiffs of the justice administration or by persons whose assertions and allegations shall be reliable and trustworthy, c flagrant crimes provided that the judge shall in person observe and witness the commission of the same, d. Acknowledgements and confessions made by the defendant.

Note to Article 65: Initiation of investigations and hearing the action shall depend upon the delegation of such tasks by the chief of the judicial area. In order for the investigation stage to begin, it is essential that the name of the suspect be mentioned not only verbally, but in a written document. In addition, Article 83 allows the judge to issue a verdict for the suspect’s detention if he finds it necessary to prevent the suspect’s escape or his/her collaboration with the other individuals involved in the case.”

Cases that are principally about the country’s national security usually evolve based on the reports of the bailiffs of the justice administration. In these cases, the authorities of the intelligence service of the Islamic Republic replace the bailiffs in preparing the reports and leading the case.

Article 15 of the Procedural Code for the Public and Revolutionary Courts, is as follows:

“The bailiffs of justice administration are officials and officers which, under the supervision of and through being trained by the judicial authority shall proceed to expose and detect crimes, to embark on preliminary investigations, to converse and keep intact evidences and proofs of the crime, to forestall and restrain the defendant from fleeing and/or absconding, to serve notices and processes, and to execute judgments and sentences, in compliance with the law. Such officials and agents shall be as follows: 1. Islamic Republic of Iran Disciplinary Force, 2. Jail governors and assistants to the same in charge of prisoners’ affairs, 3. Officers and agents of Basij Resistance Force affiliated with the Islamic Revolution Guards Corps which shall be considered as the bailiffs of justice administration, in compliance with specific rules and regulations, and within the limits of tasks and obligations assigned to the same, 4. Other armed forces in cases where National Security Supreme Council shall totally or partially transfer the tasks and duties of the Disciplinary Force to the same as bailiffs of justice administration to the same, 5. Officials and agents whom shall be considered as bailiffs of justice administration, in compliance with specific rules and regulations, and within the limits of obligations and tasks assigned to the same. Note: The reports rendered by the bailiffs shall be valid only when the
same shall be authentic and reliable from the point of view of the judge. 2- The detention of an individual who is only suspected to have perpetrated a crime and who is not yet proved to be guilty of a crime is only for 24 hours. After 24 hours of detention the detainee must be release unless enough documents and accurate reports have been submitted to judicial authorities that prove his/her being guilty.”

The penetration of the judicial process by security forces, a blatant violation of the principle of the independence of the judiciary and also in violations of the law, is thus made possible by the law itself.

**Right to an attorney**

According to the following articles of the Civil Law of the Islamic Republic of Iran, if at any point an accused or his family members decide to hire a lawyer, the judge may not prevent them from doing so:

*Civil Law of the Islamic Republic of Iran*

Article 959 – No one may take away his own rights to enjoy or execute all or parts of his civil rights.

Article 960 – No one may take away his own freedom or relinquish to use his freedom to the extent that it becomes disobedience of the laws and good deeds.

In practice the judges in many cases prevents an accused or his/her family members from hiring a lawyer whom they trust.

**Torture, and the lack of attorney during investigation**

The preclusion of the seizure of information and confessions under physical and mental pressure is discussed in the laws of Iran, with an explanation of legal limitations on torture in Article 38 of the Constitution as indicated above. Several articles of the Islamic Penal Code explicitly discourage receiving confessions under pressure, and for the most part confessions that are imposed on the accused under pressure are considered invalid under the law.

Even though the laws related to the rights of the accused person define the circumstances under which interrogations and confessions are considered legally correct and valid, there is no guarantee for the enforcement of these laws—especially in cases that are deemed to concern national security.

The lack of the enforcement of these laws is mainly the consequence of not allowing attorneys to intervene during the investigation stage (Article 35 of the Constitution acknowledges the right of the accused person for defending himself/herself.)

Article 128 of the Procedural Code of the Public and Revolutionary Courts and its note allow the judge to ban the presence of the accused person’s attorney throughout the investigation stage. The text of Article 128 is as follows:

"The defendant shall be entitled to have an attorney. The attorney shall be authorized, without having the right to interfere with the investigations and inquiries, to communicate to the judge the instances and matters which shall be
deemed required for detection of the truth, or to defend the perpetrator, or to execute the relevant laws and regulations, when the investigations and inquiries shall terminate. The comments made and the opinions expressed by the attorney shall be registered in the process-verbal. Note: In cases where the matter shall be deemed confidential, or when, at the discretion of the judge, the presence of any person, save the defendant, shall mar or impair the confidentiality of the offence under consideration, and in case the crime shall be related to national security of the country, the attorney may attend the investigations with prior authorization of the public prosecutor’s office.”

A great deal of evidence, a small portion of which will be presented below, confirms that, despite the aforementioned articles and written laws, authorities of the Iran do not hesitate to force suspects, detainees and prisoners whose cases are principally interpreted by judicial authorities as threats to Iran’s national security, to confess under mental and physical pressure. Also, since no attorney is allowed to intervene during the investigation stage, judicial authorities often publicly announce that the accused has eagerly confessed or has repented on his/her own and without any use of mental or physical force.

**Open trials**

Article 168 of the Iranian Constitution stipulates that political and press offences should be tried in a public and open court in the presence of a jury.

**Aspects of the lack of due process in Iran**

Due process violations have apparently accompanied virtually all arrests of demonstrators, reform-oriented citizens, journalists, human rights and women’s rights defenders, students and labor activists. Arrests have been made with no warrants or other court documents being presented, or documents that gave authorities carte blanche to arrest anyone; they have often been made late in the night or very early in the morning and family have been abused in the process; arrests have been made by plain-clothes agents presenting no identification; personal property has sometimes been damaged or confiscated; and detainees have been taken to unknown locations, essentially disappeared.

**Life-threatening arrests**

Arrests have in a number of cases threatened the lives of the detainees: Seed Hajarian, a detained reformist political figure whose torture was described above, suffers from severe physical problems as a result of an assassination attempt in 2001, and needs special care 24 hours a day; Ebrahim Yazdi, a former Foreign Minister, was arrested and taken into detention while in the intensive care unit of a hospital. Dr. Mohammad Maleki, who was arrested while he was under treatment for prostate cancer, wasn’t able to walk and two agents helped him to the car. He needs special injections and conditions for his treatment that cannot be found in prison. According to the report published by the Committee to Investigate Arbitrary Detentions, an Iranian group, many detainees arrested after 12 June 2009 suffer serious health problems, including Behzad Nabavi who had open heart surgery before his arrest. Abdullah Momeni and Isa Saharkhiz also suffer serious health problems.
Improper warrants

Lawyers of prisoners of conscience arrested following the election confirmed to the International Campaign for Human Rights in Iran that their clients were arrested based on a blank warrant without any charges or names written on it. In the case of Abdolfattah Soltani, a prominent human rights lawyer, the warrant was issued several days before the election.

Mohseni Ejei, the Minister of Intelligence during the election period, has confirmed his role in acquiring blanket warrants and authorizing confrontations with protestors and arresting them. Mohseni Ejei said in an interview on 16 June 2009, "I have received authorization from judicial authorities. I said I would issue a warning, then I would issue a general warning, and if people didn't heed the warning, we would have no choice but to arrest them and to publicly introduce the main operatives and elements prior to their trial."

Saeed Mortazavi, who served as Tehran's Prosecutor at the time of the June 2009 elections, issued a general arrest warrant four days before the elections, later used by security and intelligence agents to arrest hundreds of well-known journalists, students, and political activists deemed "suspicious." Several arrested individuals, including prominent human rights lawyer Abdolfattah Soltani, have confirmed that the general arrest warrant, which did not have any names or specific charges on it, was signed by Mortazavi.

Saleh Nikbakht, a lawyer, said, "I noticed that the indictments of people arrested in their offices falsely stated that they were arrested during the confrontations and while provoking riots."

Lack of evidence in prosecutions, torture, confessions

On 16 June 2009, Mohseni Ejei justified arresting political activists, claiming that the reason for the arrests of prominent and well-known figures was the "penetration of anti-revolutionary groups in elections campaigns." He accepted responsibility for the arrests, saying, "Those elements have been identified and arrested, too, and they are in detention right now."

Given this open admission of the arbitrary and politically motivated nature of so many arrests, it follows that investigations by the Intelligence Ministry have been riddled with inconsistencies and unethical practices. Under Mohseni Ejei's direction, many of those arrested have been detained with no charges being brought against them while being denied legal counsel. Several distinguished political figures, arrested after the election and released from prison after several weeks or months, told the International Campaign for Human Rights in Iran that they were coerced during interrogations to confess to trumped-up charges against them. In one case, a released journalist told the Campaign, "From the very beginning of my arrest I gathered that there were no legal charges against me. The intelligence officer told me, 'We are aware of your relationship with one of your colleagues.' He said, 'This can destroy your life. Therefore either you will confess to your involvement in the post-election unrest or we will tell your wife about this."

Another political figure arrested after the election told the Campaign, "During the first two weeks after my arrest the intelligence officers did not raise any political charges against me. All the interrogators' efforts were based on proving charges about my immoral conduct, so that afterward I would accept my
political charges and confess on camera. For this reason I was beaten up many times. I was threatened that both myself and my wife would lose our jobs and that I would spend a long time in prison...When, under unbearable interrogations, which sometimes lasted ten hours per day, I didn't agree to confess to things I hadn't done, they stopped interrogating me for four whole weeks while I was kept in solitary confinement. After that they started asking me about political charges that were at least six or seven years old." He told the Campaign that his post-election arrest had nothing to do with the protests but was political retribution. "At my trial, I was sentenced to imprisonment, while my defense was ignored and no evidence was produced by officers involved in my case about the charges. The court's decision was pre-determined."

From the moment of arrest, political prisoners faced abuse and torture at the hands of intelligence officers. One of those arrested after the elections told the Campaign that during the first few days after their arrest, interrogators vigorously attempted to force them to confess to false charges. He said the interrogators relied on months of surveillance of telephone calls in order to hasten their confession to meet the Ministry of Intelligence's goals. According to this source, intelligence officers presented tapes of phone conversations and hidden camera footage of his apartment to put psychological pressure on him.

Physical torture carried about by intelligence officers was widespread and brutal. In August 2009, presidential candidate Mehdi Karroubi presented evidence of the rape and sexual abuse of detainees by intelligence officers to a three-member committee from the Judiciary. After his dismissal from the Ministry of Intelligence, as General Prosecutor, Mohseni Ejei was one of the three committee members. Regarding Karroubi's statements, Mohseni Ejei said "they are totally baseless." Investigations by the Campaign, however, show that in the case of at least one of the detainees -- Ebrahim Mehtari -- the Tehran Medical Examiner, under the auspices of the Iranian Judiciary, issued a certificate confirming injuries resulting from sexual abuse (see Appendix IV). None of the victims' statements regarding sexual abuse were acknowledged and instead, Ministry of Intelligence forces threatened rape victims that if statements were not retracted, they and members of their families would suffer the consequences.

Numerous prisoners of conscience have been convicted and executed following unfair trials, and in the absence of evidence against them. Among the most tragic is the case of Farzad Kamangar, a Kurdish teacher and social worker in the city of Kamyaran, who was sentenced to death based on "absolutely zero evidence," according to his lawyer. The Revolutionary Court prosecuted Kamangar on charges of membership in the Kurdish Workers Party (PKK). The court issued a death sentence for Kamangar on February 25, 2008. Khalil Bahramian, Kamangar's lawyer, said: "Nothing in Kamangar's judicial files and records demonstrates any links to the charges brought against him."

Bahramian, who was present during the closed-door court hearing, described it as "lasting no more than five minutes, with the Judge issuing his sentence without any explanation and then promptly leaving the room." He added, "I have seen absolutely zero evidence presented against Kamangar. In my forty years of legal profession, I have never witnessed such a prosecution."
Security forces detained Kamangar in July 2006, shortly after he arrived in Tehran from Kamyaran. The authorities originally investigated him in relation to two people he rode with during his trip to Tehran.

Kamangar was cleared of all charges during the investigation process. It is not clear why the prosecution decided to put him on trial on charges of membership in P.K.K, given that it presented no evidence. Bahramian said the prosecution and death sentence are an indication of “discrimination against Kurds” within the judicial system.

In a letter written in Sanandaj prison in October 2007, Kamangar detailed his torture and ill-treatment. During visits by his family and lawyer, he also exhibited signs of torture. Kamangar was hung on 9 May 2010.

**Political control of the judiciary**

Proof of the Iran Revolutionary Guards Corp's (IRGC) infiltration of the judicial process is apparent in public use by Yadollah Javani, the head of its Political Office, of confidential information from prisoner interrogations. Laws of the Islamic Republic of Iran stipulate that details of interrogations must remain confidential. Javani has publicly quoted from the texts of confessions by prisoners such as Mohammad Ali Abtahi, former Vice President of Iran, and Mohammad Aghaee, another political figure.

On 17 August 2009, Javani demanded that presidential candidate Mir Hossein Mousavi be put on trial. In his speech, he revealed information from the confessions of Hedayat Aghaee, a member of the reformist Kargozarani Party, whose trial had not been held yet. Javani quoted Aghaee as saying that the reformist and opposition candidates' strategy in the presidential election had been to come to power at whatever cost. A few months later, Aghaee was sentenced to five years in prison.

Several released prisoners told the International Campaign for Human Rights in Iran that they were arrested by the Prosecutor's Office, but their investigations and interrogations were carried out by the IRGC's Intelligence Unit. Many prisoners who were in custody of the IRGC's Intelligence Unit, especially during the first two months following the elections, were mistreated and physically and psychologically abused, and were coerced to make false confessions. Their interrogators had stated the condition of their release as their confessions against themselves and their colleagues, as well as accepting a role in post-election public protests.

Additionally, human rights lawyers have told the Campaign that IRGC intelligence forces have made direct demands of Revolutionary Courts judges to issue harsh sentences for the post-elections protesters.

The lawyer for political prisoner Heshmat Tabarzadi, Nasrin Sotudeh, said that intelligence agents demanded that the judge in Tabarzadi's case sentence him to the harshest possible punishment, including exile and a permanent ban on any social and political engagement.

Sotoudeh stated to the Campaign: "We can assume that the intelligence agents lacked knowledge of the law, as this action [pressuring a judge] is, according to the law, a crime...In many cases we have seen that unfortunately, some judges have not only applied such recommendations, but have gone further. The
principle of the independence of the judiciary system obliges the judge to refuse such a recommendation by an intelligence agent. The procedure that was applied in Tabarzadi’s case is completely illegal."

Sotudeh and other human rights lawyer have observed that the infiltration and manipulation of the Iranian Judiciary and court system by intelligence agencies and the Revolutionary Guards, while a chronic problem, has become more widespread since the current period of intensified repression of civil liberties began after the June 2009 presidential elections. “Court officers” representing the police units, the Intelligence Ministry, and other intelligence and security formations influence decisions about sentences, as well as those affecting interrogation methods, visitation rights, bail, and other issues.

Acting as court officers, Iranian Police, the Ministry of Intelligence, and Intelligence Units of the Iranian Revolutionary Guard Corps have always interfered to varying degrees in arrests, interrogations, and trials, and have been known to harass the families of prisoners. But after the presidential elections in June 2009, interference has reached a new level. In many arrest cases after the elections, though the case judge has ordered bail or has given the families of prisoners permission to visit, court officers have refused to carry out the orders and complaints filed by families have not been addressed.

While the Iranian Judiciary’s Prisons Organization has full responsibility for Iran’s prisons and the conditions in which prisoners are kept, the court officers appear to have final say in prisons. For example, ward 209 of Evin prison is under complete control of the Ministry of Intelligence and the Warden of Evin prison does not have influence there. The same is true for wards which are under the control of the IRGC. The domination and interference of court officers in the Iranian judicial system has brought stress on the ability to conduct fair trials.

In September 2009, when Jafari Dolatabadi replaced Saeed Mortazavi as Tehran’s General and Revolutionary Courts Prosecutor, he made a reference to the Judiciary’s autonomy and demanded that the Prosecutor’s oversight on court officers’ be fully implemented. However, after he took office, not only did the Police, Ministry of Intelligence, and IRGC continue such activities, they increased their influence and control in judicial cases. In his introduction ceremony, Dolatabadi said: “The Prosecutor’s oversight of court officers and those attending investigation sessions is a serious matter to me. If some people expect me to determine my moves based on their orders, I will not oblige.” He also said: “We will strongly confront court officers who dictate whom to arrest, release, or convict, and I won't stand for this.” Jafari Dolatabadi, who was previously the Prosecutor of Khuzestan province, said that he is responsible for all detentions and releases. “Court officers and interrogators must carry out their duties within legal frameworks and policies and under full supervision of the Prosecutor, and I accept the responsibility for releases and detentions and judicial orders, because I have to be accountable.”

Even so, families of several prisoners told the International Campaign for Human Rights in Iran that court officers have violated laws, acting beyond their duties during arrests, visitations, and in carrying out bail orders issued by judges. In at least five cases, while prisoners were authorized by judge’s orders to have in-person visitations, “case analysts,” or interrogators, refused to allow in-person visitations. In other cases, it has been observed that though bail amounts have
been set, court officers refuse to release the suspects. In many cases, prisoners' listed personal belongings are not returned to them and their personal computers with all their unpublished articles and personal files have been erased and families know that objections to such actions will not be heard. Interrogation methods are also outside the supervision of the judicial system and behind closed doors of prison cells, court officers can do whatever they wish with prisoners, particularly political prisoners.

In an interview with ILNA News Agency, Ali Younesi, the former Minister of Intelligence during Khatami's presidency, expressed concern about this issue. Younesi, who is currently an adviser to the Head of the Judiciary, has said: “Court officers are not allowed to interfere in the judicial process and must only present their reports. Acceptance or refusal of such reports is upon the judge.” Younesi’s statements come at a time when there is growing concern about security and intelligence organizations’ interference in their capacity as court officers. In many cases, judges act in a fashion entirely coordinated with the wishes of intelligence organizations; it is not an exaggeration to state that the Iranian Judiciary has fallen victim to political and non-judicial decisions. Prolonged "temporary detentions,” mistreatment of prisoners, lack of attention to the health conditions of prisoners who need serious medical care, willful actions with respect to visitation privileges and releases, and contacting prisoner families as a means to apply pressure on prisoners and their families to keep them from talking about political cases, are only some of examples of practices employed by court officers.

Regarding the interference of court officers in the Judiciary's affairs, Younesi said: "A court officer’s job is to carry out orders from the Judiciary, therefore a court officer is not permitted to interfere in judicial affairs and must only present his report and the judge is entitled to take the report under advisement or not.” Referring to acts that undermine the autonomy of the Judiciary, he added: “By virtue of its independence, the Judiciary must not allow infiltration into the court officer system, whether from the police or security organizations. When I was at the Ministry of Intelligence, I controlled this seriously and would never allow security officers to interfere in a judge’s work; I developed guidelines about this and personally oversaw their implementation.”

He provided an example, indicative of the interference by court officers in the judicial process: "I told the judicial authorities at the time that if security officers attempted to interfere in a case, they were to inform me immediately. If they reported that a security officer was following up on a case from this branch to that, I confronted that officer and issued him a warning reminding him that since the case has been delivered to the judicial authorities, it is no longer a concern of the Ministry of Information what the judge’s ruling would be.”

The power and authority of court officers are now important factors in the deteriorating condition of processes leading to a fair trial and implementation of the law, due to the increased power of intelligence and police forces in the post-election political environment. Show trials, extraction of forced confessions as evidence to convict political prisoners against whom there is no evidence, sentences which are disproportionately severe, and outrageous bail amounts for political prisoners are all results of the influence of court officers and their complete infiltration of the judicial system. Although authorities such as Mr. Younesi or Jafari Dolatabadi have expressed the importance of the Judiciary's
independence from intelligence operations, the trend is in the opposite
direction.

On April 19, 2010, a group of prisoners of conscience at Evin prison wrote an
open letter addressed to religious leaders, describing their difficult conditions
including physical, sexual, and psychological torture, asking the clerics to state
their positions vis a vis violations of fair trial procedures in Iranian courts and
the inhumane and illegal treatment by interrogators and judges. The letter was
first published on JARAS web site.

In their letter, addressed to Shiite leaders such as Ayatollahs Sanei, Bayat,
Dastgheib, Sobhani, Ardebili, Makarem Shirazi, Safi Golpaygani, and Shobeiri
Zanjani, a detailed description of prisoners inside different wards of Evin Prison
is provided. Some of the illegal and inhumane treatments of the Iranian judicial
and security organizations listed in the letter are the Judiciary’s lack of
independence, lack of moral treatment, beatings and unusual interrogations,
show trials, forcing the suspects to confess against themselves, and long
investigation processes.

Lack of independence of the Judiciary is one of the cases the prisoners have
described in detail in their letter. They have stated that in many cases
interrogators and Ministry of Intelligence and IRGC agents have told prisoners
who were blindfolded and handcuffed and sometimes had their feet tied: “The
judgment in your case will not come from the judge, as the judges are
insignificant.” Many of the suspects were even informed about their sentences
through their interrogators before they heard them in court.

Another section of the letter emphasizes that the initial courts’ lack of
independence and its openness to the influence of security organizations is to
the point where the judges routinely issue maximum sentences, promising the
suspects that their sentences would be reduced at appeals stage. According to
the letter, in most cases the judges “act as representatives of security
organizations,” treating the suspects with threats and insults in court. Also, in
the cases of a large number of prisoners who have received orders for bail, or
reduced bail or guardianship (in lieu of bail), upon influence of security
organizations the Judiciary refuses to accept bail or their guardians for their
release.

Lack of access to their lawyers or ability to have a lawyer of their own choosing
during the trial proceedings which is in violation of the suspects’ right to a fair
trial, is another point raised in the letter. They state cases where the suspects
were threatened by the judges that if they introduced a defense lawyer, their
sentences would be heavier, especially in Branch 28 of Revolutionary Courts
with Judge Moghisheh presiding and in Branch 15 with Judge Salavati presiding.
Some suspects have had to release their lawyers through pressure from security
organizations and agree to court-appointed lawyers for their defense.

The letter expresses that interrogations are made by various organizations such
as Ministry of Intelligence, IRGC, Basij, and different units of the police. Prisoners
have emphasized that after initial interrogations by police and Basij, prisoners
were handed off to IRGC or Ministry of Intelligence interrogators who conducted
“aimless interrogations” during very long and non-stop sessions at unusual
times, and accompanied with insults, beatings, and mental and sexual abuse.
Referring to the interrogations in Wards 2-A, 240, 209, and 350, they have said:
“In many cases the interrogators would put pressure on prisoners by asking private and personal questions during the interrogations.” In the prisoners' letter to religious leaders, they have objected to methods for extracting confessions such as “accusing the suspect of immoral acts, and forcing the suspects to confess by reading the dictated text provided by the interrogators in their public trials.”

Holding the "so-called public trials" and having rehearsal sessions for the prisoners to practice reading “confessions against themselves” in court, some of which have been held in the presence of Judge Salavati and Prosecutor Jafari and plainclothes agents, is another point raised in the letter. Some of these prisoners who are currently detained at Ward 350 have said that they had frequently participated in “rehearsal sessions” for the show trials and if they refused to appear in the rehearsals or the court, their interrogators would threaten them with execution or arrests of their family members.

The letter from the prisoners of conscience of Evin was published at a time during which there had been numerous reports about the sub-standard conditions of Iranian prisons, heavy sentences of post-election prisoners, and the deteriorating health conditions of many prisoners. Many of the prisoners who were arrested during the post-election months and released later have reported of torture and physical and psychological abuse during their arrests, detention, and interrogation. In some cases interrogators abused the prisoners sexually and psychologically in order to extract fake confessions from them.

**Death sentences, lengthy prison terms, unfair trials for political prisoners**

Sadeq Salavati, presiding judge of Branch 15 of the Islamic Revolutionary Courts, has presided over numerous trials in the aftermath of the 12 June 2009 election, and is the main judicial official issuing death sentences for those arrested since the election. He has issued the highest number of death sentences, earning the moniker of "Judge of Death." He has issued death sentences for at least nine post-election defendants: Reza Khademi, Hamed Rouhinejad, Nasser Abdolhosseini, Arash Rahmani Pour, Mohammad Reza Ali Zamani, Ahmad Karimi, Abdolreza Ghanbari, Mohammad Amin Valian, and Amir Reza Arefi. Arash Rahmani Pour and Mohammad Reza Ali Zamani were executed on 28 January 2010.

Over 120 years worth of imprisonment has been doled out by Salavati for protesters spanning all strata of society, from political activists, to journalists, to ordinary citizens. The only charge in most cases was participation in protests and demonstrations. A human rights lawyer representing several post-election prisoners told the Campaign, "When Judge Salavati presides over a trial, 'defending' the accused becomes meaningless. Not only does he not pay any attention to their defense, he so aggressively takes sides with the Prosecutor and the intelligence organizations in charge of the case that there is no hope for seeing justice delivered in his courtroom. A trial with Salavati as its judge has a predictable outcome-the accused will receive a heavy sentence."

Salavati's cooperation with the Intelligence Ministry is such that his rulings are directly based on the content of interrogations conducted by intelligence officials without an impartial evaluation. Salavati has limited the rights of detainees before they even enter the courtroom. Families of prisoners have told the International Campaign for Human Rights in Iran that Salavati has refused to
accept the defense lawyers’ power of attorney documents allowing for independent legal counsel.

Salavati has ruled in politically motivated cases with charges including "actions against national security," "propaganda against the regime," "congregation and mutiny with the intent to disrupt public order," "disrupting public order through riots," "participation in the destruction of public property," "participation in illegal congregations," "creating doubt about election results," and "depriving the regime of public trust." Salavati was the judge in the first "show trial" held after the presidential election, where more than 100 political activists, protestors, journalists, students, and influential figures were prosecuted in August 2009.

In a case that has been referred to above, Salavati sentenced Mohammad Amin Valian, a 20-year-old university student, to execution for throwing three rocks during a protest. During the proceedings neither Valian's family nor his lawyer had access to his file. An appeals court has overturned Salavati’s death sentence for Valian.

Majid Tavakoli, a student at Amir Kabir University, spent months in jail before being sentenced by Salavati to eight years and six months in prison, five years deprivation of education, and a five year ban on foreign travel. Throughout his detention, on orders from Salavati, Tavakoli was deprived access to his lawyers or any other rights available to prisoners such as telephone calls to his family, books, newspapers, and visitation rights.


Another judge issuing disproportionate sentences following unfair convictions is Mohammad Moghisseh. Judge Moghisseh presided over the prosecution of Roxana Saberi, the Iranian-American journalist falsely accused of spying, and sentenced her to eight years in prison in April 2009. The appeals court overturned this sentence and Saberi was eventually released.

Several human rights lawyers who represented post-election prisoners told the Campaign that rulings issued by Judge Moghisseh lacked legal foundation. The sentences, according to these testimonies, very closely followed what the interrogators had threatened the suspects with during their imprisonment, including death sentences.

A lawyer who represented several post-election prisoners told the International Campaign for Human Rights in Iran, "What we saw in our numerous meetings with him is that he is incapable of understanding the simplest judicial concepts and only serves as a signature machine for heavy and baseless sentences. No honest judge would ever confirm his rulings. Unfortunately, a few judges who follow orders from intelligence organizations close their eyes on the evidence in the files and the defense presented by the suspects and their lawyers, and issue
political rulings. This has turned the Iranian Judiciary into a subsidiary of the Ministry of Intelligence."

During the show trials in Branch 28 of the Revolutionary Courts, Judge Moghisseh tried two detainees, Jafar Kazemi and Mohammad Ali Haj Aghae, on charges of *moharebeh* for contacting and cooperating with Mojahdeen-e Khalgh Organization (MKO) and propaganda against the regime. Moghisseh found both suspects guilty and sentenced them to death. But, as discussed above, the evidence needed to convict a person to death for such a crime must, according to the law, show the use of weapons, and no such evidence was presented in the cases. Judge Moghisseh issued rulings for two prominent Iranian student activists, Bahareh Hedayat and Milad Asadi. He sentenced Bahareh Hedayat to nine and half years and Milad Asadi to seven years in prison. According to Bahareh Hedayat’s husband, there was no evidence of any crime in her case file. Against Iranian law, the two defendants' lawyers were not allowed to defend their clients in court.

In a letter to the Head of the Iranian Judiciary, Mohammad Mostafaei, a human rights lawyer who has represented several post-elections political prisoners wrote about this judge's violations.

Reporting on the violations in Branch 28 of the Revolutionary Courts, the attorney wrote, "Regrettably, Mr. Moghisseh of Branch 28 of the Revolutionary Courts has acted against the law during the reviews of several cases, some of which I have represented. He has particularly acted against basic and fundamental laws such as the Iranian Code of Criminal Procedure and the Citizen's Rights Law. For example, some of the violations which should be reviewed and especially examined in this branch are: the illegal extended imprisonment of suspects despite the law’s stipulation that suspects should not be detained for a period longer than the minimum punishment for their crimes; refusal to end temporary detention orders within the legal time frame; refusal to issue orders allowing lawyers to meet with their clients in prison, as well as for signing the power of attorney documents; refusal to serve the defense with accurate trial dates and more importantly, the refusal to serve the defense with accurate trial dates and more importantly, the related court papers and copies of the indictment; and depriving the suspects from their chance to present a fair defense."

It is relevant to note that an arrest warrant was reportedly issued for Mostafaei on or around 24 July 2010, following his legal defense of Sakineh Ashtiani, a woman sentenced to be stoned to death for alleged adultery. At the same time, both Mostafaei's wide and brother-in-law were arbitrarily arrested and detained.

XII. Article 17 (Right to Privacy)

a. *Iranian law prohibits invasions of privacy*

Article 25 of the Constitution states: “The inspection of letters and the failure to deliver them, the recording and disclosure of telephone conversations, the disclosure of telegraphic and telex communications, censorship, or the willful failure to transmit them, eavesdropping, and all forms of covert investigation are forbidden, except as provided by law.”
In spite of this constitutional guarantee, the intrusion of Iran's security services into the private spheres of the citizens is an all-pervasive fact of life. The telephones of thousands of citizens, on estimate, are monitored; email communications are not secure; cellular phone calls are monitored. Transnational corporations, such as Nokia Siemens, have sold telecommunications technology to the Iranian state telecommunications company that can help security agencies monitor calls from designated "opponents" of the government. Following the onset of the 2009 post-election political disturbances, the Revolutionary Guards became a majority shareholder in the Iranian telecommunications company, thus giving this military unit, under extreme ideological control, complete access to all land-line and cellular telephone services as well as Internet connections.

The close surveillance of citizens extends far beyond that justified by criminal investigations or genuine national security threats. In a large percentage of cases of arbitrary arrests, the residences of those arrested have been searched and personal items confiscated. Primarily, personal computers have been impounded and their hard-drives searched.

As an example of how the monitoring of cell-phone communications is used to thwart civil society initiatives, in March 2009, the Iranian authorities arbitrarily detained around 12 women's rights activists, all members of the One Million Signatures Campaign and Mothers for Peace at a street corner as the group met to make private New Year visits to families of several prisoners of conscience. The arrests suggest that security and intelligence forces had been monitoring and eavesdropping on activists' private communications. Police forces arrested the group at their meeting place, on Sohrevardi Street in Tehran, before they could embark on their private visits. All detainees were transferred to Evin prison, and charged with "disturbing public opinion" and "disruption of public order."

After the June 2009 elections, detainees became aware that the monitoring of private telephone conversations had been a basis for their arrests. One of those arrested after the elections told the International Campaign for Human Rights in Iran that during the first few days after their arrest, interrogators vigorously attempted to force them to confess to false charges. He said the interrogators relied on months of surveillance of telephone calls in order to hasten their confessions to meet the Ministry of Intelligence's goals. According to this source, intelligence officers presented tapes of phone conversations and hidden camera footage of his apartment to put psychological pressure on him.

Ismail Ahmadi Moghadam, the head of Iranian Police, acknowledged the violation of citizen's privacy as police forces monitored e-mail and text messages, heralding a new stage of restrictions on individual freedom. On 15 January 2010, he told reporters, "E-mails and text messages are sent from a place which are in our complete control...they mustn't think that anti-proxy [software] will protect them, and they must not have the erroneous idea that they are not being monitored, because we have been patient with them so far."

**XIII. Article 19 (Freedom of Expression)**

**a. Legal framework; censorship in the law**

Until 1988, there was no specific law on book censorship and it was not clear which books could be published and which could not. It was due to this legal vacuum and hence the inability of the Ministry of Culture and Islamic Guidance to take control of
the situation that the Supreme Cultural Revolution Council stepped in. The Council was responsible for compiling and composing all cultural policies of the regime. The rulings of March 24, April 1, and April 9, 1988 turned censorship in the realm of publishing into an institution. These rulings were announced to publishers, and to this day they validate the policy of censorship. However, depending on political influences affecting the Ministry of Culture and Islamic Guidance, these rulings are modified.

During the presidency of Mohammad Khatami from 1997, without any major changes to the procedures of book censorship, the implementation of censorship was in effect modified. Eventually, the book censor was able to eliminate portions of books based on personal preferences that were based upon the Council’s rulings, thereby marking up the text and ordering the publisher or author to “eliminate these portions.”

The Supreme Cultural Revolution Council is an institution that was not foreseen in the Islamic Republic of Iran’s Constitution, and was created by order of Ayatollah Ruhollah Khomeini. The Council does not have legislative power, but in reality it does legislate. It was attributed a supervisory role in policy making decisions, but this role became a legislative one.

The most important work of the Council has focused on the areas of women’s rights, publishing, and artistic creation. In these realms, the Council has imposed constraints in the name of Islamic and Revolutionary culture. The rulings of the Council have centered on women’s employment, the veiling of women, and absolutist police control over carrying out the policies of modest attire rather than policies that deal with freedom in the work place and choice in attire. Moreover, the Council has imposed strict censorship and guidelines for publishing in post-revolutionary Iran.

However, regardless of the preservation of the methods of censorship, reformist censors would apply executive veto power that allowed some banned books and those in an ambiguous category to be published. It was as a result of this executive veto power of censors that the cultural environment of the country in the areas of publishing, cinema, and other arts experienced some improvement, a development which, however, aroused strong reactions amongst conservatives. During the same period, “hard-line” groups linked to radical centers of power, which were called pressure groups, would threaten the security of writers, publishers, book stores, and printing houses, and would eventually start the process of discrediting the more relaxed censors in order to eliminate them from their posts.

Ultimately, the conservative factions were victorious with the installation of the government of President Ahmadinejad. The rulings of the Supreme Cultural Revolution Council enforce censorship, and encroach vastly upon the freedom of expression; they have strengthened tendencies toward self-censorship, an issue of concern to the Human Rights Committee according to the Concluding Declaration, para. 15.

From a legal perspective, the existence of the Supreme Cultural Revolution Council rulings, such banning books and censorship before or after publication, is illegal; no special law has been ratified by parliament regarding censorship or the banning of books. The rulings of the Supreme Cultural Revolution Council have no legal authority, and essentially, the existence of an office specifically for books in the Ministry of Culture and Islamic Guidance, to which the publisher and author are
required to deliver a manuscript before publication or typesetting or page layout, is illegal. This censorship, without a basis in the laws and rulings of the country, coincides with increasing demands for free thought and expression in a variety of fields such as domestic politics, foreign policy, women's rights, rights of the accused, social problems, and economic policy.

Article 168 of the Constitution states that political and press offenses will be tried openly and in the presence of a jury, in courts of justice. The manner of the selection of the jury, its powers, and the definition of political offenses, will be determined by law in accordance with the Islamic criteria.

b. General tendencies regarding infringements on the freedom of expression

Iranian authorities such as Mohammad Javad Larijani, Head of the Iranian Delegation to the UN Human Rights Council meeting in Geneva (February 2010), at which time Iran was examined under the Universal Periodic Review process, have stated that no one is imprisoned in Iran for his or her beliefs and opinions. Such claims lack credibility given the arrest of literally thousands of citizens based on their expressed political views. Political activists of opposition parties; civil society activists working on behalf of the rights of women, workers, students, ethnic and religious minorities, or other groups; the campaigners for basic universal human rights; publishers, editors and journalists; writers and commentators; and artists, film-makers and playwrights, all have been subject to prosecution and persecution for expressing their beliefs and opinions.

The Iranian media has been massively censored since around 2000, when virtually all "reformist" newspapers and other publications were banned. The Supreme National Security Council has taken increasingly restrictive steps toward banning various subjects from public discourse.

The Committee to Protect Journalists, an international advocacy group, reported that as of 1 June 2010, 37 journalists were imprisoned in Iran. Many of these are among the thousands of Iranians who have been subjected to ill-treatment in detention.

The Iranian police and government ministries have placed a range of restrictions on the ability of international journalists to cover news events, confining them to their offices, for example, during large-scale peaceful protests.

c. Criminalizing dissent

Violations of the freedom of expression have become much more acute since the onset of political disturbances following the 2009 presidential election. Indeed, Iran's highest leaders have equated any criticism of the government as an attack on its religious foundations.

Iran's Leader has enunciated a ban on any criticism of the government as "divisive."

Other powerful clerical figures have also warned Iranian citizens against expressing critical views and have influenced judicial authorities to issue the harshest sentences for doing so. For example, in January 2010, in a meeting with IRGC commanders a few weeks before a group of arrested detainees were sentenced to death for moharebeh, Ayatollah Mohammad Taghi Meshab Yazdi, a member of the Assembly of Experts, explicitly called election protests "corruption on earth" saying, "The sedition and events, which took place during the recent months in the country,
have not been unprecedented throughout history and this won’t be the last of them. Of course the types of slogans, actions, and covers are different, but they all share the same title—corruption on earth.”

d. Imprisonment for writing of articles

A number of women’s rights activists have been imprisoned on the basis of their publications.

Maryam Hosseinkhah, a member of the Million Signatures Campaign, who is also a journalist and Internet blogger, was arrested on 18 November 2007, in relation to her activities and writings in support of women’s rights. She had received a summons to appear at the security branch of the Revolutionary Court on 15 November 2004. During her interrogation on 17 November 2007, she was charged with acting against national security, publication of lies, and disturbing public opinion by writing for the Campaign’s website (Change for Equality) and the Zanestan website (belonging to the Women’s Cultural Center). She returned the next day for more interrogations but bail was set in the amount of 100 million tomans (US $ 111,000), which her family could not afford. She was transferred to Evin prison’s public ward on 18 November. She was in detention for 45 days as her family could not afford such heavily bail. She was eventually released when her bail amount was reduced to a bank guarantee in the amount of 5 million toman (US$5,555).

Jelveh Javaheeri, a member of the Million Signature Campaign, was detained on similar charges to those against Maryam Hosseinkhah, and in relation to her writings for the Campaign’s website. She was summoned to the security branch number one of the Revolutionary Court. After interrogation, she was charged with “disturbing public opinion, propaganda against the state, publication of lies for writing for the site of the Campaign (Change for Equality).” Her bail was set at 50 million toman (US$ 55,555), which her family was unable to post. After 30 days in prison, she was eventually released when her bail amount was reduced to a bank guarantee in the amount of 5 million toman (US$5,555).

Parvin Ardalan and Nahid Keshavarz have both been summoned to court and charged with security charges in relation to their activities and writings on the site of the Million Signatures Campaign and the site of Zanestan, the webzine of the Women’s Cultural Center. Nahid Keshavarz was summoned to court on the 13th of January, 2008, and charged with actions against national security, through propaganda against the state. Parvin Ardalan was summoned to court on April 6, 2008 and charged with propaganda against the state.

The case of prominent human rights defender Emad Baghi also illustrates prosecution for publishing articles. Emad Baghi served a one- year sentence for articles he had written ten years before, and for which he had already spent three years in prison on the same charges. Baghi was prosecuted for two articles he wrote, entitled “Capital Punishment and Qisas” (published in September 1999) and “Solving the Black Box of Serial Murders” (published in January 2000). He was charged with “publishing insulting material with unacceptable interpretation of Islamic rules,” and “dissemination of falsehoods with intention of disturbing public opinion.” Judge Mortazavi, then presiding over Branch 1410 of Tehran’s Public Court, sentenced him to three years in prison, in addition to a one- year suspended sentence on 6 August 2000.
Subsequently, Baghi served a three-year sentence in prison. On 14 October 2007, Baghi was summoned and interrogated with regard to his advocacy on behalf of prisoners' rights within the framework of the Center for Defense of Prisoners' Rights. He was arrested and ordered to serve his one-year suspended sentence.

During his latest incarceration, Baghi developed serious heart problems due to solitary confinement and stress during long interrogation sessions.

Numerous Iranian students have been prosecuted on the basis of their publications and statements. Hundreds of student publications have been closed. The authors of the publication of the Amirkabir University's Islamic Association, founded in 1999, Mohammad Nabati, Ali Aghai, and Abbas Nemati, were accused of blasphemy, arrested, and finally convicted and imprisoned for several months. Students publishing a periodical at the University of Shahid Rajai were also prosecuted, convicted and jailed.

As will be described in the discussion of the freedom of association below, hundreds of Iranian students have been prosecuted for their activities including their speeches and publications. For example, eight students from Amir Kabir University, viz. Majid Tavakoli, Hossein Torkashvand, Esmael Salmanpour and Koursh Daneshyar, who were detained on 5 February 2009, and Ahmad Ghasaban, Nariman Mostafavi, Mehdi Mashayekhi, and Abbas Hakimzadeh who were detained on 24 February 2009. Judge Haddad said the charges were based on confessions, "which helped us extract new information," indicating the students were planning actions in connection with the upcoming Iranian presidential elections on 12 June 2009. Haddad added that the arrests had "ended the student radical movement."

The detained students were held in *incommunicado* detention, and the International Campaign for Human Rights in Iran believes that the charges against them, of cooperating with terrorist organizations, were based on false confessions extracted under torture.

According to information received by the Campaign, the students were arrested without charge. They have been held in solitary confinement, without access to their families or any lawyers.

*Assaults on the freedom of expression among university faculty, artists and filmmakers*

The Iranian government has dismissed prominent university professors on political grounds. For example, after the dismissal of Dr. Morteza Mardiha from his faculty post at Allameh Tabatabaee University on 5 April 2010, two Elm-va-San’at University professors were also fired, part of an ongoing process to dismiss faculty members who have expressed different viewpoints from the government, or who have voiced support for students during student protests.

Sayed Ali Asghar Beheshti and Mohammad Shahri of Elm-va-San’at University received written dismissal notices from their faculty positions following a call by Iran's Minister of Science, Research and Technology for ideological conformity on the part of professors.

The dismissals were the first of their kind after Minister of Science, Research, and Technology Kamran Daneshjoo’s 4 March 2010 statements, in which he announced that faculty members who do not "share the regime's direction," and who do not
have “practical commitment to velayat-e fagih (rule of the Supreme Leader)” will be dismissed.

Sayed Ali Asghar Beheshti Shirazi, an experienced and prominent professor of telecommunications at Elm-va-San’at University, and Professor Mohammad Shahri, an electrical engineering professor, both of whom were employed in the Electrical Engineering Research Center, were dismissed on the morning of 13 April 2010, when they received written notices.

The two professors had earlier written a letter protesting the heavy and unprecedented sentences the University’s Disciplinary Committee had issued students, supporting the students and objecting to the 28 December 2009 entry of plainclothes forces into the campus and beatings of students.

The same university, acting at the behest of the government, also forced out faculty members as punishment for their expressed opinions. Professor Touraj Mohammadi, Chairman of the Chemical Engineering Department, resigned from his position after being put under immense pressure from the University for objecting to the University’s policies vis a vis the students. Prior to this, a “mandatory faculty retirement plan,” which had been put into effect to apply pressure and political control over the universities, forced more than 50 distinguished professors into retirement or dismissal. Professors such as Amir Nasser Katouzian, Karim Mojtahedi, Ali Sheikholeslami, Hasan Basharieh, Mahmoud Erfani, Abolghasem Gorji, Mohammad Ashuri, Jamshid Momtaz, Mohammad Reza Shafiee Kadkani, Reza Davari, and several others were dismissed following the implementation of this political project by administrative departments of universities.

On 5 April 2010, in another confrontation by university authorities, Morteza Mardiha, a philosophy professor at Allameh Tabatabaee University, received his dismissal notice. Morteza Mardiha and Saba Vasefi, a researcher and professor at Shahid Beheshti University were deprived from teaching on 20 January 2010. Mardiha is a prominent political philosophy expert in Iran. The decision to dismiss him was made in the Philosophy Department of College of Literature after continuous pressure from the University Chancellor.

Mardiha was a ladder-rank faculty member of Allameh Tabatabaee University and his deprivation of teaching lacked legal grounds. Saba Vasefi, a researcher, human rights activist, and Shahid Beheshti University faculty member has also been deprived from teaching and dismissed. Vasefi was the third women’s rights activist who has been dismissed from work over a period of several months. So far, 12 distinguished faculty members of Allameh Tabatabaee University's Economics Department have been forced into retirement by orders of the Administration Unit of the University.

Mohammad Nourizad, an Iranian writer and filmmaker, was arrested on Sunday, 20 December 2009, on charges of “insulting authorities and propagation against Islamic Republic of Iran.” Regarding this arrest, the Public Relations Unit of Tehran General and Revolutionary Courts announced that following the District Attorney’s indictment against Nourizad and after his charges were read to him by the court branch responsible for his case, a bail order was issued for him and the suspect was sent to prison due to his inability to raise bail.

One week prior to his arrest, Mohammad Nourizad blogged that someone from the security office had contacted and summoned him. When Nourizad asked for a
reason, he was told: “On charges of insulting the Head of the Judiciary.” Following statements by Sadegh Larijani, Head of the Judiciary, in which he issued a warning to government critics that the judiciary had enough evidence against them, Nourizad wrote a blog entry titled "The Fall of the Town's Top Judge," criticizing Larijani’s statements.

Film director Javad Panahi was arrested along with his wife and several of his friends on 2 March 2010. Security forces entered Panahi’s home and after searching the premises, arrested him, his wife and daughter, and fifteen guests. All were taken to an undisclosed location.

f. Restrictions on Internet, television, and cellular telephone communications

The Iranian authorities have and continue to restrict the free flow of information on the Internet, including both the reception and transmission of information.

Steps were been taken, in the immediate aftermath of the June 2009 election, to narrow the bandwidths available to providers and to users, slowing down the speed of the Internet dramatically. Internet use dropped off sharply as a result.

A blacklist of websites, including those of some international human rights organizations, from which Iranian Internet users are blocked is maintained and updated.

The authorities have also attacked “social networking” services, such as “Facebook” and "Twitter," which have been used extensively in Iran. They have also reportedly taken steps to interrupt email services including "G-mail."

The Iranian authorities have also shut down SMS or "texting" services during various periods of demonstrations and unrest, in order to prevent communication between and among citizens.

Iran has jammed transmissions from commercial satellites that have been broadcasting foreign media programs into Iran. Ezatollah Zarghami, the head of the Islamic Republic of Iran Broadcasting, publicly acknowledged that his government has engaged in jamming of foreign broadcast satellites.

Recently promulgated laws regarding "cyber-crimes" and digital crimes, which may incriminate certain kinds of electronic messages, pose a threat to the freedom of expression.

XIV. Article 20 (Propaganda for War and Incitement to Discrimination or Violence)

Clerical, political, and military leaders have seriously violated Article 20 of the Covenant.

Seyed Hassan Firouzabadi is the Chief of Staff of the Joint Armed Forces of the Islamic Republic of Iran, responsible for directing all military divisions and policies, including the Islamic Revolutionary Guards Corps (IRGC) and police. The IRGC and police forces played a prominent role in suppressing post-election protests. At least 5,000 people were arbitrarily detained by units managed by the IRGC's Intelligence Unit and tens of people were killed on the streets or in prisons.
Firouzabadi has consistently publicized his political opinions and support of violence against dissidents and government critics, despite laws in the Iranian Constitution and military protocol prohibiting such behavior.

In a post-election letter addressed to the Twelfth Imam, Firouzabadi wrote, "We are standing with all our might to sustain the regime." Before judicial authorities expressed any opinions about those arrested after the election, in his letter Firouzabadi accused protestors of attacking mosques, calling the movement "sedition with a velveteen exterior, but with a dry and prickly and rough interior that harmed the culture and people of my land...With destruction, massacre, and riots they attacked the Basij bases and God's mosques."

After the election and during crackdowns on public protests, during a commemoration of the Islamic Revolution in February 2010, Firouzabadi threatened dissidents when he said, "The road to repentance for those who have committed injustice against people and were attempting to weaken the regime at a sensitive time does not only include showing remorse, but these people must submit to the punishment that Sharia and law have determined."

Ayatollah Ahmad Jannati, Secretary General of Iran’s Guardian Council and one of the country’s highest ranking authorities, has, since the 12 June 2009 presidential election, unabashedly incited violence, demanded death sentences for election protestors, and coordinated his rhetoric with the Islamic Revolutionary Guard Corps (IRGC) and security forces. He has repeatedly called protestors "corruptors on earth," a charge that carries the death penalty. Jannati has continuously demanded execution sentences from the Iranian Judiciary, and supported the implementation of such sentences.

Jannati has explicitly advocated the use of violence, saying for example: "I hope God does not show mercy to those who show mercy to corruptors on earth. There is no room for compassion; there must be confrontation, just as when during the time of the Prophet, those who broke their promise were killed, we cannot have compromises in punishment." Jannati provoked the Judiciary to pursue reformist political leaders when, on 1 August 2009 at a Friday Prayer sermon in Tehran, he asked, "Why have the leaders not been arrested yet? Why haven’t those whom all know to be the roots of sedition and the mother of all corruption been arrested yet?"

Yadollah Javani, Head of the Islamic Revolutionary Guard Corps’ (IRGC) Political Office, has repeatedly supported the use of violence and harsh interrogation tactics against post-election protesters. Javani’s statements have become the basis for indictments against protestors and have resulted in the IRGC’s takeover of interrogations. Javani’s statements against election-related protests, some made even before the election happened, have become the basis for actions of the IRGC since the elections of 12 June 2009. Just under one month after the election, at a convention of IRGC authorities and leaders, Javani publicly supported the use of violence against protestors, saying, "Prior to the elections, in an analytical report I wrote in Sobh-e Sadegh, I predicted the efforts of anti-state groups, [I predicted] the velvet revolution. People's awareness left these conspiracies fruitless and nipped it in the bud. During the elections, we faced a deep sedition; a sedition whose source is the new dissension. The pre- and post-elections events showed the face of new dissension and people will know this face even more in the future. During these incidents, the sedition’s eye was damaged, but it wasn’t blinded. We must now completely blind the sedition’s eye and remove it from the socket. Blinding the
seditious sight can only be possible by shining a light on [what is happening] behind the scenes.”

Media in Iran, in particular the Kayhan newspaper, have also printed materials promoting violence against peaceful protesters. Its editor, Hossein Shariatmadari, has publicly accused reformists political candidates of fomenting a “velvet revolution,” of causing riots and anarchy, and has contributed to an understanding among the government and military and paramilitary forces, that protesters were engaged in an attempt at the violent overthrow of the governments and should thus be met with extreme violence and force. Kayhan newspaper blamed the violence on the streets of Tehran and other cities on opposition candidates; it promoted violence against peaceful protests. The newspaper’s unfounded accusations and incitement were instrumental in encouraging intelligence and security forces to violently crack down on peaceful protesters.

XV. Article 21 (Freedom of Assembly)

Article 27 of the Constitution guarantees that public gatherings and marches may be freely held, provided arms are not carried and that they are not detrimental to the fundamental principles of Islam.

a. The restriction of assembly in connection with post-election protests and demonstrations

Since the disputed 12 June 2009 presidential elections, Iranian authorities have continually banned peaceful demonstrations in Iran’s main cities including Tehran, Tabriz, Mashad and Rasht, as well as elsewhere, to protest electoral fraud and to demand human rights. Security and intelligence forces as well as quasi-civilian Basiji militias on motorcycles have brutally attacked demonstrators, including protesting students on university campuses, using batons, tear-gas, pepper-spray, water cannons, chains, live ammunition and plastic bullets, killing an as yet undetermined number. Most of the injured and killed were beaten on their heads or shot in the head or chest. Security agents have arrested injured demonstrators when they sought medical treatment in hospitals. The use of force against demonstrators has been excessive, unlawful, and in gross violation of the standards contained in the United Nations Basic Principles on the Use of Force by Law Enforcement Officers upheld by the UN General Assembly.

b. Lack of Freedom to Assemble for women’s rights activists

Authorities have systematically thwarted efforts by Million Signatures Campaign activists to convene meetings and gatherings in their homes. Since these activists have been denied permits to use public spaces for their meetings, they contend that they have no choice but to hold meetings in their homes. They further contend that convening meetings and gatherings in private homes is legal and does not endanger national security, as claimed by security and judiciary officials. According to Change for Equality, the website of the Campaign, the following individuals have been harassed for holding meetings and gatherings in their private homes, demonstrating the intent of security officials to obstruct and prevent their freedom of assembly: “In Tehran, the security police has summoned and interrogated Nafiseh Azad, Parastoo Allahyari, Najmeh Zare, Behnaz Shekaryar, Nasrin Farhoumand, and Khadijeh Moghadam for holding meetings at their private homes, or attending meetings of the Campaign. According to reports from the provinces, campaign members have also
been interrogated in other cities, including in Isfahan, Shiraz, Kermanshah, Anzali, Rasht, and Hamedan."

Activists have been imprisoned for convening meetings. For example, on 14 September 2007, police violently attacked an educational workshop arranged by the Million signatures Campaign in the private home of a volunteer in the city of Khorramabad. Only a few minutes into the start of the workshop, 10 armed policemen, both uniformed and in plain-clothes, accompanied by three female police officers, broke into the house violently. From the moment of their entrance, they attacked the host, severely beating him with their gun barrels and kicking him. The police officers searched the house, insulted the participants, confiscated personal items, and detained all the participants. The men were taken out of the house in handcuffs; the women screamed in protest, refusing to be handcuffed. Upon being taken outside, the participants, to their amazement, encountered a crowd who had gathered to watch their arrest. The police had told the crowd that the participants were arrested for participating in a gathering that promoted debauchery. Twenty local participants, along with the five campaigners from Tehran, including, Nafiseh Azad, Zara Amjadian, Jelveh Javaheri, Mansoureh Shojaei, and Nazli Farrakhi, who conducted the workshop, were released after a period of 12 hours, along with most other participants. Reza Dowlatshah, Bahman Azadi, and Khosrow Nasimpour, three local social activists from Khorramabad, however, were held for three days. They were released on the evening of 16 September. All these individuals are awaiting trial and no information exists on the status of their case.

Khadijeh Moghaddam, a woman’s rights and civil society activist and member of the Mother’s Committee of the Million Signatures Campaign, was arrested on 8 April 2008, after security police forcibly entered her home. She spent seven days in solitary confinement at Vozara detention center. Originally a bail amount of 100 million Tomans (approximately $110,000) was issued for her release. But on Tuesday 15 April, this amount was reduced to a third party guarantee, after which she was transferred to Evin prison. Moghaddam was released on 16 April 2008 after spending two days in Evin’s public ward. In repeated interrogations sessions, the special court investigator of the security branch of the Revolutionary Court charged Moghaddam with actions against national security, disruption of public opinion, and propaganda against the state, through the convening of gatherings related to the Campaign in her private home. Prior to this, Moghaddam had been called in for interrogation by the Security Police in relation to Campaign gatherings in her home.

c. Denial of the right to assemble to teacher and labor activists

Workers and teachers have repeatedly been denied to participate in International Workers Day (1 May) and National Teachers Day (2 May) observations. For example, in order to thwart public activity by teachers, on 24 April 2010, three members of the Teacher’s Trade Association in Hamedan, Ali Najafi, Asghar Mohammad Khani and Jalal Naderi, were summoned to the local intelligence office. Ali Najafi was detained for a day and night. All of them were interrogated again on 26 April 2010.

Mohammad Beheshti Langeroudi and Ali Akbar Baghani were summoned on 24 April 2010 to the Tehran Investigation Office of the Intelligence Ministry. On 29 April 2010, their houses were both attacked and searched by intelligence agents, and they were subsequently detained, with no information given as to their whereabouts or the legal basis for their arrest.
On 22 April 2010, Tofigh Mortezapour and Hasan Kharatian, from the Teacher’s Trade Association in Tabriz, were summoned to the local intelligence office. On 26 April, the house of Mortezapour was searched and personal items, including his computer and papers, were confiscated. On 27 April both men were interrogated.

In 2010, two teachers, Ali Sadeghi and Mohammad Tavakoli, from Kermanshah, received flogging and prison term sentences for participating in a teacher’s protest in 2006, having been charged with organizing an illegal gathering. They also faced security charges.

On 16 April 2010, leaders of Iranian teachers associations met in the city of Yazd to formulate a statement. They were threatened and warned to leave in a telephone call from the local intelligence office.

In 2008, two workers planning to participate in May Day celebrations, Ghaleb Husseini and Abdulah Khani, were arrested and prosecuted in the city of Sanandaj. On 21 February 2009, Husseini was sentenced to six months imprisonment and 50 lashes, and Khani was sentenced to 91 days in prison and 40 lashes. Both lashing sentences were carried out on the same day, and they were subsequently taken to Sanandaj central prison to serve their sentences.

On 16 April 2009, more than 70 workers visited the family of Ghaleb Husseini to express solidarity with his family and to plan for upcoming May Day celebrations. Security forces attacked Ghalibi’s home, detaining all of those present. After fingerprinting the detainees and interrogating them, the detainees were released in the evening.

On 23 April 2009, eight workers in the city of Naghadeh and members of a coordinating committee were summoned to the local intelligence office. They were interrogated about their plans to celebrate May Day and intimidated in an attempt to prevent any celebrations. The eight workers are: Sadiq Khosravi; Khosrow Bukani; Omar Ismail-pour; Ebrahim Esmail-pour; Asaad Mowld-pour; Jalil Sharifian; Khalil Sharifian; and Mustafa Sharifi.

d. Violent suppression of National Student Day demonstrations

Massive Iranian security and paramilitary forces tear-gassed, beat, and arrested students on university campuses taking part in National Student Day demonstrations in 2009. Authorities forbid international journalists from observing the events, and shut down internet and mobile-telephone communications, in an apparent attempt to suppress the flow of information and to thwart coordination of the protests. Leaders of the reform movement were prevented from joining protesters.

According to information received by the Campaign, university security forces joined Basiji militiamen in using violence against protesters. In some cases, police entered campuses dressed in plainclothes, and used false student IDs to infiltrate student gatherings.

Protests took place at the following institutions in Tehran: Amir Kabir, Tehran, Sharif, Elm va Sanaat, Honar, Tehran Markaz, Sureh, and Tehran Shomal Universities in Tehran. Protests have also taken place at universities in Isfahan, Kermanshah, Shiraz, Mashhad, Tabriz, and Agricultural University of Karaj.
Security forces used plastic bullets to prevent students and protestors outside the Amir Kabir Campus to join one another, as they sought to contain the student gatherings, in effect trapping them inside the campus of the high-level university. Protesters also formed groups on Vanak Square in Tehran, marching toward the National Radio and TV station; the Campaign also received reports of protests in Haft Tir Square and Vali Asr Square in Tehran, which were being attacked with tear gas and batons.

**XVI. Article 22 (Freedom of Association)**

*a. The freedom of political parties, associations, and NGOs under Iranian law*

Article 26 of the Constitution specifies the conditional freedom of organizations and parties as follows:

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

Among legal experts, the wording of this article is open to two possible interpretations. According to the democratic interpretation, Article 26 does not require registration of parties and organizations. The other interpretation given to Article 26, which is the interpretation used to repress civil society in Iran, holds that parties and organizations are not allowed to be registered legally without passing through security filters and extensive background checks, including those of the generations before the founders themselves.

The Law of Operation of Parties and Associations (governing societies and professional, political, and Islamic associations and the associations of recognized religious minorities), which was passed by the Majles in 1982, reflected a restrictive interpretation of Article 26.

This law defines a party, society, association, Islamic association or association of religious minorities and specifies the procedure for registering and issuing permits for them. The law makes the free formation of a political party more difficult, and restrictions in the political sphere and removing parties from it is made easier for those in power. With the passage of this law, legal possibilities and official registration were denied to those supporting the idea of separating religion from state, and from the secular-minded of any political group or persuasion.

According to Paragraph 6 of this law, the operation of groups is considered free, as long as they do not commit the violations specified in Paragraph 16 of the same law. Paragraph 6 also explained the limits specified in Article 26 of the Constitution and cited some examples. This paragraph lists in ten clauses the limits on parties and groups, but some of these points are very similar to the general points made in Article 26 of the Constitution. These limits are as follows:

- Actions leading to the violation of the country’s independence, exchanging information or making [secret] plans with [foreign] embassies, receiving financial support from foreigners, violating legitimate freedoms of others,
making false accusations, slandering and spreading false information, violating national unity and plotting to break up the country, attempting to create and intensify divisions within the nation, violating precepts of Islam, spreading anti-Islamic propaganda, distributing immoral books and serials, hiding, keeping and transporting illegal weapons and ammunition.

These limits notwithstanding, the authorities could have interpreted the law in a way so as to allow reforms and bring practices into harmony with the Covenant, interpreting the law to the benefit of the people’s rights and leaving judges free to base their verdicts on their own understanding and reading of the law.

According to paragraph 10 of the law, the decision as to the competence of applicants for forming parties or other organizations, approving the issue of permits to them, and judging their violations of regulations stipulated in paragraph 16 is left with a commission, whose members are:

1. One representative of the Attorney-General
2. One representative of the Judiciary
3. One representative of the Interior Ministry
4. Two representatives chosen by the Majles who may be either from inside or outside the Majles.

The Commission, made up of the above-mentioned members, is supposed to process within three months the cases of applicants for establishing parties and approve the issue of permits for applicants wishing to establish parties. After that, according to paragraph 9, the Interior Ministry is supposed to issue the permit within ten days of it being signed by the Minister of the Interior. In cases where the Commission set up by paragraph 10 judges that a party or association or any other registered organization has committed one of the violations listed in paragraph 16, this Commission can revoke that party or organization’s permit. It also has the right to dissolve the said party or organization.

b. Overview of violations of the Freedom of Association

Following a period that witnessed the growth of civil society in Iran, severe repression has taken place since the beginning of the first presidency of Mahmoud Ahmadinejad. Any and all civil society formations that have exhibited independence from state authorities have been negatively affected. Organizations have been unfairly harassed by tax and other authorities; many NGO’s and political parties have been banned and closed; civil society activists have been threatened, persecuted and prosecuted, and many are among the thousands arrested. The women’s rights movement, labor activists, student’s rights movement and human rights monitors have all been harshly repressed, with leaders imprisoned or in exile, and many having suffered torture and ill treatment.

c. The Crackdown on Women’s Rights Activists

As women’s rights activists increased their demands for equal rights and voiced their opposition to policies that worked against women, the crackdown on women’s rights activists including pressure by security agencies increased proportionately.
The 12 June 2006 Protest in Hafte Tir Square

Women's rights activists and their supporters called for a public protest in Tehran on 12 June 2006. During the days leading up to the planned demonstration, Judiciary officials summoned a number of these activists in an attempt to cancel the demonstration. On the evening of 10 June 2006, Judiciary agents delivered summonses to the homes of Parvin Ardalan, Sussan Tahmasebi, Noushin Ahmadi Khorasani, and Fariba Davoodi Mohajer. Ms. Shaha Entsari was arrested on the day of the protest at her place of employment and was held in detention for one day. She was later dismissed from her job. Ms. Davoodi Mohajer received her summons in person and turned herself in for interrogation on the day of the protest.

The demonstration was planned to take place in Haft Tir Square in central Tehran. When hundreds of demonstrators approached the Square on the afternoon of 12 June, they encountered a heavy presence of security forces and the police stationed around the square. The security forces prevented demonstrators from holding a peaceful assembly. They beat the demonstrators with batons, used pepper gas against them, and sprayed them with color paint to mark and arrest them.

Government forces detained a total of 70 men and women on that day. Over a period of one week, all of the detainees were released on bail except for Ali Akbar Mousavi Khoini, a former member of Parliament and human rights activist. Khoini remained in detention for over four months, most of which was spent in solitary confinement. He received beatings and injuries during his time in detention. The authorities released him on bail on 22 October 2006. He was charged with acting against national security.

The situation of 13 other women's rights activists, prosecuted by the government in relation to the 12 June demonstration, is detailed below.

Parvin Ardalan, Noushin Ahmadi Khorasani, Shahla Entesari, Sussan Tahmasebi, and Fariba Davoodi Mohajer: Judicial officials put these five women's rights activists on trial for organizing the 12 June demonstration. Their trial was scheduled for 4 March 2007. On that date, dozens of their colleagues appeared in front of the courthouse to express solidarity with the defendants. Before the trial's onset, security forces detained four of the defendants and their supporters. The authorities detained a total of 33 women on this date and subjected them to prosecution for their peaceful gathering in front of the courthouse. The next section of this report provides details of prosecutions related to these arrests.

Due to the detention of the four defendants, Parvin Ardalan, Noushin Ahmadi Khorasani, Shahla Entesari and Sussan Tahmasebi, their trial was held in absentia. The fifth defendant, Fariba Davoodi Mohajer, was abroad at the time of the trial and remains outside the country at present.

The Sixth Branch of the Revolutionary Court in Tehran issued a decision on 24 April 2007. According to this decision, the court sentenced Parvin Ardalan, Nousheen and Shahla Entesari to a total of three years' imprisonment under article 610 of the Islamic Penal Code. They were charged with "collusion and assembly to endanger national security." The court's decision required a six-month prison term for each defendant and a suspended sentence of two-and-
half years, in effect for the next five years. The same court also charged Fariba Davoodi Mohajer with “collusion and assembly to endanger national security.” Davoodi Mohajer was not present at the demonstration because earlier on that day she had been summoned by the Judiciary and interrogated. The court sentenced Davoodi Mohajer to one year of actual imprisonment as well as to a three-year suspended prison term. The court sentenced the fifth defendant, Sussan Tahmasebi, to two years’ imprisonment with one-and-a-half years of it suspended. She was charged with “acting against national security through organizing an illegal protest.”

These five women’s rights activists have appealed their sentences and no final ruling has been issued.

Azadeh Forghani: On 11 April 2007, the Iranian Labor News Agency reported that the Revolutionary Court in Tehran had issued a suspended sentence of two years imprisonment for Azadeh Forghani, in effect for five years. The court charged Forghani with “acting against national security” for her participation in the 12 June demonstration. The court dropped charges of “causing rioting” against her. She appealed her sentence. The Appeals Court revised her sentence by replacing it with a fine in amount of 2 million Rials ($220).

Delaram Ali: Delaram Ali was originally tried on 29 May 2007 for her participation in the 12 June 2006 protest, on security charges. She was sentenced to a two year and ten months prison term and 10 lashings, which was reduced to two years and six months and the lashing sentence eliminated in a ruling issued by the Appeals Court announced on 4 November 2007. The courts contacted Ms. Ali on the morning of 4 November 2007 to inform her of an order to implement the sentence immediately. On 10 November 2007, following a letter she wrote to the office of Ayatollah Shahroudi, Chief of the Judiciary, protesting the sentence, he ordered a temporary stay, postponing the implementation of the sentence pending examination of the case. Her case is currently pending review by the courts, but it is considered likely that the original sentence or a portion of it will be upheld and implemented. Delaram was beaten severely during the 12 June 2006 protest and dragged on the ground by police officers prior to her arrest. According the website Change for Equality, Delaram suffered a broken arm as a result of these beatings. She filed a complaint against police officers for use of excessive force, but the police were acquitted on these charges.

Bahareh Hedayat: Bahareh Hedayat was put on trial for her participation in the 12 June 2006 demonstration. Branch Six of Tehran’s Revolutionary Court charged her with “acting against national security,” “disturbing public order,” and “propaganda against the state” on 18 April 2007. Her lawyer, Nasrin Setoodeh, was not allowed into the courtroom. On 27 May 2007, the Revolutionary Court sentenced Hedayat to a two-year suspended prison sentence, in effect for five years, under article 610 of the Islamic Penal Code for “acting against national security.” The Court dropped charges of “disturbing public order” and “propaganda against the state” against Hedayat.

Nasim Soltan Beigi: Branch 15 of Tehran’s Revolutionary Court sentenced Nasim Soltan Beigi to a two-year suspended prison sentence, in effect for five years, for her participation in the 12 June 2006 demonstration. According to her lawyer, Mohammad Sharif, she was charged with “acting against national security.”
Alih Eghdамдooст: Alih Eghdамdooст received one of the heaviest sentences for participating in the 12 June demonstration. On 6 July 2007, the Iranian Students News Agency reported that Branch 15 of Tehran's Revolutionary Court sentenced Eghdамdooст to three years imprisonment for "acting against national security," and another four months imprisonment for "disturbing public order." The Court also sentenced Eghdамdooст to 20 lashes. The court held its hearing on 6 June 2007 and issued its sentence a month later. Eghdамdooст appealed her sentence, but it was denied. She is serving a three-year term, the first woman to be sentenced and jailed solely on the basis of her women's rights activities. Eghdамdooст was summoned by an Evиn prison judge after she recited the events of March 8 (International Women's Day) in the women's ward of Evиn prison. Her new charges are "reciting an article and speech among the women and creating incitement about women's activities, negative propaganda against the regime, insulting the President and the Supreme Leader, and propagation of socialism." After spending a week in solitary confinement, she was summoned to Branch 2 of the Court inside Evиn prison with Judge Abdi presiding, where her charges of "propagation of socialism and insulting the Supreme Leader and President" were read to her again.

Maryam Zia: On 25 July 2007, Branch 13 of Tehran's Revolutionary Court sentenced Maryam Zia to a suspended sentence of six months imprisonment and 10 lashes, in effect for two years. She was arrested again in January 2010, along with hundreds of other reform-oriented persons, and spent three months in jail.

Mа'sоumеh Zia: Mа'sоumеh Zia was sentenced on 7 November 2007 to one year imprisonment for her participation in the 12 June demonstration.

Bahman Ahmadi Amou‘e: Journalist Bahman Ahmadi Amou‘e who attended the 12 June 2006 protest in Haft-e Tir Square as a reporter, was arrested and spent a week in detention. In September 2006, the courts charged him with actions against national security by citing several articles that he had written addressing other issues, as well as human rights statements that he had signed. The 13th branch of Revolutionary Court found Amou‘e guilty and sentenced him to a 6-month suspended prison sentence in effect for two years. The sentence was appealed and upheld in the Appeals Court in a ruling issued in February 2008.

4 March 2007: 33 Women's Rights Activists Arrested on the Eve of International Women's Day

On 4 March 2007, Noushin Ahmadi Khorasani, Parvin Ardalan, Shahla Entesari, and Sussan Tahmasebi appeared in court for their trial in relation to the protest on 12 June 2006. These four women, along with Fariba Davodi Mohajer, who at the time was represented by her lawyer, were on trial on security charges related to the planning of the June protest. A group of women's rights activists had called for a protest in front of the Revolutionary Court to demonstrate their solidarity with the women on trial and object to the increasing pressures on women's rights activists. When police began arresting the peaceful protesters, the four women, Parvin Ardalan, Noushin Ahmadi Khorasani, Sussan Tahmasebi, and Shahla Entesari along with Shadi Sadr, Entesari's lawyer, exited the courtroom. The five women were arrested along with 28 others. The 33 women arrested were initially taken to Vozara Detention Center, then to Ward 209 of Evin Prison, managed by the Ministry of Intelligence. All but two were released within five days. Shadi Sadr and Mahboubeh Abbasgholizadeh were released on 15 March, having posted bail amounts of 200 and 250 Million Tomans.
respectively (approximately $220,000 and $280,000). During this time, their respective organizations, Raahi and NGO Training Center, were shut down by security officials. The 33 women arrested during this crackdown included (in alphabetical order):

Mahboubeh Abbasgholizadeh; Nasrin Afzali; Noushin Ahmadi Khorasani; Asieh Amini; Zara Amjadian; Eliza Ansari; Parvin Ardalani; Jila Baniyaghoub; Parastoo Dokoohaki; Shahla Entesar; Nahid Entesar; Farideh Entesar; Somaieh Farid; Azadeh Forghani; Niloofar Golkar; Fatemeh Govaraie; Maryam Hosseinkhah; Mahboubeh Hosseinzadeh; Sara Imanian; Nahid Jafari; Jelveh Javaheiri; Nahid Keshavarz; Saghar Laghi; Sarah Laghi; Sara Logmanian; Maryam Mirza; Rezvan Moghadam; Mahnaz Mohamadi; Minou Mortazi; Zeinab Peyghambarzadeh; Shadi Sadr; Parastoo Sarmadi; and Sussan Tahmasebi.

All the women were charged with illegal gathering and collusion intended to disrupt national security, disruption of public order and refusal to adhere to the orders of the police, prior to their release from detention. Many were subsequently called into court for interrogation sessions.

According to the site of the Campaign, Change for Equality, at least twelve women have been acquitted on similar charges in the same case.

Six others, however, were found guilty of illegal gathering and collusion intended to disrupt national security. They include Minou Mortazi, Nasrin Afzali, Rezvan Moghaddam and Nahid Jafari who were sentenced by the 13th branch of the Revolutionary Court to a six-month suspended prison term and ten suspended lashings. The same court sentenced Parvin Ardalani to a two-year suspended sentence. Zeinab Payghambarzadeh was also found guilty on the same charge by the 16th branch of the Revolutionary Court and sentenced to a two-year suspended sentence.

All six women intend to appeal their sentences, but the disparity in the nature of the sentences issued in the cases attests to pressures that security forces have placed on the judiciary.

**Pressure on Activists Involved in the One Million Signatures Campaign**

Since its launch in August 2006, activists in the One Million Signatures Campaign have faced harassment and obstruction of their peaceful efforts by security forces. They have been systematically denied space for convening meetings. Additionally, activists have been arrested while collecting signatures in support of the Campaign’s petition asking the Parliament to reform laws that discriminate against women, for convening meetings and for writing on the Campaign’s website. To date, 44 members of the Campaign have been arrested for alleged violations in relation to their peaceful activities in support of women’s rights.

**Imprisonment for Collecting Signatures**

Zeinab Peyghambarzadeh: This woman’s rights and student activist was the first member of the Campaign to be arrested. She was arrested on 15 December 2006 while collecting signatures on the Metro in support of the Campaign’s petition. She spent five days in detention, and was released on a third party guarantee on
19 December 2006, after she was charged with “acting against national security.” She is awaiting a court trial.

Nasim Sarabandi and Fatemeh Dehdashti: These two women’s rights activists were arrested on 10 January 2007, also while collecting signatures on the Metro. They were both held in Gisha detention center for one day and released. While at first it appeared that the case against them was closed, they received a summons in April 2007, and were charged by the Security Branch of the Revolutionary Court with “acting against national security.” Their trial was held on 12 August 2007. The judge sentenced them to six- month suspended prison sentences, for a period of two years. They have both appealed their cases.

Saeedeh Amin, Sara Imanian, Mahboubeh Hosseinzadeh, Nahid Keshavarz, and Homayoun Nami: These Campaign activists were arrested on 2 April 2007 while collecting signatures in Laleh Park. Security forces turned over the detainees to the office of Amaken (in charge of monitoring immoral behavior in public places) at Niloufar Square. After spending hours being questioned there, the detainees were transferred to the Vozara detention center where they spent the night. The next day, three of the detainees – Sara Imanian, Saeedeh Amin, and Homayoun Nami – were freed on their personal guarantees. Nahid Keshavarz and Mahboubeh Hosseinzadeh were transferred to Evin prison. Their transfer to Evin took place despite the fact that, during their appearance in the Revolutionary Court, they were told that they would be freed after posting bail. Mahboubeh and Nahid remained in detention in Evin’s public ward for 13 days. They were eventually released on 15 April, with a third party guarantee in the amount of 20 million Tomans (US $22,222), paid only if they flee. Before leaving Evin prison, the authorities told them they were charged with “acting against national security through propaganda against the Order.”

Ehteram Shadfar (62 years old, a mother and a campaigner) and her neighbor were arrested on 10 June 2007. Ehteram’s neighbor, a 50- year old woman involved in the Campaign, who wishes to remain anonymous, was arrested while collecting signatures. She was asked to provide the name of the person who provided her with the petition and Campaign materials. Subsequently, the officers escorted the 50- year old neighbor to the home of Ehteram Shadfar, after which both women were transferred first to the police station (Amaken office) at Niloufar Square where a detention order for 24 hours was issued for them and then transferred to the Vozara detention center, where they were detained for 24 hours. At the security branch of the Revolutionary Court, Shadfar and her neighbor were released with their own personal guarantees. The neighbor’s judicial case was declared closed, but on 19 February 2007, Shadfar was sentenced to a six- month suspended prison sentence for the period of two years.

Amir Yaghoob-ali was arrested on 11 July 2007 while collecting signatures in Andisheh Park. He was transferred to solitary confinement in Evin prison’s ward 209. When Amir’s mother asked the judge what the charges against her son were, the judge told her: "Amir is a man. Why is he involved in women’s issues? He should pay attention to his studies." Amir’s detention became lengthy, so in an effort to follow-up his case, members of the Mothers Committee of the Campaign wrote a letter to the head of the Judiciary branch, protesting Amir’s detention, and demanding proper judicial processes. Amir was released after 28 days of solitary confinement, and upon posting bail in the amount of 20 million Tomans (US$22,222). Amir Yagoubali’s trial was held on 25 February on the
charge of “actions against national security” and “spreading propaganda against the state.” According to his lawyer, Nasrin Sotoodeh, Yagoubali pleaded not guilty on these charges. He is awaiting the court’s decision with respect to his trial.

Ronak Safazadeh and Hana Abadi: Security forces detained Ronak Safazadeh, a women’s rights activist in Sanandaj, at her home on 9 October 2007. According to her family, Ronak, along with her friend Hana Abdi, participated in a celebration on the occasion of Children’s Day, during which they distributed copies of the Campaign’s literature. As they engaged in signature collection, a security agent took the sign-up sheet away from Ronak. The next morning security forces went to Ronak’s and Hana’s homes at 7:00 in the morning. They couldn’t find Hana, but detained Ronak as she was walking to work. Then they entered her house, searched it, and confiscated some of Ronak’s personal belongings. Initially Ronak was transferred to the local branch of the Intelligence Ministry. After several months in detention at the local office of the Intelligence Ministry in Kurdistan, Ronak was transferred to the public ward of Sanandaj prison in February, 2008, where she remains as of this writing. According to her lawyer, Mohammad Sharif, a trial was held for Ronak, who was charged with security violations on 13 March 2008. In April 2009, Ronak Safarzadeh was sentenced to five years in prison for membership of the Free Life Party of Kurdistan (PJAK - an armed Kurdish opposition group) and to one year for ‘propaganda against the state.’

Hana Abdi: A month after Ronak’s detention, Hana Abdi, another women’s rights activist, was detained on 4 November 2007. Hana had been collecting signatures together with Ronak on 8 October. According to her family, intelligence agents detained Hana at her grandfather’s home in Sanandaj. After detaining her, the agents went to her house, confiscating her computer and Campaign literature. Hana Abdi’s seven month prison sentence was nullified by the Branch 4 of the appeals Court of Kurdistan and she was instead ordered to pay an approximately $30,000 (3 Million Rial) fine.

Raheleh Asgarizadeh and Nasim Khosravi: These two women’s rights activists were arrested on 14 February 2008 while collecting signatures at Daneshjoo Park following a street play about polygamy, which was performed as part of the international Fajr film festival. Security forces first took the detainees to the local police station branch 129 (Jami), then to the Security Police No. 8 where they were interrogated. They were subsequently transferred to Vozara detention center, where they spent two nights in detention. On 16 February, the Revolutionary Court set bail in the amount of 20 million Tomans (US$22,222) for the two young women. Not being able to meet such heavy bail, they were transferred to Evin prison’s public ward. The two were finally released on 26 February on a third party guarantee bail amount of 10 million tomans ($11,000), paid only if they flee.

d. Repression of labor activists

Iranian workers and teachers are denied many protections of basic workers rights, as defined and articulated under longstanding international labor standards. Iranian workers are still unable to form independent trade unions, a right denied both within Iran’s labor code and de facto repressed by the government in action. The government routinely arrests and prosecutes workers demanding their most basic rights, such as demands for wages unpaid, sometimes for periods as long as 36
months. Security forces often attack peaceful gatherings by workers, harass their families, and even kill them, as happened during a gathering by copper miners in Shahr Babak, near the city of Kerman, in 2004.

Three leading trade unionists, Mansour Osanloo, Mahmoud Salehi, and Majid Hamidi are currently in prison. In addition to being imprisoned and fined, eleven workers were flogged in February 2008 for the crime of participating in a peaceful gathering to commemorate International Labor Day, May 1st.

Iran's Labor Law explicitly contradicts rights that can, as noted above, be claimed on the basis of the Constitution. Section 6 of the law addresses workers organizations in such vague terms that since its adoption over 20 years ago, Iranian workers have not been able to freely associate with independent organizations.

According to the Labor Law, workers may only participate in three types of organizations: Islamic Labor Councils, Trade Associations, and Workers Representative for workplaces with less than 35 workers. The law explicitly encourages workers to associate with Islamic Councils, which are effectively controlled by management in workplaces. It also stipulates that only one of the above organizations may exist in a given workplace. These legal restrictions on membership and pre-definition of the allowable types of workers organizations are in direct breach of international standards and the Iranian constitution.

In addition, Islamic Labor Councils, the most common type of labor organization, are explicitly defined in Iran's Labor Law as ideologically-centered entities. They are not focused on promoting workers rights and are incompatible with the concept of independent unions. Furthermore, workers' membership in these Councils is subject to a vetting process, controlled by the Labor Ministry. According to Article 138, the Supreme Leader is entitled to appoint a representative in each type of workers organization. The law even forbids formation of these organizations in large industries, such as the petrochemical industry, unless the cabinet issues a special directive. Article 191 empowers the Supreme Labor Council to propose labor-related legislation to the cabinet, bypassing the Parliament. Using this loophole, rug-weaving workshops and workplaces with under five employees are exempt from provisions of the Labor Law.

Over the past three decades, the track record of Islamic Labor Councils and their central body, the Supreme Labor Council, has been in favor of management and its policies. These councils are controlled under the umbrella of the Workers House.

In this context, workers have been actively seeking to form independent unions that aim at implementing international labor standards. Their movement gained strength starting in 2001, when several attempts were made to launch independent organizations. The goal of the Iranian workers movement is to educate workers and raise their awareness of their rights, as well as to advocate for legal reforms to make the Labor Law congruent with international law.

Three notable examples of recently established independent organizations are: the Syndicate of Workers of Tehran and Suburbs Bus Company, Teachers trade associations, and the Coordination Committee for Establishment of Trade Unions. Security and intelligence forces have routinely and violently attacked peaceful gatherings and meetings organized by these entities.

In 2005, during an attack on a workers meeting, Mansour Osanloo, a leading trade union activist, suffered serious injuries including knife wounds. Osanloo had stitches
in his neck and tongue as a result. In January 2006, security forces arrested nearly 1000 members of the Syndicate of Workers of Tehran and Suburbs Bus Company, attacked some of their homes, beat their families, and even detained the wives and children of the leading members, to prevent a planned strike. Since then, most members of the Syndicate's central council have been targets of prosecution and imprisonment. The Syndicate’s leader, Osanloo, is currently serving a five-year sentence, while he suffers from eye injuries due to earlier beatings, and is in danger of going blind. Fifty-four members of the Syndicate have been fired from their jobs and are prosecuted in courts for their peaceful activities.

Another manifestation of the workers movement is secondary and primary school teachers’ attempts to organize and collectively bargain. In March 2007, thousands of teachers held several protests in front of the Parliament, demanding attention to their grievances including prevalent discrimination against them as compared to other state employees and low wages forcing them below the poverty line. In response to this attempt to gain the attention of members of parliament, security forces violently attacked them. Since then, the leading organizers have been prosecuted in unfair trials and sentenced to as long as five years in prison. The government has harshly punished many of teachers involved by firing them, forcing them into early retirement, cutting wages, or suspending them. Teachers actively organizing independent associations have been exiled away from their hometowns.

The teachers’ only independent publication, Ghalam Moalem [Teacher’s Pen], was attacked and ransacked by security agents, and its reporters and managing editor have been put on trial. The Interior Ministry has declared all teachers associations illegal and is actively preventing their meetings from being held.

There are many other instances of official prosecution and persecution of labor activists. Mahmoud Salehi, a bakery worker from the city of Saqez, is in prison because of his persistent attempts to celebrate May 1st. The court prosecuted him for "acting against national security." He suffers from serious medical complications and his life is in grave danger. Intelligence agents also have summoned and temporarily detained Reza Dehghan, a founding member of the Painters Syndicate, and an advocate for construction workers. In the fall of 2007, Majid Hamidi, a well-known workers rights activist, suffered serious injuries to his spinal cord, following an assassination attempt by unknown gunmen. Eleven workers in Sanandaj were flogged in February 2008 for participating in a peaceful gathering on May 1st.

Workers public protests are routinely met with violent repression by security forces. A notable example is the plight of the workers of Rasht Electric, the largest manufacturer of electrical and electronics products in the Middle East. For over three years, the workers at Rasht Electric have been seeking respect for their basic rights through peaceful gatherings and protests, to no avail. Other large scale workers protests include those at Haft Tapeh Complex in Ahvaz, and the textile workers in Kurdistan. In all these cases, security forces have violently broken up workers' gatherings.

A number of Iranian teachers are imprisoned for their labor, human rights, and political activism, including Rasol Bodaghi, Hashem Khaster, Abdollah Momeni, Alireza Ghanbari and Mohammad Davari. Two of them, Farzad Kamangar and Alireza Ghanbari have been sentenced to death.
The groups also called for an end to the death penalty, the reform of laws discriminating against women, and the release of imprisoned labor activists including Ebrahim Madadi, Ali Nejati, and Mansour Osanloo.

e. Repression of student groups

On 26 November 2008, Mehdi Arabshahi, secretary of the Office to Foster Unity, a prominent student organization, reported threats against his organization being circulated in publications and websites close to the government. According to these threats, the Office to Foster Unity is being accused of connections to terrorist groups abroad. Arabshahi strongly denied these accusations and announced that despite such intimidation tactics, the organization moved ahead with plans to celebrate National Student Day.

In about two and a half years prior to the onset of major political disturbances in June 2009 at least 200 students have been detained and at least 160 students have been suspended from continuing their education or expelled from universities.

As noted earlier in this report, security and intelligence agents targeted students at their homes and in their classrooms prior to planned National Student Day gatherings across the country, including in Tehran, Babolsar, and Mashad.

Widespread detentions of student activists started on 1 December 2007, and lasted for the next 45 days. As many as 65 students were detained and subjected to torture and ill-treatment. Eventually they were released after posting heavy bails. Even after their release, the former detainees were subjected to threats, intimidations, and continued interrogations. Many were suspended from further studies. Court sentences have been issued in some of the cases and others are awaiting sentencing.

Mohammad Saleh Ayoman is one of the student activists who were detained. A political science major at Tehran University, Ayoman and three other Kurdish students were detained on the street after they left a public lecture in honor of National Student Day at Tehran University on 8 December 2007. He was held in detention for 92 days at Evin prison and subsequently released on $80,000 bail (80 million toman). His trial was held behind closed doors in October 2008. Branch 28 of Tehran’s Revolutionary Court sentenced him to four years in prison. He was also expelled from the University. The charges filed against him explicitly include participation in gatherings to honor National Student Day, acting against national security and gathering and colluson to disturb national security.

In one case, a student detainee died nine days after detention. On 6 January 2008, intelligence agents detained Ebrahim Lotfollahi, a student at Payam Noor University in Sanandaj, studying law. His family was informed of his death without having the right to see his body. The authorities prevented an autopsy and buried him without the presence of his family.

Other students who have been sentenced continue to languish in prisons. Yaser Golí was sentenced to 15 years in prison and Habibollah Latífi has been sentenced to execution. Both Kurdish students were prosecuted in unfair trials and charged with having connections to armed groups.

The situation of three student editors at Amir Kabir University, Majid Tavakoli, Ehsan Mansouri, and Ahmad Ghasaban, which was described above with respect to restrictions on their freedom of expression, illustrates the repressive environment
on university campuses. The students were detained in May 2007 after the appearance of copies of falsified publications in their names, which insulted the authorities. They immediately disavowed any involvement in the publication of the controversial papers. Nonetheless, they were detained and held in Evin prison, even though they were acquitted in court.

Since their release, they have been barred from registration to continue their studies. According to published reports by the above three students and their families, they were subjected to 38 cases of physical torture and 15 cases of psychological abuse while in detention. They reported extensive physical beatings including using whips and chairs to inflict pain; intensive blows on the face, head, and back; lifting off the ground by pulling hair; as well as lengthy interrogations lasting as long as 48 continuous hours.

In November 2008, security forces were reportedly searching for Majid Tavakoli to detain him. Eyewitnesses reported that four individuals broke into Tavakoli’s home and searched it.

More recently, two prominent student activists have received lengthy prison sentences in the court of Judge Mohammad Moghisseh, whose violations of due process have been discussed above. They had been arrested in late 2009. Bahareh Hedayat (whose other prosecution was described earlier) was sentenced to nine and a half years on charges including “propagating against the system” and acting against national security, while Milad Asadi was sentenced to seven years in prison for acting against national security and insulting the Leader. The lawyers representing the two student leaders were not allowed to defend their clients in court.

Majid Tavakoli has also been prosecuted and sentenced on 5 February 2010 to eight years and six months in prison by Judge Salavati at Branch 15 of Tehran’s Revolutionary Court. He was charged with insulting regime officials, acting against national security and propaganda against the state.

f. The persecution of human rights activists

Human rights defenders, including members of monitoring groups, human rights lawyers, journalists focusing on human rights, members of student organizations doing research on human rights, academics engaged in human rights, and members of political groupings that gathered information on human rights violations, have been targeted for arrest since 12 June 2009 and a large number have been taken into custody. Indigenous Iranian human rights NGOs including, inter alia the Defenders of Human Rights Center, the Association for Prisoners’ Rights, and the Committee of Human Rights Reporters, have been forced to suspend virtually all of their activities. Shirin Ebadi, human rights lawyer and 2003 Nobel Peace Laureate, declared in a 2010 statement to the International Campaign for Human Rights in Iran, “All recognized human rights defenders in Iran are either in prison or are living in hiding or have left Iran.”

The crackdown on human rights organizations began well before the political disturbances that began after the 2009 presidential election. The Defenders of Human Rights Center (DHRC), a leading NGO founded by Dr. Ebadi and others, was forced to close in December 2008.

Dr. Ebadi has come under renewed threat, as media close to the government
published a letter claiming to have been written by war veterans and the families of martyrs as well as experts, in which they demanded that legal proceeding be brought against Ebadi for allegedly violating the law in the course of her human rights advocacy (since 12 June 2009, Ms. Ebadi has undertaken urgent missions to leading international officials to convey concerns about human rights violations in Iran and request engagement by the international community.) The threatening letter was considered a signal that Ebadi can face prosecution in Iran. Ebadi’s family has since been threatened and she has been publically defamed on Iranian TV through the use of manipulated videos of statements by her husband when he was in detention. Shirin Ebadi’s sister, Dr. Nooshin Ebadi, was arrested by security authorities on 28 December 2009 without being charged, and was released after 17 days. Prior to Nooshin Ebadi’s arrest, Ministry of Intelligence officers had summoned her several times and had asked her to sever her relations with her sister. During her detention, authorities threatened her that if she continued her relations with her sister, they would arrange for her dismissal from her university job.

g. The case of Mohammad Sadiq Kaboudvand

Mohammad Sadiq Kaboudvand, a leading human rights defender in Iran, is currently serving a 10 year prison term having been convicted solely on the basis of his human rights activities. Mr. Kaboudvand’s conviction and sentencing were upheld by Branch 54 of the Tehran Appeals Court. Kaboudvand had been charged and convicted for “acting against national security through establishing the Human Rights Organization of Kurdistan (HROK),” that is, activities undertaken as a human rights defender, which the Islamic Republic of Iran has a positive obligation to protect.

Kaboudvand was arrested at his office in Vanak Square in Tehran by four plain clothes security officers on 1 July 2007. Then he was transferred to his house, which was searched. He was subsequently taken to ward 209 of Evin Prison, the ward under the control of the Intelligence Ministry. He had been warned of a possible arrest prior to his detention.

Mr. Kaboudvand’s trial did not meet international standards of due process. The trial was postponed three times due to failure on the part of prosecutors and the judge to appear in court. The result was a period of around 8 months in detention waiting for trial because of the consequent delays, and a violation of the Islamic Republic’s legal obligation under Article 9(3) of the Covenant, which mandates prompt trials.

Mr. Kaboudvand was denied access to his lawyer except on a few occasions. His lawyer was allowed access only twice, before his hearing and trial, and was not allowed to confer with Kaboudvand during the hearing, although access to legal counsel is protected and permitted by Iranian law. The right to access to counsel has been affirmed by the United Nations General Assembly in 1988, in Principle 18(1) of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

While in detention his bail was set at 150 million Toman, equivalent to USD 155,000, a sum beyond what his family could reasonably be expected to post, and which assured he would be kept in detention. The bail amount was not appropriate to the charges against him, as such a high bail amount is reserved for suspects on murder charges and other capital crimes.
Kaboudvand’s court hearing was closed. According to Article 188 of the Penal Code, para. 1., trials may be closed in order to protect public morals. But the case against Kaboudvand had nothing to do with public morals. The closed hearing was thus a violation of Article 14(1).

Mr. Kaboudvand was eventually charged, in addition to “acting against national security by establishing the Human Rights Organization of Kurdistan,” with “widespread propaganda against the system by disseminating news,” “opposing Islamic penal laws by publicizing punishments such as stoning and executions,” and “advocating on behalf of political prisoners.”

Evidence cited in court was focused on the establishment of the HROK in 2005, communicating human rights violations to United Nations agencies and writing to former UN Secretary General Kofi Annan. In addition, many other of the normal human rights monitoring and advocacy activities, which are not crimes in Iran, were cited as evidence supporting the charges against Kaboudvand, for example advocating for the equal rights of women and men and communicating with the Secretary General and High Commissioner for Human rights of the United Nations. The Human Rights Organization of Kurdistan was not operating illegally as was claimed during the trial. The organization was not registered, but it is not illegal to participate in an unregistered association.

According to all information the International Campaign for Human Rights in Iran has received, none of the activities of the HROK cited as evidence against Kaboudvand were shown to be threats to the national security of Iran. But these activities are all parts of the professional obligations of human rights defenders.

While subjected to transparently false and politicized charges based on his human rights work, Kaboudvand’s rights as a prisoner have been severely abused.

He has been held in solitary confinement for five months of his confinement, which may be considered a violation of Article 7. He has been denied visits by his family other than one visit for 20 minutes, which is contrary to Principle 19 of the Body of Principles cited above.

Kaboudvand suffers from several life-threatening health problems, and reportedly suffered a stroke on 19 May 2008, caused by high blood pressure. He also suffers from a prostate condition. He has been denied medical care in prison, which is a blatant violation of the positive obligation of the Islamic Republic, and all sovereign states, to provide medical care to those in custody, who are not in a position to obtain such care themselves.

Most recently, Mr. Kaboudvand’s lawyer stated: “I dare say that the most difficult conditions ever imposed on a prisoner have taken place for Mr. Kaboudvand, to the point where the harsh prison conditions have caused him to have three strokes and heart attacks. These conditions are considered dangerous conditions for a prisoner and according to Prisons Organization procedures, this prisoner must be immediately released to pursue medical treatment. But it seems that his life is deliberately endangered. Even if there was evidence supporting the existence of the Kurdistan Human Rights Defense Organization, this action is not a crime by nature. Naturally, establishing a human rights NGO cannot be considered a crime by law.”

\textit{h. Post-election decimation of the human rights community}

The post-election situation provided a pretext for arrests and prosecutions of
human rights defenders. As of this writing, approximately 70% of the human rights community is either in detention or has been forced into exile.

For example, plain-clothes agents arrested three members of the Defenders of Human Rights Centre (DHRC), including lawyer Abdolfattah Soltani, who was arrested by persons posing as clients; lawyer Mohammed Ali Dadkhah, and M. Abdolreza Tajik. Soltani is also a member of the Committee to Investigate Arbitrary Detentions; other members of the Committee who have been detained include Alireza Tajik and Kayvan Samimi. Colleagues of Mohammad Ali Dadkhah arrested along with him included Malihe Dadkhah (his daughter), Sara Sabaghian, Bahareh Dowaloo, and Amir Rajissian. All of these lawyers, prior to their arrest, represented numerous individuals who had been detained since 12 June 2009. All were subsequently released.

One member of the Committee to Investigate on Arbitrary Detentions, Kayvan Samimi, was reportedly tortured severely while detained. According to the Committee spokesperson, Hasan Asadi Zaydabadi, six members of the Committee were been summoned several times and requested to shut down the group, stop issuing press statements, and cease visiting the families of detainees.

Another example of the persecution of human rights defenders is the case of Shiva Nazar Ahari, a human rights activist who has been confined at Evin prison for the past ten months as of this writing. She was arrested twice over the past year, the first time after the 12 June 2009 presidential election. Nazar Ahari’s blank arrest warrant was reportedly dated a whole week before the election.

Nazar Ahari had worked with the Women’s Convergence Group during the presidential election campaign, along with many civil society women activists from different backgrounds, beliefs, and organizations, who mailed out brochures to different presidential candidates’ headquarters, listing women’s demands; they send them to the campaign headquarters of Mahmoud Ahmadinejad, Mohsen Rezaei, Mir Hossein Mousavi, and Mehdi Karroubi. The Women’s Convergence Group would then go to different campaign headquarters and describe their plans and debate about them.

As the vote counting ended, arrests of political and civil society activists started. Shiva was arrested during the first wave of arrests. According to her mother, “It was 2:00 a.m. on the day after the results were announced. Ministry of Intelligence men came to our home. Shiva wasn’t home, so they went to her office. Shiva was arrested on 14 June 2009, but her warrant was dated a week prior to that, 6 June 2009. Her name was added to the warrant later.” Arrests with "blanket arrest warrants" issued several days prior to the election is a shared theme among the arrest cases of many who were imprisoned after the election.

Her detention lasted more than three months. Her mother said that her family “were not allowed to see her for 80 days,” during which time Shjiva was held for long periods in solitary confinement.

“In the end, Judge Sobhani told us to raise her $500,000 bail to release her. For a whole month we kept going back to the Revolutionary Courts to get the $500,000 bail amount reduced, because our family could not afford it. In the end the bail was reduced to $200,000 and we still couldn’t afford it. This is when Shiva’s grandfather submitted the deed to his home as collateral,” her mother said.

Shiva Nazar Ahari was released on 23 September 2009. But on 20 December 2009,
she was arrested when she, along with her companions, were on their way to the funeral of leading cleric Ayatollah Montazeri. According to her family, she was in solitary confinement again for 60 days when the weather was very cold, but the authorities refused to allow her family to deliver warm clothing. From 20 December, when Shiva was arrested, to 23 March, her "case specialist" only allowed one family visit.

Currently, seven months have passed since Shiva Nazar Ahari’s arrest. She was transferred to the General Ward after six months, to a cell, which according to her is a room that she shares with three or four other prisoners of conscience.

At the present time, the human right defenders imprisoned in Iran include: Shiva Nazarahari, Abdolreza Tajik, Mohammad Oliaefard, Abolfazl Abedini, Bahareh Hedayat, Milad Asadi, Kouhyar Goudarzi, and Emad Baghi (Currently on medical release, but sentenced to prison term and further prosecution pending).

XVII. Article 25 (Electoral Rights)

a. Obstacles to Free Elections

The Covenant links electoral rights to the basic principle of equality contained in Article 2. From this perspective, major problems exists with respect to the legal possibilities for free elections in Iran. Free election means that, first, anyone—no matter what his/her political orientation happens to be—has the right to stand as a candidate or to introduced a candidate; second, that all citizens, irrespective of race, gender, religion and ideology, must be allowed to take part in elections. In present day Iran, such freedoms are not guaranteed.

For instance, several sections of Article 28 of the Majlis Elections Act deprive a part of the population from introducing or supporting the candidates of their own choice. According to this article, candidates must have the following qualifications when they register for election campaigns:

1. Belief in and practical devotion to Islam and the sacred regime of the Islamic Republic;
2. Citizenship of the Islamic Republic;
3. Expression of loyalty to the principle of velayat-e faqih (guardianship of jurists);
4. Education at the level of post-high school diploma or equivalent (the equivalent is useful for members of the clergy who have only attended seminaries);
5. No criminal record in the province in which they stand;
6. Physical health to the extent of having the faculties of sight, hearing and speech; and
7. Being no less than 30 years and no more than 70 years of age.

It is thus clear that sections 1 and 3 of this article prevent those who think differently and may not subscribe to the principle of velayat-e faqih from putting up a candidate and testing political support for their social views. In short, a large section of the Iranian people who do not express undivided allegiance to the requirements of sections 1 and 3 are deprived from having the deputies of their choice in the National Assembly (Majlis).
The institution that assesses the qualifications of the candidates and rejects those who are not qualified is the Guardian Council. Another restrictive law is Article 3 of the Amendment to the National Assembly (Majlis) Elections Act of 1995, which extends the supervisory power of the Guardian Council so far as to give it the position of absolute supervision and even decision-making about who may or may not stand as a parliamentary candidate. The role of the Guardian Council is defined in the Constitution. According to Article 91, "With a view to safeguarding the rules of Islam and the Constitution, and to see that the approvals of the National Assembly (Majlis) are not in contravention with them, a council known as the Guardian Council shall be established consisting of the following: Six just clerics acquainted with the needs of the time and problems of the day."

Six jurists who are qualified in various branches of law will be appointed by the Leader, from among Muslim jurists introduced to the National Assembly (Majlis) by the head of the judiciary and approved by the (Majlis). Article 99 of the Constitution further states, "The Guardian Council is charged with the responsibility of supervising the elections of the President, the National Assembly (Majlis), general elections and referendums."

With the 1995 amendment, this supervisory role is interpreted to include the right to reject the competence of any potential candidate without being obliged to offer any reasons or evidence. Thus, even those who declare their allegiance to the principle of velayat-e faqih may be deemed untruthful and be rejected by this council. Indeed this is precisely what has happened in the past few elections. Many candidates that were approved for previous elections were disqualified without explanation.

All the limitations mentioned above hold true for presidential and national Assembly elections as well and one cannot assume that all the Iranian people have a representative amongst the candidates, while the candidates who have succeeded in competing in elections debates represent only a portion of Iran's population; a large number of Iranians have been eliminated from political participation due to such laws, and only have the right to vote for the candidates that are already selected, without having a voice in the system. These disenfranchised citizens include, for example, those who adhere to the principle of separation of religion from the government and those who have a history of disagreement or criticism of the state in their political background.

Furthermore, in the presidential election, all candidates must be Shi’a Muslim and hence, the non-Shi’a Muslims do not have the right to candidate themselves for presidency. However, the right of women in this area is shrouded in ambiguities and conflicting interpretations of the aforementioned article of the constitution to which a solution is yet to be presented.

A memorandum further analyzing Iranian elections is found at Appendix V.

XVIII. Recommendations

The IRI can take a number of steps to address immediate threats to human rights connected to the repression of recent protests and to implement a national human rights strategy to bring Iran’s human rights practices into conformity with the International Covenant on Civil and Political Rights.
a. Arbitrary Arrests, Prison Conditions, Torture and Deaths of Demonstrators and Detainees

The IRI should initiate an immediate, independent review of those detained and serving sentences on the basis of their political views that is, of prisoners of conscience, and immediately release detainees and commute illegal sentences.

The IRI should issue invitations to the United Nations Special Rapporteurs on Arbitrary Detentions, Extrajudicial Executions, Torture, and Human Rights Defenders to advise and assist in this process.

The Majlis and Judiciary should thoroughly investigate and prosecute charges of torture and ill treatment and other violations of Iranian law, assuring victims of security if they cooperate.

The IRI should provide access to the International Committee of the Red Cross (ICRC) to all prisons.

The IRI should make a full, transparent disclosure of fatalities that have occurred during and after demonstrations since the 12 June elections, and thoroughly investigate each and prosecute any responsible security, militia, or prison personnel.

The IRI should avail itself to opportunities to inform and train security officials, Judiciary officials, prison authorities, and police officers, regarding respect for human rights principles especially with regard to the IRI’s obligations to allow peaceful assemblies; observing UN standards for the use of force; preventing torture and ill-treatment; and respecting rules of due process and equality before the law.

The IRI should accede to the Convention Against Torture (CAT), and promulgate legislation and revisions to the penal code prohibiting and punishing torture consistent with the Convention.

Stoning, amputation, flogging and other forms of cruel and unusual punishment should be outlawed.

b. Violations of the Freedom of Expression, Association, and Peaceful Assembly

Bans on peaceful demonstrations and gatherings should be lifted.

Censorship and any restrictions on media and civil communications should end.

Nongovernmental organizations and activists including women's rights defenders and human rights defenders should be allowed to function without restrictions and spurious charges against such organizations should be immediately dropped, in accordance with the provisions of the UN Declaration on Human Rights Defenders. Imprisoned human right defenders should be immediately released. Human rights organizations such as the Defenders of Human Rights Center should be allowed to function.

c. Death Penalty; Juvenile Executions

An immediate moratorium on imposing the death sentence should be imposed, pending an independent review of all pending cases that will focus on fair trials; the veracity of any confessions taken as evidence; the possible use of torture to coerce such confessions; restrictions on defense lawyers; and any other violations of due
process as indicated in the Iranian constitution and Article 14 of the ICCPR, as well as in other UN standards accepted by the General Assembly.

The IRI should publicize all relevant facts regarding persons who have been executed in the past five years and the crimes for which they have been convicted.

The Majlis should pass legislation banning the execution of anyone for a crime committed before the age of 18. Laws should raise the age of legal responsibility to international standards.

All death sentences imposed on persons for crimes committed under the age of 18 should be immediately commuted including those sentenced to qesas for murder or to death for hodoud crimes that carry the death penalty.

A commission composed of members of the clergy, leading human rights advocates, members of parliament, academics, and including international experts should study the question of the death penalty and make public their discussion as part of a process of national inquiry.

d. Changing Discriminatory Laws

The IRI should put an immediate end to all judicial proceedings against all women’s rights defenders involved in the “One Million Signatures Campaign” as well as those who peacefully gathered on 4 March 2007, and 12 June 2006, as they have been prosecuted and sentenced arbitrarily and in relation to their human rights activities; and ensure that women’s rights defenders who have already been sentenced be granted fair and impartial trials when appealing their sentences.

The IRI should take concrete steps, in collaboration with the legislature, designed to address and rectify legal discrimination against women in Iran’s civil and penal codes.

The IRI should sign and ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

The Judiciary should institute a transparent system of gathering and maintaining information on domestic violence and violence against women.

e. Protecting the Rights of Ethnic and Religious Minorities

The IRI should drop charges against and release imprisoned members of the Baha’i faith, and end discrimination in education, employment, other relevant areas, and investigate acts of violence against Baha’is by authorities.

The IRI should eliminate all arbitrary arrests, infringements on civil liberties including the freedoms of assembly and association, and protect the linguistic and cultural rights including the right to use their mother tongue of minority group members including members of the Arab, Kurdish, Baluchi, Sufi, Azerbaijani, and Christian communities, as well as many other groups. Minority rights activists, including Azerbaijani activist Saeed Matinpour who advocates for the rights of Azerbaijanis to speak their mother tongue, should be released, and the IRI should take active steps to combat ethnic discrimination.

XIX. Appendices

a. Appendix I: List of 114 Child Offenders on Death Row
This list by the International Campaign for Human Rights in Iran is not complete and not all information could be compiled. The names, ages, court dates, and trial locations are only provided for those juveniles whose cases were known. A number of the juveniles have already been executed.

1. Abbas – Karaj, Branch 77, Tehran Children's Court, Supreme Court, 30/May/2006
2. Afshar, Habib – 15 years old, from Qom, case # 1126-83 T, Qom Criminal Court
3. Afshari – from Tehran, Branch 1603, Tehran Criminal Court, Supreme Court, May 1999
4. Ahmad, Jaberi – 15 years old, from Khuzistan, Branch 29, Supreme Court, case # 39/711
5. Ahmadi, Rahim – 16 years old, Branch 5, Fars Penal Court, 20 January 2007, Branch 37, Supreme Court
6. Ahmadpour, Sadiq – 17 years old, from Chahar Mahal and Bakhtiari, Branch 104, Shahrkurd Public Court, Branch 27 Supreme Court, 23 July 2006
7. Akbari, Salman – from Ardebil, Public Court of Arshaghi, 14 July 2003 case # 2-8728/7
8. Ali – 16 years old from Tehran, case #2101, Tehran Children’s Court Branch 27, July 2002
10. Alimohammadi, Akram (alias Setayesh) – 17 years old
11. Alinezhad, Reza – 17 years old
12. Alireza – 17 years old from Tehran, case #2102, Children’s Court, April 2002
13. Alkoozeii, Omaruldin – 17 years old from Yazd, Branch 101, Taft Public Court, 12 January 2003, Branch 26 Supreme Court
15. Amir Hooshang
16. Amrullahi, Amir – 16 years old from Shiraz, Branch 5, Shiraz Penal Court, Branch 27, Supreme Court, 10 November 2007
17. Angooti, Safar – 17 years old
18. Anvari, Mehryar – 17 years old from Golestan, Branch 6, Khoramabad Public Court, 13 June 2004; case #690, Branch 27 Supreme Court
19. Arab, Saeed – from Golestan, Public and Revolutionary Court of Gorgan, Branch 3 Gorgan Criminal Court, 18 July 2006
20. Ashkan – 16 years old, Branch 122, Special Court for Children, 26 October 2003
21. Atashjan, Nazibibi – 16 years old from Semnan, Branch 107, Khoramabad Criminal Court, 1 May 2006, case #222/84/3015
22. Ayootundi, Rasool – 17 years old
23. Azimi, Mehdi
24. B., Milad – 17 years old from Tehran, case # 2106, Tehran Children’s Court, August 2002
25. Bakhtiari, Mehdi – Branch 74, Tehran Children’s Court; Branch 27, Supreme Court, November 2004
26. Barahooti, Gholamnabi – 16 years old from Yazd, Branch 10, Yazd Public Court, case # 2067, 6 February 2003; Branch 27, Supreme Court, case # 89
27. Benyamin Rasooli – 16 years old from Karaj, Branch 74, Tehran Penal Court; Supreme Court, October 2005
28. Chaleh Chaleh, Amir – 17 years old
29. Darabi, Delara – executed 1 May 2009; 17 years old from Rasht
30. Fada – Tehran, Branch 71, Tehran Children’s Court, 5 March 2006
31. Fadaii, Mohammad – 17 years old
32. Faramarz – from Karaj, Branch 71, Tehran Penal Court, 2006; Branch 28, Supreme Court, September 2007
33. Farhad – from Tehran, Branch 1157, Tehran Criminal Court
34. Feizi, Morteza – 17 years old
35. Feiz, Mohammad (citizen of Afghanistan) – 16 years old from Karaj, case # 122, Karaj Children’s Court, 2004
36. Ghaderi, Mohammad Shah – from Tehran, Branch 1608, Tehran Criminal Court, June 1999
37. Ghandali, Mehdi – from Semnan, Branch 4, Semnan Public Court, 16 June 2006
38. Gharehbaghloo, Hussein – 16 years old from Tehran, Branch 71, Tehran Public Court, 1 November 2006
39. Golshani, Ramin – from Tehran, Tehran Criminal Court, November 1997; Supreme Court, June 1998
40. Haddadi, Mohammad Reza – 15 years old from Shiraz, Branch 42, Supreme Court
41. Haghgoo, Mehryar – 17 years old from Rasht, Branch 102, Rasht Penal Court
42. Haghi, Hussein – 17 years old, Branch 27, Supreme Court, 24 June 2004
43. Hajer – 16 years old from Karaj, Branch 122, Karaj Children’s Court, January 2006
44. Halat
45. Hamid – Branch 17, Isfahan Penal Court
46. Hamid – 17 years old from Shariar, Branch 71, Tehran Penal Court, October 2005
47. Hamzeh, Zolfali – from Markazi, Branch 2, Saveh General Court
48. Hasan – from Tehran, Branch 1156, Tehran Besat Judicial Complex
49. Hashemi, Iman – 16 years old from Isfahan
50. Heidari, Asghar – 17 years old
51. Heidari, Saeed – from Tehran, Branch 1602, Tehran Criminal Court, 17 June 1999
52. Hijazi, Reza – 15 years old from Tehran
53. Hussein – from Tehran, Branch 37, Tehran Public Court, 11 April 1998
54. Huseini, Aku – from Kurdistan, case # 1326, 3 November 2003, Branch 27, Supreme Court
55. Iman (also Iman Jirofti) – 16 years old from Tehran, Tehran Children’s Court, September 2004
57. J., Javad – from Tehran, Branch 1602, Tehran Criminal Court
58. Jahedi, Mohammad – 16 years old from Fasa, Branch 4, Fasa Public Court, 25 December 2003; Branch 27, Supreme Court
59. Jazi, Saeed – 17 years old, Branch 1183, Children’s Court, 21 May 2005
60. Kafishir, Masood
61. Kalbali, Naim – 15 years old from Sistan and Baluchistan, Branch 102, Zahedan Criminal Court
62. Khaleqi, Bahador – 16 years old, Branch 1, Saqez Public Court, 21 June 2005; Branch 27, Supreme Court, 13 March 2005
63. M., Mohammad – from Shiraz, Shiraz Criminal Court, 2004; Supreme Court
64. Mavari, Mohammad – from Golestan, Branch 2, Kerdkoori Public Court, 18 August 2000; Branch 40, case # 40/28
65. Mehdi – Branch 71, Tehran Children’s Court, 5 March 2006
66. Mehran – 17 years old from Karaj, Branch 77, Tehran Children’s Court; Supreme Court, 30 May 2006
67. Mehrdad – 17 years old from Tehran, Branch 71, Tehran Children’s Court, 4 February 2006
68. Mihan Torabi, Ali – 16 years old from Karaj, Branch 33, Special Public Court for Children, 30 October 2003; Branch 27, Supreme Court, 8 June 2004
69. Mohamad (alias Seifullah) – from Tehran, Branch 71, Tehran Children’s Court, 23 January 2006
70. Mohammad – 16 years old from Qazvin, Supreme Court, 4 August 2006
71. Mohammad Reza – from Tehran, case # 1602, Tehran Criminal Court, Branch 33, 30 September 2002

72. Mojtaba – from Tehran, case # 1188, Tehran Children's Court, August 2003

73. Momeni Yasaghi, Hani – from Golestan, Public Court of Gorgan, 20 November 2004, Branch 26, 9 March 2005

74. Moradzadeh Zagheh, Ali – from Qom

75. Morazavian, Ahmad – 15 years old from Isfahan

76. Morteza – 17 years old from Tehran, Branch 74 Tehran Penal Court

77. Mostapha – 16 years old from Tehran, Branch 74, Tehran Criminal Court; Branch 33, Supreme Court, August 2005

78. Mowsali Roodi, Alireza – 16 years old from Qom, case # 4786-85 T, Qom Criminal Court

79. Mozafari, Hasan – from Bushehr, Bushehr Criminal Court, case # 85/18; Branch 27, Supreme Court, case # 530/85

80. Nabavi, Iman – Semnan, Branch 4, case # 15-471/85

81. Naghdi, Mostapha

82. Najafpour, Soghra – 13 years old from Gilan

83. Nemat – 17 years old, Branch 106, Isfahan Criminal Court; Supreme Court, 1 May 2006

84. Nooriani, Rasool – from Hamedan, Hamedan Penal Court

85. Noorzehi, Ahmad – 12 years old from Sistan and Baluchistan, Revolutionary Court, 2005

86. Nour Mohammad, Ali – 16 years old, Branch 24, Kermanshah; Branch 8, Kermanshah Appeals Court

87. Padashi, Reza – 16 years old, Branch 71, Tehran Penal Court, 20 February 2005; Branch 37, Supreme Court, 3 September 2006

88. Pezhman, Mohammad – from Bushehr, Branch 27, Supreme Court, case # 530/85

89. Pour Heidari, Hamed

90. Rakshani, Abdolkhaleq – from Golestan, Branch 2, Golestan Appeals Court, 16 March 2006

91. Ramrdar – 17 years old from Shiraz, case # 12, Shiraz, June 2004

92. Reza – from Tehran, case # 1157, Tehran Criminal Court, June 2003

93. Reza – Islamshahr, October 2003
94. Sohrabi, Abu Moslem – from Firoozabad, Fars, Branch 3, Firoozabad Court; Branch 33, Supreme Court
95. Saeedi, Mustapha – from Markazi, Saveh General and Revolutionary Court; Branch 42, Supreme Court
96. Safar, Ali – from Tehran, Branch 1156, Tehran Besat Judicial Complex
97. Sara – Islamshahr, Tehran Criminal Court, September 2003
98. Sarani, Omid – 17 years old from Sistan and Baluchistan, Branch 102, Zahedan Criminal Court
99. Sh., Javad
100. Shahidi, Rahman – from Bushehr, Bushehr Criminal Court, case # 85/18; Branch 27 Supreme Court, case # 530/85
101. Shahmazhi, Khodamorad – 17 years old from Sistan and Baluchistan
102. Shanbehzadeh, Alinazar – 17 years old
103. Shirnejad, Siavash – from Lorestan, Branch 107, Khoramabad Criminal Court, 9 May 2006
104. Shojai, Behrooz – 16 years old
105. Soltani, Feyzollah – from Yazd, Revolutionary Court
106. Taleii, Ebrahim – Tehran, Branch 1602, Tehran Criminal Court, 25 July 1999; Branch 11, Supreme Court, March 2001
107. Taranj, Hussein
108. Unknown – 17 years old, 3 June 2004; Supreme Court, 20 June 2006
109. Unknown – from Kerman, Branch 101, Kerman Court; Supreme Court
110. Vahid – 16 years old from Tehran, Branch 71 Tehran Children’s Court, 6 November 2004
111. Zahir – 15 years old from Tehran, case # 77, Tehran Children’s Court, 2004
112. Zamani, Mehyar – 16 years old, Branch 102, Rasht Children’s Court
113. Zamani, Mosleh – 17 years old, Branch 27, Supreme Court
114. Zare, Behnam – 16 years old from Fars, executed 26 August 2008

b. Appendix II: Testimony of Ebrahim Sharifi(Survivor of torture and rape)

Ebrahim Sharifi, was kidnapped by plainclothes agents on 22 June by plainclothes agents for one week. He provided detailed testimony to the Campaign regarding his torture and rape during detention:

My name is Ebrahim Sharifi, born on 27 February 1985, 24 years old and a computer science major at Azad University in Tehran. Before the 12 June elections I was active in a grassroots campaign office for presidential candidate
Mehdi Karroubi. I did campaigning by doing graphics work, making posters and distributing them. After the elections, believing the result were not true, I participated daily in protests. In many of the protests, security and intelligence agents took my pictures and videotaped me, which I did not mind.

On the evening of June 22, as I was on my home, in Kangan Boulevard, a black car pulled over next me. A middle aged man, perhaps 40-45 years old, wearing a grey suit, seated in the passenger sit called me over. As I approached the car, a third person from behind grabbed me, twisted my hand behind my back, put on plastic handcuffs, blindfolded me and threw me into the back seat and pushed my head down. I felt a period of about 40 minutes passed before we stopped at a place where there was no more sound of cars. They pushed me like a lamb into what felt like a large hall. I was still blindfolded and handcuffed. I could hear the heavy sounds of others breathing.

That night I felt asleep handcuffed and blindfolded. I was not given any food or drinks. Some people would ask to be taken to a bathroom but no one would come. The next day, the sounds of a girl in pain and screaming were heard. I and others started protesting. In response, someone came in and said we have to be collectively punished. They took out our clothes, leaving on my underclothes and threw me on the floor. I thought there were 30-40 other detainees in the room. I was still handcuffed and blindfolded. They started beating me and others on the back with some kind of a whip. It was thick and elastic. The person was whipping me and four other people, because I was counting. He would whip each person three times and then move on to the next and repeat the cycle. He was doing this for hours and was getting tired as the interval between each whipping became longer and longer. My mouth was close to the ground and I could smell urine and blood.

Afterwards, more hours past, I don't know how many, until someone came in and put some kind of relieving cream on my back. I was exhausted and passed out. Until the next day we were not given any food or drinks. I don't know how long I was asleep that someone came in and pulled me up, holding me under my shoulders. They ordered us to line up and said we have been condemned to execution. I had heard many stories of fake executions, but still was griped in fear. They took us to an outdoor space; it must have been early morning as I felt a morning breeze. They put a rope around my neck and said your execution order has been issued verbally, you are charged with being Mofsed fi-al Arz (corrupt on earth), and we are waiting for the written order to come. I felt an hour passed like this, until someone came and announced, "For now the Leader has pardoned you, get lost."

I was taken back to the big hall. They took off my handcuffs and gave us a few pieces of stale bread and potatoes and a glass of water that tasted awful. In the following days, I was subjected to mock executions twice more. During the last instance, I protested by saying if you want to hang me why don't you just do it? Why all these games? Someone came forward and hit me hard in the stomach. I fell down and he continued to keep hitting me in the stomach till I was throwing up blood. He told someone else, "Take this -expletive- and impregnate him." The other person dragged me on the floor to another room as I was very weak. In there, he tied my hands to a handcuff that was connected to the wall, tied my feet, and pulled down my underwear. He then said "If you can't protect your -expletive- how do you want to bring about a Velvet Revolution?" He then sexually assaulted me. I was feeling so weak and became unconscious.
When I gained consciousness, I was no longer blindfolded and was lying on a bed and tied to it with metal handcuffs. It looked like a clinic. In the bed next to me was another person who screamed nonstop; a medical worker, probably a nurse or a doctor, would come by frequently and inject him with a serum. I was constantly throwing up blood. About 16 or 17 hours passed like this. In these circumstances, someone came and stood behind my bed and told the medical staff: "Doctor, he is dying or should we finish him off ourselves?" I heard the doctor's voice responding: "He is in terrible shape. He could cause us lots of trouble like the other two. Just get rid of him."

A few more hours passed. They untied me from the bed, blindfolded me again and put on the plastic handcuffs. Then they asked my name and phone number. I think they took me back to the detention hall. From there they led me to a car and drove me off for about 10-15 minutes. They stopped and led me out of the car still blindfolded. They told me to count to 60 and then take off my blindfolds. I was on Sabalan Highway. It was morning time. I managed to walk to a supermarket and call a friend who came and picked me up and took me home. My mother couldn't believe I was alive; she thought I had been killed.

The next day, the first thing I did was to go to a psychologist. I also talked to several lawyers and friends who recommended I file a judicial law suit. I went to the judiciary office in Elahieh and wrote up a complaint about being kidnapped. The authorities told me it is not within their jurisdiction and I should go to the Revolutionary Court. I went there but they repeated the same thing. I went to the criminal court and they wrote a letter to the Police Detective Bureau to investigate the case. From there I took the letter to the First Bureau of Detectives in Naqaran. There, the authorities told me it doesn't relate to them and I should go to the Central Detectives Bureau in Shapur and Mowlawi intersection. I went there and the staff there asked me for the report of my disappearance that my father had filed. I told them it is filed with the First Bureau of Detectives, so they sent me back there. At the First Detectives Bureau they told me, "We cannot release your file to you," so I returned to the Central Detective Bureau.

Finally, the authorities there stamped my letter saying the relevant crime is kidnapping and asked me to go to Branch 11 of police detective bureau. First they asked me to come back the next day, but I insisted that the signs of torture and my beatings were starting to go away and I wanted to give a testimony now. A detective eventually agreed to interview me. He told me it is probably the work of the Ministry." I asked which Ministry and he replied: "The Intelligence ministry. If I were you I wouldn't follow it up." I insisted that I wanted to follow up and want to be examined by a state-certified physician. He eventually agreed and wrote a letter to the office of state-certified medical office. When I went there, they said I should return the next day. I went back but they kept making excuses and wouldn't examine me. I finally realized they are not willing to examine me.

A week passed and I finally decided to go meet with Mr. Karroubi. I went to his offices and told him my entire saga. He asked me to provide my testimony to Judiciary officials. Tehran's prosecutor's office contacted me and said they want to expedite my complaint. But then suddenly out of the blue, the official asked me, "What is your expectation from Karroubi?" I responded I don't want anything from him.
On 19 August, I met with Mr. Mohammadi, the representative of Dorri Najaf-Abadi, the country's General Prosecutor and I gave him my testimony. The next day, Mr. Moghaddami, the representative of Mr. Mortazavi, Tehran's general prosecutor contacted Mr. Karroubi that Mortazavi has asked to meet with all witnesses. At 2 p.m. on 20 August, I went to Mr. Karroubi's office and met with Mr. Moghaddami. He asked me to write down my entire testimony and I did so. Then he started asking me questions that were irrelevant to my detention and what had happened to me. He said how can we know you haven't been paid by Karroubi to make these allegations? I was very surprised. These insinuations were repeated multiple times by Moghaddami.

He then sent me to the state-certified medical offices for examinations. The doctor there told me with nearly two months having past since the occurrence of the sexual assault, there will be no visible signs by now.

During this period, several judiciary agents had combed through my neighborhood, talking to local shopkeepers and our neighbors, collecting information about me.

On 23 August, I was due to meet with a group of parliamentarians and to provide them my testimony. That day, on the street, a car approached me and pulled over. It was a Peugeot and the driver called me over. He claimed to be a friend of my father and spoke very warmly of him and had so many details about my family; I was persuaded he is an old family friend. He offered to give me a ride. He drove me from Naivar to Darabad. In the car he suddenly warned me, "Look, if you give testimony to the parliamentary committee, you and your entire family will be killed in a staged accident. You know we are capable of doing it." I was shocked that he was aware of my imminent meeting and realized he is an intelligence agent.

I left the car and realized that my family and I are in great danger, because while there is no will within the Judiciary to investigate my case, there are much efforts to intimidate me and my family into silence and to make false accusations that I have been paid by Karroubi to make up my story. I immediately went into hiding. Subsequently my father was threatened. I left the country and since then my friends and associates have been under pressure to denounce me. Some of them have been called into the Intelligence Ministry and interrogated for hours. I fear for my family and friends' safety in Iran.

c. Appendix III: Names of 240 People Arrested in the 10 Days After the June 2009 Election

I. Political personalities and members of the reformist presidential candidates' campaigns

1) Dr. Qorban Behzadinejad, director of Mir-Houssein Moussavi’s campaign, arrested on 24 June

2) Mostafa Tajzadeh, a member of the Mojahedin of the Islamic Revolutionary Political Organization and deputy of the Interior Ministry during Khatami’s presidency, was arrested on 13 June

3) Behzad Nabavi, a founding member of the Mojahedin of the Islamic Revolutionary Political Organization and former minister and parliamentarian,
was arrested on 13 June and released the day after. He was arrested on 16 June for the second time

4) Mohsen Mirdamadi, General Secretary of the Iranian Participation Front and former parliamentarian, was first arrested on 13 June and released the day after, but was disappeared on 17 June.

5) Saeed Hajarian, a senior adviser to reformists, a journalist, member of the Central Council of the Iran Front Participation, member of the first City Council in Tehran, the victim of an assassination attempt in 2000, was arrested on 15 June, is paralyzed and suffers serious brain and spinal cord injuries.

6) Abdollah Ramezanzadeh, Vice president of the Iran Front Participation, coordinator of the reformist campaign in Kurdistan and former government spokesperson during Khatami’s presidency, was arrested on 16 June.

7) Ali Abtahi, a senior adviser to Karroubi’s Campaign, former Deputy of Parliament Office of President Khatami, and a vice president under Khatami, was arrested on 16 June.

8) Abdolfatah Soltani, a human rights lawyer and one of the founding members of the Human Rights Defenders Center as well as a member of Executive Board of the Bar Association, was arrested on 16 June.

9) Javad Emam, a member of Tehran branch of the Islamic Revolutionary Political Organization.

9) Hojat Esmaeili, a member of the Mojahedin of the Islamic Revolutionary Political Organization.

11) Mohsen Safaiee Farahani, member of the Iran Front Participation and the head of its Implementation Board, and former president of the Football Federation.

12) Ali Tajernia, a member of the Central Committee of the Iran Participation Front and former parliamentarian.

13) Baghier Oskouiee, leading official in Karroubi’s campaign, was arrested on 16 June.

14) Saeed Laylaz, prominent economist and Journalist, was arrested on June 17.

15) Kouros Zaim, a member of the Central Council of the Iran National Front, was arrested on 21 June.

16) Davoud Solaymani, a member of the Central Committee of the Iran Participation Front and former parliamentarian.

17) Mohammad Tavasoli, director of the political office of the Freedom Movement in Iran and first Mayor of Tehran after the 1979 Revolution, was arrested on 16 June.

18) Hossein Zaman, a well-known pop singer whose works have been banned from State controlled Radio and Television because of his support for the reformist movement.
19) Mohsen Aminzadeh, a founding member of the Iran Participation Front and former Deputy Minister of Foreign Affairs in Khatami’s cabinet, on June 16

20) Saeed Shirkvand, member of Central Council of Iran Participation Front and former Deputy of Treasury in Khatami’s cabinet

21) Ahmad Zaydabadi, general secretary of the Advar organization and journalist, was arrested on June 13

22) Abdolah Momeni, member of the central council of the Advar organization and its spokesperson, was arrested on 21 June

23) Hamed Iranshahi, member of the Central Council of Advar organization, was arrested on June 16

24) Musa Saket, a member of the Advar Tahkim Vahdat and in charge of the campaign seeking supporters of Karroubi, was arrested on 18 June

25) Mohammad Atriand, a leading member of the Kargozaran Sazandegi Party and journalist, was arrested on 16 June

26) Jahanbakhsh Khanjani, a member of the Kargozaran Sazandegi Party and former spokesperson for the Internal Affairs Ministry in Khatami’s presidency

27) Ebrahim Khoshchehreh, a political activist in Lahijan and member of National Religious Activits, was arrested on 21 June

28) Khoshchehreh, son of Ebrahim Khoshchehreh, was arrested in Lahijan on 21 June

29) Mohsen Bastani, member of the Islamic Revolutionary Political Organization in Isfahan

30) Mehrdad Balafkan, member of the Islamic Revolutionary Political Organization in Isfahan

31) Ahmad Afjeiee, member of the Freedom Movement of Iran

32) Emad Bahavand, member of the Freedom Movement of Iran

33) Mojtaba Khandan, member of the Freedom Movement of Iran

34) Saeed Zeraatkar, member of the Freedom Movement of Iran

35) Rouholah Sahraee, member of the Freedom Movement of Iran

36) Ali Mehdad, member of the Freedom Movement of Iran

37) Mohammad Reza Ahmadinia, member of the Freedom Movement of Iran

38) Reza Arjaini, member of the Freedom Movement of Iran in Zanjan

39) Jalal Bahrami, member of the Freedom Movement of Iran in Zanjan

40) Sadegh Rasouli, member of the Freedom Movement of Iran in Zanjan

41) Ahad Rezaiee, member of the Freedom Movement of Iran in Zanjan
42) Bagher Fathali Baygi, member of the Freedom Movement of Iran in Zanjan
43) Mansour Vafa, member of the Freedom Movement of Iran in Zanjan
44) Ali Pourkhayri, member of the Iran Participation Front
45) Shahin Nourbakhsh, member of the Iran Participation Front
46) Ali Taghipour, member of the Iran Participation Front
47) Mohammad Shokuhi, member of the Iran Participation Front
48) Ashkan Mojaleli, member of the Iran Participation Front
49) Maysam Varahchehre, member of the Iran Participation Front
50) Mahdian Minavi, member of the Iran Participation Front
51) Farhad Nasrollahpour, member of the Iran Participation Front
52) Amir Ariazand, member of the Iran Participation Front
53) Adel Dehdashti, member of the Iran Participation Front
54) Mahmoud Ebrahimi, member of the Iran Participation Front
55) Bahram Kardan, member of the Iran Participation Front
56) Shahabobdin Tabatabaiee, the head of the Youth Supporters of the Moussavi Campaign
57) Mohammadreza Jalaiiepour, a student in Oxford University and website manager of the youth branch of the Iran Participation Front, arrested on June 17 in Tehran Airport
58) Saeed Nourmohammadi, member of the Iran Participation Front
59) Ali Mohaghar, a member of the Kargozaran Sazandegi party
60) Hedayatollah Aghaiee, a member of the Kargozaran Sazandegi party
61) Ali Waghfi, member of Moussavi’s Campaign in Tehran
62) Hamzeh Ghalebi, member of Moussavi’s Campaign in Tehran
63) Saeed (Hassan) Nikkah, member of Moussavi’s Campaign in Tehran
64) Hesam Nasiri, member of Moussavi’s Campaign in Tehran
65) Ehsan Bagheri, member of Moussavi’s Campaign in Tehran
66) Homaiee, member of Moussavi’s Campaign in Tehran
67) Fatahi, member of Moussavi’s Campaign in Tehran
68) Zakeri, member of Moussavi’s Campaign in Tehran
69) Rouholah Shahsavarr, member of Moussavi Campaign in Khorasan
70) Mohsen Rouzbehan, member of Moussavi Campaign in Khorasan
71) Maryam Ameri, member of Karroubi’s Campaign
72) Naseh Faridi, member of Karroubi’s Campaign
73) Morteza Khani, member of Karroubi’s Campaign
74) Bagher Oskouiee, member of Karroubi’s Campaign
75) Siamand Ghiyasi, member of Karroubi’s Campaign in Kermanshah
76) Mohammad Jafari, member of Karroubi’s Campaign in Kermanshah
77) Dr. Jalil Sharabianlu, a prominent MD and surgeon in Tabriz
78) Dr. Ghafar Farzadi, in Tabriz
79) Majid Jabari, in Tabriz
80) Rahim Yawari, in Tabriz
81) Abbas Pourazhari, in Tabriz
82) Dr. Laya Farzadi, in Tabriz
83) Shabeti, in Tabriz
84) Shamlu, in Tabriz
85) Dr. Ghafarzadeh, in Tabriz
86) Dr. Soltaniazad, in Tabriz
87) Dr. Panahi, in Tabriz
88) Dr. Seyfou, in Tabriz
89) Dr. Dadizadeh, in Tabriz
90) Mehdi Yarbahrami, in Tabriz
91) Mansour Ghafari, in Tabriz
92) Hojatollah Amiri, in Tabriz
93) Amir Hossein Jahani, in Tabriz
94) Rhdah Rahimipour, in Tabriz
95) Mehdi Khodadadi, in Tabriz
96) Payam Haydar Ghavzini, student in Gazvin
97) Nasim Riahi, student in Gazvin
98) Mojtaba Rajabi, student in Gazvin
99) Atar Rashidi, student in Gazvin
100) Hanieh Yousefian

101) Mohammad Bagher Alavi, member of the Freedom Movement

102) Hashem Khastar, member of the Teachers Trade Association, arrested at Mellat Park on 13 June in Mashhad

103) Jafar Ebrahimi, member of the Teachers Trade Association, arrested at his home in Islamshahr, southern Tehran, on 13 June

104) Alireza Hashemi, General Secretary of the Iranian Teachers Organization, affiliated with the Islamic Participation Front, arrested in Tehran on 15 June

105) Kambiz Nortouzi, Legal Secretary of the Journalists Association, arrested on 30 June

106) Amir Hussein Shemshadi, director of Mousavi’s Khordaad 88 Campaign

107) Mohammad Ali Dadkhah, a prominent human rights lawyer and founding member of the Defenders for Human Rights Center, arrested at his law office on 8 July 2009

108) Malihe Dadkhah, daughter of Mohammad Ali Dadkhah and an employee at the Defenders of Human Rights Center, arrested on 8 July 2009

109) Sara Sabaghian, employee at the Defenders of Human Rights Center, arrested 8 July 2009

110) Bahareh Dowaloo, employee at the Defenders of Human Rights Center, arrested 8 July 2009

111) Amir Raissian, employee at the Defenders of Human Rights Center, arrested 8 July 2009

112) Kian Tajbakhsh, Iranian-American sociologist, arrested on 9 July at his home and taken to an undisclosed location

113) Kaveh Mozafari, women’s rights activist and member of the One Million Signature Campaign, arrested on 9 July 2009 in Tehran

113) Fayzolah Arabsorkhi, a member of the central body of the Islamic Revolution Mujahedeen Organization and the former deputy minister of commerce, arrested on 7 July

114) Jalal Mohammadlou, a member of the youth branch of the Iran Participation Front in Tehran, arrested on 5 July while being taken to the hospital

115) Seyed Aesi Mir-Salimi, head of the National Trust Party in Nazar Abad, was arrested on 3 July in the street while waiting behind a traffic light in Tehran

116) Saleh Dadem, son of the famous writer Iskender Dadem, active in Karoubi’s campaign, arrested on 16 June in Behapi Terminal while leaving for a trip

117) Mohammad Sonategar, arrested on Thursday 18 June in Revolution Square during a demonstration
118) Mohsen Panahi, arrested on 24 June in Baharestan Square, married only 6 months ago there has been no word from him since his arrest
119) Ehsan Kianarsi
120) Mojtaba Kazemi, arrested on Monday 18 June in Tehran and taken to Evin prison, remains there without a judgment in his case
121) Mohsen Makouee Rouhani, was arrested in his home at 2 am after demonstrations on 15 June

II) Journalists

Some of the journalists who were also political personalities are listed above under the political personalities. The list of detained journalists has also been independently verified by Reporters without Borders.

1) Mohammad Ghouchani, journalist and editor in charge of daily Etemad e Meli, was arrested on 18 June
2) Rajabali Mazrouiee, head of the Journalists Association, was arrested on 20 June
3) Karim Arghandehpour, a blogger (http://www.futurama.ir/) and reporter for pro-reform newspapers Salam, Vaghieh and Afaghieh, was arrested on 14 June
4) Maziyar Bahari, an Iranian-Canadian dual national, journalist and the representative of Newsweek in Iran, was arrested on 22 June
5) Kayvan Samimi Behbahani, editor in chief of the closed monthly Nameh and human rights activist, was arrested on 14 June
6) Zhila Baniyahgoub, journalist and editor in charge of the Iranian Women's Center website, was arrested on 20 June
7) Bahman Ahmad Amou, journalist, was arrested on 21 June
8) Mojtaba Pourmohsen, journalist and Radio Zamaneh's representative in Rasht, was arrested on 15 June
9) Mahsa Amraiee, journalist, was arrested on 14 June
10) Behzad Bashou, cartoonist, was arrested on 14 June
11) Sayed Khalil Mirashrafi, TV producer was arrested on 14 June
12) Abدولرزا Tajik, journalist was arrested on 14 June
13) Rohollah Shahsavari, journalist was arrested in Mashhad, was arrested on 17 June
14) Mashallah Haydarzadeh, journalist in Boushehr, was arrested on 14 June
15) Amanolah Shojaiee, journalist in Bushehr, was arrested on 14 June
16) Somayeh Touhidolou, sociologist and blogger in the Road of Health
17) Shiva Nazarahari, journalist and member of the Reporters of Human Rights Committee, arrested on 13 June

18) Hassan Maadikhah, director of the Zareh Publication and son of Abdolmajid Maadikhah the former Cultural and Guardiance Minister

19) Fariborz Soroush, arrested in Karaj

20) Mojtaba Tehrani, Journalist at Etmaad Melli daily, arrested on 29 June

21) Masoud Bastani, journalist and husband of Mahsa Amrabadi who is pregnant and in incommunicado detention since 14 June. On 5 July when Bastani inquired from the authorities about the fate of his pregnant wife, he was also arrested.

22) Issa Saharkhiz, reformist journalist arrested on 5 July at his home in Tehran

23) Mohammad Reza Yazdanpanah, journalist and weblogger, arrested on 7 July

24) Marjan Abdollahian, employee of Hamshahri newspaper, arrested on 9 July

25) Kourosh Javan, photojournalist detained in Tehran

III) University professors:

1) Dr. Ardeshir Amirarjomand, chair of UNESCO’s Democracy and Human Rights Program at Shahid Beheshti University

2) Hossein Reisian, university professor at International Emamkhoaini University in Ghazvin, was arrested on June 21

3) Fazli, university professor at International Emamkhoaini University in Ghazvin

4) Imani, university professor at International Emamkhoaini University in Ghazvin

5) Alborzi, university professor at International Emamkhoaini University in Ghazvin

6) Darvish, university professor at International Emamkhoaini University in Ghazvin

7) Izadi, professor of Bualisina University in hamedan, was arrested on June 16

8) Majzoubi, professor at Bualisina University in Hamedan, was arrested June 13

9) Ali Mohades, director of Information Technology and faculty of science at Amir Kabir University, arrested on 24 June following a meeting of 70 professors with Mir Hussein Mousavi

IV) University students

[The names of students who were arrested during the attack on the Tehran University Dormitories are based on information released by the Reports of Human Rights Committee]

1) Marjan Fayazi, student at Mazandaran University, was arrested on June 22
2) Sogan Alikhah, student at Mazandaran university, was arrested on June 22
3) Ali Reza Kiani, student at Mazandaran university
4) Milad Hosseini Koshtan, student at Mazandaran university
5) Ali Nazari, student at Mazandaran university
6) Siavoush Safavi, student at Mazandaran university
7) Ashkan Zahabian, student at Mazandaran university
8) Ali Dinavari, student at Mazandaran university
9) Rahman Yaghoubi, student at Mazandaran university
10) Maziar Yazdani, student at Mazandaran university
11) Ali Abbasi, student at Mazandaran university
12) Shouaneh Merikhi, student at Mazandaran university
13) Majid Dari, an expelled student at Alameh Tabatabaiee University in Tehran, was violently arrested on 21 June in his home
14) Esmaiel Jalilvand, a student activist in Shiraz University, was arrested on 21 June
15) Hamdollah Namjou, a student activist in Shiraz University, was arrested on 21 June
16) Mohsen Barzegar, student at Babol Engineering Univeristy, was arrested on June 18
17) Iman Sedighi, student at Babol Engineering Univeristy, was arrested on June 18
18) Hesam oldin Bagheri, student at Babol Engineering Univeristy, was arrested on June 18
19) Siavash Saliminejad, student at Babol Engineering Univeristy, was arrested on June 20
20) Alireza Khoshbakht, an expelled graduate student, was arrested on June 17
21) Zahra Tohidi, an expelled graduate student, was arrested on June 17
22) Ziaoldin Nabavi, secretary of the Education Rights Council, was arrested on 16 June
23) Sohrab Ahadian, student at Tehran University, was arrested on 17 June when the Tehran University dormitories were violently attacked
24) Reza Arkouzi, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June
25) Karim Emami, student, was arrested during the attack on the Tehran University dormitories at midnight on 14 June
26) Mohammad Hossein Emami, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

27) Elaheh Imanian, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

28) Rouholah Bagheri, student, was arrested during the attack to the Tehran University Dormitories at midnight on June 14

29) Farhad Binazadeh, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

30) Iman Pourtahmasb, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

31) Ezat Torbati, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

32) Milad Chegini, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

33) Mohammadreza Hohabadi, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

34) Seyed Javad hosseini, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

35) Farshid Heydari Zamin, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

36) Behnam Khodabandeh lou, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

37) Mohammad Khansari, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

38) Mohammad Davoudian, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

39) Mahmoud Delbari, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

40) Ali Raiee, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

41) Omid Rezaiee, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

42) Ali Refahi, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

43) Seifolah Rmezani, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

44) Ebrahim Raidian, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June
45) Naser Zamani, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

46) Majid Selahvand, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

47) Hanif Salimi, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

48) Mohammad Bagher Shabanpour, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

49) Hamed Shaykh alishahi, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

50) Iman Shaydaieezaban, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

51) Farhad Shirahmad, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

52) Saman Sahebjalali, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

53) Farhan Sadeghpour, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

54) Farshad Taheri, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

55) Ghamdideh Olum, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

56) Esmaeel Ghorbani, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

57) Mohammad Karimi, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

58) Erfan Mohammadi, student, was arrested during the attack to the Tehran University dormitories at midnight on 14 June

59) Naseh Faridi, student at Teacher Training University, was arrested on June 17

60) Amin Nazari, student at Bualisina University in Hamedan

61) Mohammad Sayadi, student at Bualisina University in Hamedan

62) Reza Arab, Secretary of the Islamic Students Association at Mazandaran University, arrested on 29 June

63) Mostafa Mehdizadeh, student at Bualisina University in Hamedan

64) Omid Sohravi, student at Bualisina University in Hamedan

65) Vahid Amirian, student at Bualisina University in Hamedan
66) Fazolah Joukar, student at Bualisina University in Hamedan
67) Mehdi Torkaman, student at Bualisina University in Hamedan
68) Nastaran Khodarahimi, student at Bualisina University in Hamedan
69) Ali Ahmadi, student at Bualisina University in Hamedan
70) Mosaab Ebrahim, student at Bualisina University in Hamedan
71) Saeed Parvizi, student at Bualisina University in Hamedan
72) Bahareh Hosseini, student at Bualisina University in Hamedan
73) Hadis Zamani, student at Bualisina University in Hamedan
74) Nahid Siahvand, student at Bualisina University in Hamedan
75) Imani, student at Bualisina University in Hamedan
76) Ali Shojai, student at Hormozgan University, director of Mehdi Karoubi’s student campaign in Hormozgan, detained on 18 June
77) Amir Kolhar, student at Azad University in Karaj, detained on 21 June
78) Ehsan Ehsani, student in Mazindaran, detained on 24 June
79) Hamidreza Jahantigh, student at Noushirvan University in Babol, arrested on 24 June
80) Mohammad Sayadi, student at Buali University in Hamadan, arrested on 25 June plainclothes agents on the street
81) Pedram Rafati, Amir Kabir University student who was arrested on 15 June by plain clothes security officers near his dormitory
82) Payman Aref
83) Hesam Salamat, who had been expelled from Tehran University, arrested on 6 July
84) Hesam Nasiri, student at Azad University in Tehran
85) Nima Nahvi, a student at Anoushirvan Engineering University in Babol, arrested on 1 July
86) Mohammad Qaem Maqami, master’s degree student at the Technical College at Tehran University
87) Payam Pournag, master’s degree student in Physics, was arrested during attacks on universities on 13 June

**Arrested and Released**

1) Mohammad Reza Khatami, member of the Central Committee of Iran Participation Front, brother of former president Khatami, was arrested on 13 June and released on 14 June
2) Zahra Mojaradi, a member of the Iran Participation Front, was arrested on 13 June and released on 14 June

3) Saeed Shariati, a member of the Iranian Participation Front, was arrested on 13 June and released on 14 June

4) Taghi Rahmani, political figure and journalist, was arrested on 14 June and released the day after

5) Reza Alijani, political figure, was arrested on 14 June and released the day after

6) Hoda Saberi, journalist, was arrested on 14 June and released the day after

7) Faezeh Hashemi Rafsanjani, and her daughter and two other members of Rafsanjani’s Family were arrested on 20 June and released after 30 hours

8) Ebrahim Yazdi, General Secretary of the Iran Liberation Movement, was arrested on 14 June from the Pars Hospital in Tehran and was taken back to the hospital on June 15 for further surgery

9) Ahmad Ahmadian, student, was arrested during the attack to the Tehran University Dormitories midnight on 14 June and released later

10) Eskandari, student, was arrested during the attack to the Tehran University Dormitories at midnight on 14 June and released later

11) Amin Afzali, student, was arrested during the attack to the Tehran University Dormitories midnight on 14 June and released later

12) Vahid Anari, student, was arrested during the attack to the Tehran University Dormitories mid night on 14 June and released later

13) Mohammad Bolouri, student, was arrested during the attack to the Tehran University Dormitories at midnight on 14 June and released later

14) Hossein Hamedi, student, was arrested during the attack to the Tehran University Dormitories at midnight on 14 June and released later

15) Mohsen Habibi, Mazaheri, student, was arrested during the attack to the Tehran University Dormitories at midnight on 14 June and released later

16) Navid Haghdadi, student, was arrested during the attack to the Tehran university Dormitories at midnight on 14 June and released later

17) Mohammad Reza Hokmi, student, was arrested during the attack to the Tehran University Dormitories at midnight on 14 June and released later

18) Kazem Rahimi Olume, student, was arrested during the attack to the Tehran University Dormitories at midnight on 14 June and released later

19) Morteza Rezakhani, student, was arrested during the attack to the Tehran University Dormitories at midnight on 14 June and released later

20) Maysam Zareiee, student, was arrested during the attack to the Tehran University Dormitories at midnight on 14 June and released later
21) Amin Samiee, student, was arrested during the attack to the Tehran University Dormitories at midnight on 14 June and released later

22) Bahram Shaabani, student, was arrested during the attack to the Tehran University Dormitories at midnight on 14 June and released later

23) Alireza Shaykhi, student, was arrested during the attack to the Tehran University Dormitories mid night on 14 June and released later

24) Ebrahim Azizi, student, was arrested during the attack to the Tehran University Dormitories mid night on 14 June and released later

25) Siavash Fiaz, student, was arrested during the attack to the Tehran University Dormitories mid night on 14 June and released later

26) Sayed Hossein Mirzadeh, student, was arrested during the attack to the Tehran University Dormitories mid night on 14 June and released later

27) Hossein Noubakhht, student, was arrested during the attack to the Tehran university Dormitories mid night on 14 June and released later

28) Javad Yazdanfar, student, was arrested during the attack to the Tehran university Dormitories mid night on 14 June and released later

29) Habib Khadangi, student, student, was arrested during the attack to the Tehran university Dormitories mid night on 14 June and released later

30) Hamideh Mahouri, journalist in Bushehr, was arrested on 14 June and released on 19 June

31) Hossein Shokouhi, a journalist in Bushehr, was arrested on 14 June and released on 19 June

32) Mohammad Mostafaiee, a lawyer who defended many youth offenders who was arrested on the street in Tehran on 25 June. He was released on $100,000 bail and charged with “acting against national security.”

33) Siavash Hatam, student at BualiSina University in Hamedan, released on 30 June

34) Pouria Sharifian, student at BualiSina University in Hamedan, released on 30 June

35) Mehdi Mosafer, student at BualiSina University in Hamedan, released on 30 June

36) Reza Jafarian, student at BualiSina University in Hamedan, released on 30 June

37) Hojat Bakhtiari, student at BualiSina University in Hamedan, released on 30 June

38) Kaveh Servati, member of Moussavi Campaign, was arrested on 20 June and released on the same day

39) Mostafa Ghavanloo Ghajar, was arrested on 22 June and released on 4 July
40) Jason Athanasiadis, national Greek/British journalist, freelancing for the Washington Times, detained on 17 June

d. Appendix IV: Medical Examiner Report for Ebrahim Mehtari (Survivor of torture and rape)

English Translation – from Amnesty International
Judiciary

General Department of Forensic Medicine, Tehran Province
25 August 2009
1/14/m/7698

Respectable Commander of Police Station 134, Shahraz-e Qods

Greetings,

With due respect, referring to Letter No. 100299/4177 dated 24 August 2009, Mr. Ebrahim Ali Mehtari, son of Esmail, was examined.

1. Blackness and swelling under the right eye;
2. Bruise and swelling under the right eye;
3. Abrasion at the left side of the back of the head;
4. Scratch (superficial) on the right forearm, right arm and left arm;
5. Scratch (deep) around the right and left wrists and legs;
6. Two separate wounds (superficial) at the back of the right shin;
7. Abrasion (superficial) of the left cheek;
8. Round superficial second degree burn at the right wrist, head, back of the neck, left shoulder, back of the right and left hands, totalling 2% of the whole body’s surface;
9. Bruises are visible on both sides of the hips and outer area of the anus caused by the hard object that caused the abrasions (1 to 7 and 9) and the hot object that caused the wounds under No. 8.

Furthermore, there are several parallel superficial wounds around the back of the right thigh and right and left hips, to find the reason for occurrence of which, it would be helpful to conduct judicial and police investigation.

In addition, the above-named says he has pain at his anus. To examine him for sodomy etc, a specific letter to that effect is required. He has not suffered a rupture at his right cheekbone.

Signed and sealed: Head of West Tehran Forensic Medicine Centre

e. Appendix V: Memorandum Analyzing Iranian Elections

Introduction

On March 14, 2008, Iran holds nationwide parliamentary elections for 290 seats in the national assembly known as the Majlis. As in previous presidential and parliamentary elections, the process of vetting candidates fails even minimally to comply with international standards for free and fair elections. Indeed, in excluding for transparently political reasons a vast number of candidates from appearing on the ballot on March 14, the Iranian government’s manipulation of the upcoming elections appears to be even more systematic and arbitrary than in the past. Iranian elections are generally tightly controlled by the authorities through a vetting process that allows only candidates who have “proven” their loyalty to the state as members of the ruling elite. They are commonly referred to as “insiders”
[khodi]. In contrast, opposition candidates and independents, known as “outsiders,” [gheir-khodi] are barred from the election process by the authorities, that is, discriminated against following a vetting procedure based on regime loyalty and religious adherence as determined by election authorities.

During the past decade, the distinction between “insiders” and “outsiders” has dramatically sharpened, as admission to the “insiders” circle has become increasingly exclusionary and discriminatory. The vetting process for the upcoming elections has disqualified large numbers of candidates who previously held official positions and were regarded as “insiders”.

On January 24, 2008, the Interior Ministry, charged with the first phase of vetting candidates, announced the disqualification of a third of the candidates registered for the upcoming elections. The disqualified candidates include sitting parliamentarians as well as former cabinet ministers, mayors and governors. They belong predominantly to the reformist faction close to former president Mohammad Khatami. The Interior Ministry gave the reason for many of these disqualifications as “lack of practical belief in the Islamic faith and the sacred order [nizam-e moghadas] of the Islamic Republic of Iran.” The accusation leveled against prospective candidates as lacking practical belief in the Islamic faith amounts to a modern inquisition.

By all indications, the election process is being manipulated by the authorities to ensure that only candidates who are sympathetic to the hard-line faction known as “the principalists” [usulgara] would compete in vast majority of districts. The political composition of the parliament is thus being decided ahead of the elections, making them even more unfair and undemocratic than previous elections.

Furthermore, in an unprecedented development, military commanders are taking political positions by expressing their strong support for “the principalist” faction. On February 8, 2008, Mohammad Ali Jaafari, the commander of the Revolutionary Guards in a public speech in Tehran University said, “Supporting the principalists faction is a definite necessity, is inevitable, and is the divine responsibility of revolutionary forces in the country.” [1] Political posturing by the armed forces threatens to induce an atmosphere of fear and intimidation over the elections.

**Iran’s election process is in serious violation of its international obligations and commitments.**

Independent Iranian human rights defenders have expressed grave concerns regarding the manner in which the state authorities continue to violate the right of Iranian citizens to participate in free and fair elections. A group of twenty-three independent Iranian lawyers, academics, and political personalities announced the formation of the Committee for Free and Fair Elections on October 8, 2007.[2]
The Committee undertook to monitor and evaluate the upcoming elections according to international standards and covenants that Iran has signed and ratified, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and the Criteria for Free and Fair Elections adopted by the Inter-Parliamentary Union. [3]

In a statement issued on January 20, 2008, analyzing the Iranian election laws within the framework of international standards for free and fair elections, the Committee declared that Iran’s election laws are in contradiction with these standards. The statement further pointed out that in addition to the shortcomings of the election laws, the arbitrary interference of the Guardian Council, (the main body charged with overseeing the elections, as discussed in the next section), is the main obstacle to democratic and free elections that would guarantee the rights of citizens from all political persuasions. [4]

The Committee believes the Iranian Parliament should reform the election law according to international standards, not only to allow various political factions within the ruling elite to compete, but to guarantee the rights of every citizen, including members of genuine political opposition parties and independent figures, to participate in the election process. Only then could Iran’s elections be considered to be in accordance with a minimal set of internationally accepted norms for free, fair, and democratic elections.

**Iran’s Election Laws vs. International Standards**

Iranian elections are conducted through a two stage process. In the first stage, the authorities, namely the Interior Ministry and the Guardian Council (GC), determine which of the registered candidates qualify to be placed on the ballot. The second stage is the actual voting process, in which voters choose from among the approved candidates. The Guardian Council is composed of twelve religious jurists, six of whom are clerics appointed by the Supreme Leader and the remaining six members are legal experts nominated by the Judiciary and confirmed by the Parliament. The GC is not accountable to any authority other than the Supreme leader. Any appeals challenging its decisions must be filed with the GC itself, demonstrating a complete absence of any system of check and balances consistent with basic Rule of Law principles, and allowing for the arbitrary nature of the GC’s decision-making process.

The election laws prescribe the process of vetting registered candidates in two phases. After an aspiring candidate registers with the election committee at the Interior Ministry, this committee is charged with verifying that the candidate fulfills a set of criteria stipulated by the election law. A number of criteria in the election laws are vague and arbitrary in their formulation. Items 1, 3, and 5 of Articles 28 of the Parliamentary Election Law respectively stipulate that each candidate must fulfill the following criteria: [5]

- Practical belief in the Islamic faith and the sacred order [nizam-e mohghadas] of the Islamic Republic of Iran.
• Declaration of loyalty to the progressive principle of the absolute rule of the Jurisconsult [velayat-e motlaqeh faqih] and the Constitution.

• Absence of ill repute in the election district.

The law is moot on the methods by which the fulfillment of these criteria is to be documented and determined. The election authorities at the Interior Ministry are charged with investigating each candidate and to announce its findings to the Guardian Council. The Interior Ministry commences the investigations along with four other official organs: the Intelligence Ministry, the Public Prosecutor, the Bureau of Registry (Sazeman-e Sabt-e Ahval), the Bureau of Identity Verification (Edareh Tashkis Hoviat), and the International Police.

In practice, Interior Ministry officials announce their decision without providing any documentation to justify how they arrived at their judgment. The majority of candidates who are disqualified are charged with not fulfilling the criteria listed above, but without any supporting evidence.

During the second phase of the qualification process, the GC reviews the findings of the Interior Ministry and has unconditional authority to accept or reject them. But whereas the Interior Ministry relies on the criteria stipulated by the election law, however vague they may be, the GC enjoys completely arbitrary powers according to the process known as “approbatory supervision” [nezarat-e estesvab]. Relying on Article 3 of the Parliamentary Election Law, the GC thus exerts an unlimited degree of interference in the election process. This article states that:

The Guardian Council has the responsibility of supervision of the parliamentary elections. This supervision is approbatory, general, and applicable to every phase of all matters related to the elections. [6]

The GC interprets this article as giving it ultimate authority in deciding who may compete in the elections, without being obligated to provide any justification for its decisions. Coupled with the intrusive and vague criteria set forth in Article 28 of the law, the GC is empowered subjectively to judge the beliefs and creed of aspiring candidates. It has increasingly wielded this power to shape the political landscape in presidential and parliamentary elections.

The upcoming parliamentary elections are being heavily affected by the GC’s arrogation of power and the arbitrary and exclusionary process by which many candidates, who have already held high office within the Islamic Republic, are disqualified simply because their political beliefs are not completely consistent with those espoused by the GC and the election officials in President Ahmadinejad’s Interior Ministry. Under such circumstances, it is evident that political opposition and independent candidates do not stand a chance in competing in Iran’s elections, and having recognized this, they have not even registered their candidacy.
Such elections egregiously violate international standards for democratic, free, and fair elections.

Iran is a party to the Covenant for Civil and Political Rights (ICCPR). The Covenant requires Iran to provide equal opportunity to its citizens to participate in the election process as candidates. Article 25 of ICCPR states that “every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.” [7] Iran’s election laws and procedure constitute a set of “unreasonable restrictions” that deprive any citizen who does not espouse certain political beliefs or an officially sanctioned version of the Islamic belief—according to a subjective and totally non-transparent religious test— from participating as a candidate in the elections.

As a member of the Inter-Parliamentary Union, Iran also signed the Declaration of Criteria for Free and Fair Elections in 1994, committing to respecting and instituting these Criteria. The Iranian election law and practices directly violate the key articles of this Declaration with regard to every citizen’s right to register as a candidate.

Article 2.3 of the Declaration states that: “No eligible citizen shall be denied the right to vote or disqualified from registration as a voter, otherwise than in accordance with objectively verifiable criteria prescribed by law, and provided that such measures are consistent with the State’s obligations under international law.”[8] Article 3.2 recognizes the right of every citizen “to join, or together with others to establish, a political party or organization for the purpose of competing in an election.” The Declaration explicitly forbids election laws to “be applied so as to violate the principle of non-discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” [9]

Iran’s election laws, as well the GC’ arbitrary application of “approbatory supervision”, are in direct violation of the above standards. Particularly, article 28.1 and 28.3 of the Parliamentary Election Law requires investigation into and judgment of the candidates’ political and religious beliefs.

**Latest Updates**

**First Stage of Disqualification**

A total of 7,597 aspiring candidates registered their candidacy with the election officials of the Interior Ministry. On January 24, 2008, the election committee of the Interior Ministry officially announced the results of the first phase of vetting candidates. According to this statement, more than two thousands candidates or 31% of those registered were disqualified throughout the country. [10]
The statistics provided by the Interior Ministry demonstrates that only a minority of the disqualified candidates were disqualified due to documented reasons and not based on an arbitrary judgment of election officials:

- 69 persons did not resign from their government post by the due date,
- 131 persons have court judgments against them,
- 188 persons did not qualify based on lack of higher educational degree.

The Interior Ministry also announced that 329 persons were disqualified due to “ill reputations in their place of residency.” It did not specify on what criteria “ill reputation” is defined or demonstrated.

In its announcement, the Interior Ministry said that the reasons for disqualification of the other approximately 1,600 candidates are: addiction or trafficking of narcotics, convictions to Islamic punishments, connections with the previous regime, acting against the Islamic Republic, lack of practical belief in the Islamic faith and the order of the Islamic republic, membership or sympathy in separatist and terrorist groups, connections with foreign intelligence services, insulting sacred religious beliefs, the prophet, and his family, rioting in the country, and sympathy with deviant religious sects.

Three main reformist parties whose candidates were disqualified en mass, Iran Participation Front, Organization of the Islamic Revolution’s Mujahedine, and National Confidence Party [Hizb Etemad Melli] have charged that their candidates were disqualified due to political prejudice by the Ahmadinejad’s government to eliminate its rivals by relying on the vague criteria of article 28 of the election laws. According to these reformist parties, their candidates received a letter from the Interior Ministry that stated:

“...hereby you are notified that in the qualification process of those volunteering to become members of the Eighth parliament, and based on items 1, 3, and 5 of article 28 of the election law, your competence has not been obtained...” [11]

In effect, the Interior Ministry decided that these candidates have ceased to have practical belief in the Islamic faith.

Second Stage of Disqualification

The Interior Ministry submitted the results of its vetting process to the GC for its final decision on January 24, 2008. For the next month, the political class within Iran engaged in intense behind the doors negotiations between various leading figures and the GC to influence the vetting process. The reformers close to the former president, Mohammad Khatami, hoped to reverse the results of the Interior Ministry’s disqualifications. As the government never formally announced the complete list of disqualified candidates during the first stage, it was not clear what changes took place between the first and second stage of disqualifications. However, the initial disqualification news of certain well-known candidates such as Ali Eshraghi,

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grandson of Ayatollah Khomeini, caused enough outrage that the GC reinstated his qualification.

By the end of the non-transparent political negotiations, the GC announced the final number of qualified candidates. On February 23, 2008, Abbas-ali Kadkhodaii, the GC’s spokesperson told a news conference that more than 2,200 candidates or 31% of aspiring candidates have been disqualified. [12] Therefore, the number of disqualified candidates did not change between the first and second stage of the vetting process. Although certain individuals may have been reinstated by the GC, others who had been qualified during the first stage must have been disqualified in the second stage. Neither the Interior Ministry nor the GC provided names of disqualified candidates.

According to the reformist political parties, the final result of the vetting process targeted their candidates to such an extent that they do not have any qualified candidates to compete in the vast majority of districts. The Reformist Coalition issued a statement on February 24, saying that it lacks any candidates to compete for as many as two-thirds of seats in the Parliament due to the disqualification process. [13] The other major reformist party, National Confidence Party [Hizb Etemad Melli], also said that its candidates, who survived the vetting process, can compete only for 55% of the seats. [14]

References

[6] Ibid.
[9] Ibid.
[11] “You are disqualified based on articles 1, 3, and 5!” Norooz News,
[14] “We have the possibility to compete for 55% of seats,” Iranian Students News Agency, February 24, 2008.