

## **Amnesty International Annual Report 2009 (January-December 2008)**

### **IRAN**

ISLAMIC REPUBLIC OF IRAN

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

Head of government: President: Dr Mahmoud Ahmadinejad

Death penalty: retentionist

Population: 72.2 million

Life expectancy: 70.2 years

Under-5 mortality (m/f): 35/34 per 1,000

Adult literacy: 82.4 per cent

The authorities maintained tight restrictions on freedom of expression, association and assembly. They cracked down on civil society activists, including women's rights and other human rights defenders and minority rights advocates. Activists were arrested, detained and prosecuted, often in unfair trials, banned from travelling abroad, and had their meetings disrupted. Torture and other ill-treatment of detainees were common and committed with impunity. Sentences of flogging and amputation were reported. At least 346 people were known to have been executed, but the actual number was 173 probably higher. Two men were executed by stoning. Those executed included eight juvenile offenders.

#### ***Background***

There was continuing unrest among Iran's main ethnic minorities, notably the Azerbaijani, Baluchi and Kurdish communities, over their perceived marginalization and the government's failure to uphold their economic, social and cultural rights as well as their civil and political rights.

The government proposed changes to the Penal Code and other laws that, if ratified, would further erode human rights.

International tension persisted over Iran's nuclear enrichment programme. In March the UN Security Council voted to extend economic and political sanctions imposed in previous years.

International criticism of human rights violations continued. In an October report, UN Secretary-General Ban Ki-moon urged the government to ensure Iran's laws complied with international standards and end discrimination against women and ethnic and religious minorities. In November the UN General Assembly called on the government to end the harassment, intimidation and persecution of political opponents and human rights defenders; to uphold the rights to due process; and to end impunity for human rights violations. It also called on the government to facilitate visits by UN human rights bodies.

#### ***Human rights defenders***

Human rights defenders were harassed and intimidated but continued to press for greater respect for the rights of women and ethnic minorities and for an end to executions of juvenile offenders. Some were arrested and imprisoned, with prosecutions brought on vague charges; others were banned from travelling abroad.

- Shirin Ebadi, Nobel Peace Prize laureate and cofounder of the Tehran-based Centre for Human Rights Defenders (CHRD), faced increasing harassment, threats and intimidation by state organs. On 29 December officials claiming to be tax inspectors raided her offices and removed clients' confidential files.
- In December the CHRD was forcibly closed by security officials shortly before the centre was to hold an event commemorating the 60th anniversary of the Universal Declaration of Human Rights.
- Emadeddin Baghi, head of the Association for the Defence of Prisoners' Rights (ADPR), was released in October, after serving a sentence imposed unfairly in 2003 for "undermining national security", following criticisms he made about the use of the death penalty. The sentence had initially been suspended. Prison officials delayed urgently needed medical treatment, although he was granted medical leave. He and members of his family were cleared by an appeal court of further charges related to their human rights work, but the judiciary reportedly referred the case to another court for further investigation. In November the trial began of Emadeddin Baghi on charges related to his work with ADPR.

### ***Discrimination against women***

Women faced continuing discrimination in law and in practice, and those campaigning for women's rights were targeted for state repression. Parliament debated legislation that, if implemented, would limit women's access to university education of their choice by imposing new residency restrictions. Controversial articles relating to marriage in draft legislation were dropped under pressure from women's rights campaigners. The authorities closed the journal *Zanan* (Women), blocked women's rights websites and disrupted peaceful gatherings of women's rights activists, such as members of the Campaign for Equality which demands an end to legal discrimination against women.

In February the UN Special Rapporteur on violence against women, its causes and consequences reported that the government had not responded to a single communication made in 2007. In November the Rapporteur criticized Iran for its repression of women's rights defenders.

Dozens of women's rights campaigners were detained, interrogated and some tried for their peaceful activities, including up to 10 who were sentenced by lower courts to prison terms and, in at least two cases, flogging.

- Maryam Hosseinkhah, Parvin Ardalan, Jelveh Javaheri and Nahid Kesharvarz were sentenced to six-month prison terms in September. Convicted of spreading propaganda against the state", they remained at liberty awaiting appeals. They were charged for articles they had written for the Campaign for Equality's website and for *Zanestan*, a women's rights website closed down by the authorities in 2007.

### ***Freedom of expression and association***

The authorities continued to repress dissent by restricting access to the internet, banning newspapers and student journals, and prosecuting journalists whose reporting they deemed critical. Officials harassed, intimidated and detained university teachers, trade unionists and students who advocated reform.

Scores of students were suspended or expelled from university for supporting pro-reform groups and the rights of suspended students. Others were arrested and detained, possibly as prisoners of conscience, for participating in demonstrations.

The authorities harassed and intimidated people on account of their appearance. Thousands of prospective candidates were barred from standing in parliamentary elections in March under the discriminatory practice of *gozinesh*, or selection, which impairs – on grounds of political opinion or religious affiliation – equality of opportunity to those who seek employment in the public sector.

- In August security forces forcibly prevented a peaceful gathering at an unmarked graveyard in Tehran to mark the 20th anniversary of mass executions starting in 1988 for which no one was held to account. At least three people were subsequently sentenced to prison terms for participating in the commemoration, or planning to do so.

### ***Discrimination – repression of minorities***

The use of minority languages in schools and government offices continued to be prohibited. Those who campaigned for greater political participation or recognition of minorities' economic, social and cultural rights faced threats, arrest and imprisonment. Members of minorities were denied access to employment in the public sector under *gozinesh* legislation. Many women were doubly disadvantaged, as members of a marginalized minority ethnic or religious group and because of the subordinate status accorded to women in some communities, such as the Baluchi and Kurdish communities.

### **Arabs**

Members of the Ahwazi Arab community continued to protest against perceived discrimination, notably in relation to access to resources.

- Ma'soumeh Ka'bi and her five children were immediately detained after they were forcibly returned to Iran from Syria in October, apparently to put pressure on her husband, an Ahwazi Arab activist, to return to Iran from Europe and surrender himself to the authorities.

### **Azerbaijanis**

Activists continued to call for the Azerbaijani Turkic language to be used in schools and government services in the areas where Azerbaijani Iranians mainly live. Dozens of activists were arrested in February in connection with demonstrations on International Mother Language Day.

- Four activists were held in solitary confinement between September and November, accused of "acting against national security". They were among 18 people arrested apparently to prevent a symbolic one-day boycott of schools and universities in protest against the lack of teaching in Azerbaijani Turkic. Their fate was not known.
- Asgar Akbarzadeh was sentenced by a court in Ardebil in December to five years' imprisonment, to be served in the province of Sistan-Baluchistan, on charges of forming an illegal political party; preparing and distributing "Pan-Turkist" documents; taking part in gatherings associated with Azerbaijani culture, including Azerbaijani folk dancing; and sending information to human rights websites.

### **Baluchis**

In Baluchi areas, the People's Resistance Movement of Iran (PRMI), an armed group also known as Jondallah, sporadically clashed with government forces. In June the group took 15 or 16 Iranian border guards prisoner. One was released but the PRMI killed the rest by October. The authorities took harsh measures against suspected PRMI members and supporters.

- Ya'qub Mehrnehad, a Baluchi cultural and civil rights activist and member of the Voice of Justice Young People's Society, was executed in August after a grossly unfair trial. He was arrested after criticizing local authorities. He was reported to have been tortured, denied a lawyer and convicted of links with Jondallah by a court in Zahedan.

### **Kurds**

Members of the armed group, Party for a Free Life in Kurdistan, known by its Kurdish acronym PJAK, continued to attack Iranian forces. Many Kurds who were detained faced charges of membership or support of PJAK or other groups. Some, like teacher Farzad Kamangar, who denied the charge and was tortured, were sentenced to death following unfair trials.

Proponents of greater recognition of the Kurdish language and cultural and other rights were arrested and imprisoned after unfair trials.

The authorities failed to take adequate steps to address the longstanding problem of protecting women from violence within the family, despite a continuing high incidence of cases in which women set themselves alight, often fatally, apparently because they were subject to such violence.

More than 50 prisoners went on hunger strike between August and October to protest against the use of the death penalty on Kurdish political prisoners and to demand respect for the civil rights of Kurdish prisoners.

- Mohammad Sadiq Kabudvand, founder and Chair of the Human Rights Organization of Kurdistan, detained since July 2007, was sentenced to 11 years' imprisonment in May following conviction after an unfair trial of "propaganda against the system" and "acting against state security by establishing the Human Rights Organization of Kurdistan". An appeal court overturned the one-year sentence for "propaganda against the system" and confirmed the 10-year sentence. He was denied visits by his family and lawyer for a prolonged period, and medical treatment that he required was delayed.

### **Turkmen**

Hundreds of members of the Turkmen minority were detained in January in the wake of protests against the killing of a young Turkmen fisherman by maritime security forces in late 2007 near Bandar-e-Torkman. The killers did not appear to have been brought to justice by the end of the year. At least six school children aged under 15 were held for up to 12 days and reportedly tortured, including with beatings, rape with an object and electric shocks.

### **Religious minorities**

Members of some religious minorities continued to suffer discrimination, harassment, arbitrary arrest and damage to community property. Some converts from Islam were arrested. Others detained before 2008 faced trial; at least two were acquitted of “apostasy” and all were eventually released. Adherents of the Baha’i faith continued to be denied access to higher education and some sites considered sacred by them were destroyed. Leaders and other members of the Gonabad Sufi order were harassed and arrested. At least three Sunni clerics were killed in suspicious circumstances; others were detained and two executed. A Sunni seminary in Baluchistan was destroyed in August. School administrators were required to report to local security offices the presence in their schools of members of “subversive sects” such as the Baha’i, Ali-Ellahi and Ahl-e Haq.

- In March and May, seven Baha’i community leaders were arrested by Ministry of Intelligence officials. In August they were charged with vaguely worded national security offences. All were prisoners of conscience.
- Ayatollah Hossein Kazemeyni Boroujerdi, a cleric opposed to the government, remained in prison in poor health serving an 11-year prison term imposed after an unfair trial by the Special Court for the Clergy (SCC) in August 2007. The sentence included internal exile and in November he was moved from Tehran to Yazd.

### ***Justice system***

Scores of government critics were arrested, often by plain-clothes officials who did not show any form of identification. Some were detained without trial for long periods beyond the control of the judiciary and were reported to have been tortured or otherwise ill-treated and denied access to medical care, lawyers and their families. Others were sentenced to prison terms after unfair trials or were serving sentences imposed in previous years.

- Brothers Arash and Kamiar Alaei, both medical doctors specializing in HIV and AIDS prevention and treatment, were arrested in June and detained without charge possibly because of their links with US-based NGOs and their criticism of government policy towards HIV and AIDS programmes. They faced an unfair trial on 31 December, accused of having “co-operated” with an “enemy government” and seeking to overthrow the Iranian government. During the trial, the prosecutor told the court of additional, secret evidence which the brothers’ attorney had no opportunity to refute because the prosecutor did not disclose it.
- Mansour Ossanlu, President of the unrecognized Tehran BusWorkers’ Union, continued to serve a five year prison sentence upheld by an appeal court in October 2007 because of his peaceful trade union activities. A prisoner of conscience and in poor health, he faced delays to necessary medical treatment.

### ***Torture and other ill-treatment***

Torture and ill-treatment of detainees were common, facilitated by prolonged pre-charge detention, denial of access to lawyers and family, and a longstanding pattern of impunity for perpetrators. At least four deaths in custody were reported. No independent investigations were known to have been held into these cases or two others in 2007.

- Abdolreza Rajabi, a supporter of the proscribed People's Mojahedin Organization of Iran who had been imprisoned since 2001, died in custody in October. There were reports that he may have been tortured.

### ***Cruel, inhuman and degrading punishments***

Sentences of flogging and judicial amputation were imposed and carried out.

- Amir Ali Mohammad Labaf, a Gonabad Sufi leader, was said to have been sentenced in November by a court in Qom to five years in prison, flogging and exile to Babak for "spreading lies".

### ***Death penalty***

At least 346 people were executed, including at least eight juvenile offenders sentenced for crimes committed when they were under 18. The actual totals were likely to have been higher, as the authorities restricted reporting of executions.

Executions were carried out for a wide range of offences, including murder, rape, drug smuggling and corruption. At least 133 juvenile offenders faced execution in contravention of international law. Many Iranian human rights defenders campaigned to end this practice. The authorities sought to justify executions for murder on the grounds that they were qesas (retribution), rather than 'edam (execution), a distinction not recognized by international human rights law. In January, new legislation prescribed the death penalty or flogging for producing pornographic videos, and a proposal to prescribe the death penalty for "apostasy" was discussed in the parliament, but had not been enacted by the end of 2008.

In January, the Head of the Judiciary ordered an end to public executions in most cases and in August judicial officials said that executions by stoning had been suspended, although at least 10 people sentenced to die by stoning were still on death row at the end of the year and two men were executed by stoning in December.

In December, Iran voted against a UN General Assembly resolution calling for a moratorium on executions.

### ***Refugees and asylum-seekers***

Iran continued to host almost 1 million refugees, most of them from Afghanistan. According to the government, up to an estimated 1 million other people were in Iran illegally.

- At least 12 Afghan nationals, apparently returning to Afghanistan from Iran, were shot dead by Iranian border police in April in unclear circumstances.

### ***Amnesty International visits/reports***

- The authorities did not reply to over 50 letters sent by Amnesty International and refused to discuss the possibility of Amnesty International visiting the country.
- Iran: End executions by stoning (MDE 13/001/2008)
- Iran: Women's rights defenders defy repression (MDE 13/018/2008)
- Iran: Human rights abuses against the Kurdish minority (MDE 13/088/2008)