

# IRAN

## ISLAMIC REPUBLIC OF IRAN

**Leader of the Islamic Republic of Iran:** Ayatollah Sayed 'Ali Khamenei

**President:** Hojjatolislam val Moslemin Sayed Mohammad Khatami

**Capital:** Tehran

**Population:** 71.4 million

**Official language:** Persian (Farsi)

**Death penalty:** retentionist

**Scores of political prisoners, including prisoners of conscience, were arrested and others continued to be held in prolonged detention without trial or following unfair trials. Some had no access to lawyers or family. In a continuing clamp-down on freedom of expression and association, led by the judiciary, scores of students, journalists and intellectuals were detained. At least 139 people, including one minor, were executed and 285 flogged, many in public.**

## Background

President Khatami, the incumbent candidate, won the presidential election in June in a comprehensive victory seen by many as a reaffirmation of a reform agenda. He made public appeals to the judiciary to respect the constitutional rights of parliamentarians and citizens.

There were increasing indications of social, regional and ethnic disquiet and unrest. In July clothing and shoe factory employees protested, including in front of parliament, over unpaid wages. In the same month, disturbances occurred when Tehran officials attempted to destroy unauthorized housing. In August an announcement that the government planned to divide Khorasan province led to riots in Sabzevar in which three people reportedly died. Thousands of people were detained in October following public disorder after international football matches in Tehran. In July, student groups marked the anniversary of a raid by the security forces on student dormitories in Tehran in 1999, when at least one student was allegedly killed and others were ill-treated.

Drought and conflict in Afghanistan in 2001 increased the numbers seeking refuge in Iran. Protests in July over social conditions and lack of employment resulted in attacks on Afghan refugees in Falavarjan, central Iran. The authorities introduced restrictions on the employment of Afghans and more than 100,000 were repatriated during 2001. In October, following the bombing of Afghanistan, Iran closed its borders with the country and built refugee camps in Afghanistan near the Iranian border (see Afghanistan entry).

There were unconfirmed reports that the People's Mojahedin Organization of Iran, an armed political group, ill-treated its own members at a base in Iraq. The reports were

denied by the organization but it failed to provide substantive information to allay AI's concerns.

## Detention of prisoners of conscience

In March and April, the Revolutionary Court ordered the arrest of at least 60 academics, journalists and intellectuals associated with the *Milli Mazhabi* (national-religious trend), notably the *Nehzat-e Azadi*, Iran Freedom Movement. Some were released within days and many others between May and October. In November, at least 26 detainees were publicly accused by the judiciary of "acts against national security" and "seeking to overthrow the state by illegal means", vaguely worded charges which could attract long prison sentences. In November, trial proceedings against at least 12 members of the *Nehzat-e Azadi* were initiated with the reading of a 500-page indictment. The trials had not started by the end of 2001, but at least six other detainees — including Dr Habibollah Payman and Dr Reza Raiss-Toussi — remained in detention without charge at the end of the year. The trial of Alireza Alijani and Ezzatollah Sahabi (see below) was scheduled to start in January 2002.

In March over 150 parliamentarians issued an open letter expressing concern about the arrests. The detainees' families repeatedly protested at the arrests to the judiciary, the Islamic Human Rights Commission and the parliamentary Article 90 Commission, and in June they demonstrated outside UN offices in Tehran.

☞ Arrested in March, Mohammad Bastehnegar was held incommunicado until May. His wife informed parliamentarians that he was threatened with death and the arrest of his family if he did not write a confession, and that he appeared to have been drugged.

## The Berlin conference trials

In January, verdicts were announced after unfair trials which took place between October and December 2000 of at least 15 participants at an academic conference in April 2000 in Berlin, Germany, about recent cultural and political developments in Iran.

They faced vaguely worded charges including "undermining national security [by] promoting the aims of hostile and subversive groups", "propaganda against the state" and "insulting Islam". Following closed and unfair trials before the Revolutionary Court, which failed to meet international standards for fair trial, at least eight were sentenced to custodial sentences.

The verdicts of the appeals heard in November dropped the charges related to "state security", but upheld reduced sentences in connection with "propaganda". As a result, in December, some individuals were acquitted, some sentences were reduced and others converted to fines.

☞ Following eight months' detention, journalist Akbar Ganji was sentenced to 10 years' imprisonment, reduced on appeal in May to six months. In July, while still in custody, he was reportedly placed in solitary confinement. New charges were brought against him and, after a further trial, he was convicted and sentenced to six years' imprisonment.

Allegations he made at his trial in November 2000 of ill-treatment in custody were not investigated.

☞ Human rights lawyer Mehrangiz Kar and publisher and women's rights activist Shahla Lahiji, who were both detained for several months, were sentenced to four years' imprisonment, reduced to fines on appeal.

☞ Translators Khalil Rostamkhani and Saed Sadr were sentenced to nine (reduced to eight on appeal) and 10 years' imprisonment respectively, to be served in cities far from their homes and families.

☞ Journalist Ezzatollah Sahabi, aged 70, and student leader Ali Afshari were sentenced to four and six years' in prison, reduced to one year and six months, respectively, following appeal verdicts in December. Both had already served the sentences as they were detained in December 1999. They were held incommunicado for prolonged periods and at unauthorized detention centres. In May they reportedly made "confessions" after being denied access to legal representation. In a letter to the Revolutionary Court, Ali Afshari's family said that his harsh conditions of detention amounted to torture. In August new charges were reportedly brought against him. Immediately following his release on 29 December, Ali Afshari was sentenced to an additional 12 months in prison in connection with student demonstrations in July 1999 and it was reported that "new" charges were being prepared against him. Ezzatollah Sahabi was not released and faced additional charges and was scheduled to be tried in January 2002.

☞ Researcher Hojjatolislam Hasan Yousefi Eshkevari was unfairly tried in the Special Court for the Clergy where he faced additional charges including defamation, heresy, being "at war with God" and "corruption on earth". The verdict was not announced but he was widely reported to have been sentenced to death. Following domestic and international condemnation, the Head of the Special Court for the Clergy, which convicted him, admitted that the trial was flawed. In November it was reported that his sentence had been reduced to two and a half years' imprisonment and removal of his status as a cleric.

### Freedom of expression

At least 30 parliamentarians were interrogated and arrested by judicial officials and sentenced in connection with allegations of defamation, slander and spreading false information, although only one was imprisoned by the end of the year. In October President Khatami expressed concern to the head of the judiciary about the trials of parliamentarians.

☞ In March, Fatemeh Haqiqatjou was briefly detained by the judiciary. In July she and Davoud Solemani were questioned in court about statements made in their capacity as deputies. On 26 December, an appeal court reduced to 17 months a prison sentence handed down to Fatemeh Haqiqatjou in August for, among other charges, "propaganda against the state". She had not been imprisoned by the end of the year.

☞ In September, Shahrbanou Angane Amani, deputy for

Urumiye, appeared before the Disciplinary Court for Government Employees in connection with "false reports and deceitful information" she had reportedly provided to a newspaper.

☞ On 9 December, an appeal court reportedly upheld a seven-month prison sentence passed on parliamentarian Mohammad Dadfar. He was charged with "insulting top security officials" as well as "spreading lies". The verdict had not been carried out by the end of the year.

Publications were suspended for indeterminate periods by the judicial authorities, including the Special Court for the Clergy, and journalists were detained or sentenced to prison terms. Only two of the more than 50 publications closed in previous years were permitted to reopen. In November, the Supreme Council of the Islamic Revolution, an unelected body with legislative powers in the field of culture and education, announced that the state would take control of all Internet service providers over the next two years.

### The human rights debate

The human rights debate was invigorated in April with the hosting of the Asia-Pacific regional conference of the UN World Conference against Racism. Scores of the burgeoning number of Iranian non-governmental organizations took part, including human rights and women's groups.

Parliamentary deputies increasingly voiced human rights concerns. In January, a parliamentary delegation visiting prisons expressed concern at reports of physical and psychological torture taking place at four unofficial detention centres outside the control of the prison authorities. In April, over 150 parliamentarians wrote an open letter to the head of the judiciary calling for an end to arbitrary arrests and "lawlessness". In June, Tehran deputies called for greater recognition of women's rights. In July many deputies called for a speedier investigation into the 1999 raid on student dormitories. Also in July, the speaker of the house wrote to the Leader asking for clemency for students detained in riots in 1999.

In May parliament passed a law defining and limiting the scope of political crimes. In June, however, it was rejected by the Council of Guardians, the highest legislative assembly, and sent back to parliament. Also in June, parliamentarians won the right to scrutinize the working of state television and radio. A bill for the reform of the Revolutionary and General Courts was introduced in November but was rejected by the Council of Guardians on 26 December. In November, parliament repealed Article 187 of the Law on the Third Economic, Social and Cultural Development Plan which gave the judiciary powers to license lawyers and to control entry into the legal profession and candidacies for the Bar Association's board.

Parliament's Article 90 Commission, constitutionally charged with investigating citizens' complaints, became the main avenue for raising cases of human rights violations and issued several reports. In one report in January, it stated that there was "no legal justification" for the imprisonment of four

journalists. They included Akbar Ganji (see above) and Emadeddin Baqi, sentenced to three years' imprisonment in 2000, partly in connection with a newspaper article questioning the place of the death penalty in public life. In August the Commission criticized the detention of about 60 national-religious activists (see above).

### **Death penalty and cruel, inhuman and degrading punishments**

At least 139 people, including one minor, were executed, at least two by stoning and one by beheading. At least 285 individuals were flogged. The true figures may have been considerably higher.

A surge in public executions and floggings between July and September provoked intense debate on the role of such punishments, which have often been carried out on young people and occasionally minors.

☞ In October journalist Fatemeh Govara'i was sentenced to six months' imprisonment and 50 lashes for an interview she gave to a newspaper. She appealed against the sentence.

### **Impunity**

Some officials involved in extrajudicial executions in previous years were convicted and sentenced to death, while others were acquitted or pardoned after trials which failed to meet international standards.

☞ In January, 15 former Ministry of Intelligence officials were convicted in connection with the murders of three writers and two political activists in 1998 in a case known as the "serial murders". Three were sentenced to death, five to life imprisonment and seven to prison terms of between two and 10 years. In August the Supreme Court overturned the verdict and ordered a re-examination of the case. By the end of the year, there were no further developments. The defendants were not accorded full rights of defence, since at least two serving or former Ministry of Intelligence officials summoned as witnesses for the defence were excused from participating in the trial.

### **Intergovernmental organizations**

In August a report by the Special Representative of the UN Commission on Human Rights on the situation of human rights in Iran drew particular attention to human rights abuses in pre-trial detention and to economic, social and cultural rights. A UN General Assembly resolution in December reflected these concerns, calling on the government to "implement judicial reform speedily". The General Assembly also called on the authorities "to ensure that people are not punished for exercising their political freedoms".

### **Communications with the government**

The government responded to several cases raised by AI but failed to address substantive issues. A memorandum on AI's concerns and recommendations was sent to the government for comment, but no reply was received by the end of the year.

### **AI country reports/ visits**

#### **Report**

- Iran: A legal system that fails to protect freedom of expression and association (AI Index: MDE 13/045/2001)