

KINGDOM OF BELGIUM



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REPORT ON THE MISSION TO IRAN

16 May to 6 July 2002

Carried out by a representative of the CEDOCA, the documentation and research service of the Office of the Commissioner General for Refugees and Stateless Persons.

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Disclaimer

This report was put together by Raf Rosvelds, Information Officer of the CEDOCA, the documentation and research service of the Office of the Commissioner General for Refugees and Stateless Persons (CGVS). Unless otherwise indicated, the content is based on information obtained during the CEDOCA mission to Iran from 16 May to 6 July 2002. All the sources cited are public, and the present report is therefore a public document. All the information contained in this report was carefully researched, evaluated and compiled.

This report does not claim to present an exhaustive picture of Iran, but merely endeavours to meet the different information needs facing the CGVS in the context of the decision-making process. Furthermore, the report is one element of the internal policy-making process of the CGVS. In order to meet these different needs, contacts were forged with local specialists.

In order to guarantee the confidentiality of certain sources, they are referred to only through a description of their post. The names of all these sources are of course known to the CEDOCA.

This report is not a political statement by Belgium or by its authorities.

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INTRODUCTION

1. Justification for the mission

A. Statistics

Since the year 2000 Belgium has had to cope with a large influx of Iranian refugees. The number of Iranian applications yet to be processed amounts to around 2000.

Asylum application	Admissibility phase	Examination of merit	Total
1990		3	3
1995	1		1
1996		6	6
1997		8	8
1998		29	29
1999	25	74	99
2000	1,224	335	1,559
2001	11	262	273
2002	78	69	147
	1,339	786	2,125

Number of Iranian asylum applications yet to be processed as of 1 September 2002

B. Information needs

Iranian asylum-seekers are difficult to categorise. Very often, such applications involve various interwoven issues. As a result, we have been faced with different information needs which are difficult to resolve from Belgium.

First and foremost, there was a great need for a means of authenticating Iranian documents. The CGVS in particular has been increasingly confronted with documents submitted by asylum-seekers in support of their asylum statement. However, due to financial and logistic constraints such authentications cannot be made directly by a lawyer in Iran or by the Belgian Embassy in Tehran. To solve this problem, information had to be gathered to enable us to authenticate these documents ourselves.

Furthermore, there was a need to create a network of contact persons who can be called upon in future to resolve all sorts of issues concerning the current situation in Iran. Also, we needed to find a means on site of meeting our key information needs. These needs covered various fields:

- the legal system
- civil law and criminal law
- human rights issues such as women's rights
- Islamic codes and the application of these codes
- religious minorities and the risk of persecution for converts
- the press and media climate
- demonstrations (water riots in Abadan, student demonstrations, etc.)
- political groupings, their activities and the risk of persecution.

The most important task from our standpoint was to obtain an accurate picture of the current application of the persecution policy in Iran. The veracity of the persecution invoked by asylum-seekers can best be assessed within the country itself.

The purpose was not to write an all-encompassing report on all the asylum-relevant aspects in Iran. Rather, we endeavoured to create a network of contact persons who could be called upon in the first instance to provide answers with regard to various specific issues and problems. Secondly, it was essential that this network should be able to provide us in future with an accurate and up-to-date picture of the situation in the country. The contacts which are thus developed can subsequently be used by the CEDOCA and by the Embassy to obtain further information.

2. List of the organisations and persons consulted

Representatives of the Embassies of the Netherlands, Germany, India, Great Britain, Australia, Sweden and Austria.

UNHCR Tehran, Senior Protection Officer and Assistant Legal Advisor, and visit to the UNHCR post in Mashad, visit to the Border Exit Station in Dogharoun.

IOM Tehran

'The Organization for Defending Victims of Violence' (ODVV): *"is a non-governmental (NGO), non-profit Organization based in Iran (Tehran) since 1988, in Special Consultative Status to the ECOSOC, active in the field of human rights and humanitarian activities. The Organization is an associate NGO to the United Nations Department of Public Information (UNDPI), and cooperates, in a variety of issues with the local and international NGOs. During the last eleven years, we have been, mainly informative in regards with human rights violations, and supportive in regards with the victims of violence."*

'Mehr White Home', a human rights organisation

'Women Association Follower of Ahlol Bait', a women's rights organisation

'Relief Committee for Destitute Afghan refugee Families', an NGO for Afghan refugees

'Community of Iranian Students', a human rights organisation for students

Representatives of the students' organisation '*Daftar Takhim Wahdaf* ('the Office to Consolidate Unity') and the coordinating student organisation

Iranian and international correspondents of the International News Agencies Reuters, Associated Press (AP), Agence France Press (AFP), Radio France International and BBC World Service

Iranian journalists working for Iranian newspapers

Managing Editor and Managing Director of an Iranian English-language newspaper

Armenian Georgian Church in Tehran and Isfahan

Assyro-Chaldean Church

Assembly of God Church (Armenian)

Assembly of God Church (Assyrian)

The Russian Orthodox Church

The German-language Evangelical Church

The Assyrian Church

A member of the Suffite group Nematullahi Gunabadi

Seven lawyers, including a specialist on criminal law and a specialist on the authentication of documents

A specialist on women's studies

A member of the family of a victim of the executions of TUDEH members in 1988

A sound engineer.

A film maker (with eight films to his credit)

3. Acknowledgments

Finally, I would like to thank Ambassador Metten and all the staff of the Belgian Embassy in Tehran for their help, without which this mission could not have had any success. In particular, I would like to express my appreciation to Mr M. Versailles, First Secretary, for his hospitality.

I. OPPOSITION ACTIVITIES

1. Monarchists¹

As a group the monarchists are no longer active in Iran (public meetings, distribution of pamphlets, etc.). In fact, it is mainly from other countries and via satellite TV that they are endeavouring to spread their ideas in Iran. The monarchist movements abroad regularly use such demonstrations in Iran as a political football by presenting them on these foreign TV stations as if they were organised by monarchist sympathisers.

In Iran itself, however, they do enjoy some sympathy, mainly because the economic situation was better under the Shah. It would appear that there is no genuine politically organised following, with people who wish to restore the monarchy. After the revolution all the leaders of the monarchist movements left the country or were sentenced. Those who still live in Iran are mere sympathisers without any real political clout.

In principle entertaining such sympathies is not a problem in itself. Even if someone carries on monarchist activities in secret, in principle they will not get into trouble with the authorities as long as this is done in private and the activities do not call into question the principles of the Islamic State. It is only when this takes place in a group and the principles of the Islamic State are publicly challenged that one can expect problems.

Those who in other countries openly and repeatedly call for the restoration of the monarchy can be in trouble with the authorities if they return to Iran. They can expect to be questioned on their return and subsequently to be placed under surveillance by the security services. In principle people who are merely sympathisers do not get into trouble.

More particularly, information was requested concerning the 'Constitutionalist Party of Iran'. The CPI ('Hezb Mashrouteh Iran') is the successor to the 'Organisation of Iranian Constitutionals' ('Mashrouh kahan-e Iran'). It changed its name in December 1998. It declares itself to be led by Shah Reza Pahlavi II as an umbrella group for different monarchist organisations. Its aim is to overthrow the Islamic Republic of Iran and to install a democratic regime².

The Constitutionalist Party of Iran (Hezb Mashrouteh Iran) is not well known in Iran. None of the sources that were consulted had knowledge of any activities of the CPI in Iran. Furthermore, the CPI itself confirms that it has scarcely been active in Iran. In Europe they have a website (<http://www.irancpi.org/>), but it is seldom if ever updated.

If any high-ranking or leading members returned to Iran, they could be in trouble with the authorities. However, this applies only to those who have made clear and public statements against the Islamic State. People who are simply members might be questioned, but in all likelihood they would then simply be released. According to this source, the leaders would have to expect longer interrogations. In any case, the CPI is not seen as an important opposition group (like the MKO), and they will not wish to make it any bigger or more well-known by arresting members³.

2. Left-wing opposition parties

These opposition parties, such as the TUDEH party, Fedayin Majority and Minority, Rahe Kargar, the Workers' Communist Party of Iran, etc. no longer have organised activities or structures in Iran and as such are no longer active in the country⁴. The last remaining active member of Tudeh, Pirouze Davani, was one of the victims of the infamous series of killings. They also enjoy sympathy only among a very small proportion of the population. One thing is sure: they lost much of their support after the fall of the Berlin Wall at the end of the 1980s.

¹ Information obtained from various Iranian journalists, various lawyers and a human rights organisation.

² Letter (no. 018 HMI 02) to the CGVS dated 07/05/2002 from Mr Nader Zahedi, president of CPI Germany and Vice Secretary-General of CPI International.

³ Conversation on 01/06/02 with an Iranian journalist from Associated Press. This view was confirmed by several other journalists.

⁴ Conversations with several Iranian journalists and human rights organisations.

Nowadays they are no longer regarded as a danger for the regime, as they have only a few supporters and their ideology is obsolete and no longer draws support. However, they enjoyed much greater support during the 1970s, when almost all intellectuals harboured left-wing views.

It is only if members of these parties who had blood on their hands returned that they could expect to be arrested. If ordinary supporters returned, they would possibly be questioned about their activities abroad and then released⁵.

Relatives of the TUDEH members who died in 1988 in the mass executions regularly get together to commemorate them. Also, it is still forbidden to give these victims an official burial place. In the 'Khavaran' cemetery where the victims of the 1988 wave of executions were buried in mass graves, it is still forbidden to erect gravestones, and on the last Friday before Nowrouz the relatives of the persons who were executed come here to commemorate them⁶.

⁵ Conversation on 02/06/02 with two journalists from an English-language Iranian newspaper. This information has been confirmed by several other journalists and human rights organisations.

⁶ Conversation on 02/06/02 with family members of an executed TUDEH member.

II. ISLAMIC CODES

1. Adultery⁷

Adultery is governed by Sharia law (articles 63-107 of the Islamic Penal Code - Sharia). Sexual intercourse during marriage or during a temporary marriage is not a problem and is even encouraged. There have been quite a few 'cases of adultery' before the Iranian courts. Since the end of the Iran-Iraq war there has been an increasing tendency to protect privacy. In principle the government no longer interferes in people's private lives.

If you are married and have sexual relations with a person of the opposite sex who is not your wife/husband, this falls under Sharia legislation, and in certain circumstances the Hadd punishment of stoning can be imposed⁸.

Burden of proof

The burden of proof in cases of adultery (four testimonies or four confessions) is in practice stringently and strictly applied. As a result, there are very few cases of stoning. In this type of case there are very few accusations of adultery because the burden of proof is so heavy.

In this type of case only people who are related to one of the persons involved can lodge a complaint (the father, the husband or wife, etc.). A person who is not related to either of the persons involved cannot bring proceedings, unless the act was carried out in public.

The possible forms of proof are as follows:

- *Testimonies* (articles 74-81 of the Islamic Penal Code): Four testimonies by four men (or three men and three women) can constitute valid proof. The testimonies must be parallel (observed in the same way) and at the same point in time. Otherwise they are not admitted by the judge. This principle is strictly applied. The witnesses must also be 'fair' (be honest persons), to prevent the possibility of someone being too easily condemned on the basis of false testimonies.

Islam imposed these strict rules of evidence to prevent false charges being made. If someone falsely accuses a person of an offence, he himself can be prosecuted for slander (articles 78-79 of the Islamic Penal Code).

- *Confessions* (articles 68-72 of the Islamic Penal Code): Adultery can also be proved by confession. In this type of case which involves private matters, only the judge can question the persons involved and take down a confession. Confessions taken by the police have no legal value before the court. Art. 69 of the Islamic Penal Code also specifies the conditions which a confession must meet before it can be admitted by the court. The person concerned must be of age, competent and free to choose and must have a reason to do it.

Confessions forced by torture are in principle not admitted by the court. It is possible at all times (before the fourth confession) to recant on confessions made previously. According to art. 71 of the Islamic Penal Code the death penalty cannot then be handed down, but a lighter Ta'azirat punishment.

Furthermore, the judge must also *qualify* the acts as adultery. It often happens that the judge qualifies the act as illicit relations, for which there is a much lighter punishment (see below under 'Range of penalties').

Only the four witnesses or four confessions can be used as evidence of adultery. The 'wisdom of the judge' or a report by a government employee (police agent, Bassij, etc.) does not count as sufficient evidence. The arrangements in this regard are very strict.

⁷ Information obtained during conversations with five lawyers, a human rights organisation, a specialist in women's rights, a representative of a women's organisation and two human rights activists specialising in women's rights.

⁸ Hadd punishments ('Hadd' is the plural of 'Hodud') are the punishments provided for in Sharia law itself. They come directly from God and cannot be changed. In contrast, Ta'azirat punishments are imposed by Parliament. These punishments do not come directly from God and therefore can be changed. (e.g. lashes imposed by a Ta'azirat punishment can be redeemed, while lashes imposed by a Hodud punishment can never be redeemed).

Adultery (or rather suspicion of divorce) is regularly used as grounds for divorce. Other more common grounds include financial problems, violence and drug addiction.

Range of penalties

Before a person can be sentenced to the Hadd punishment of stoning for adultery, a number of conditions must be met. In practice, particular care must be taken to ensure that these conditions are met. This explains the very small number of cases in which people are sentenced to be stoned.

First and foremost, the two parties must be *of age* and *must not be mentally ill*. Also, they must have acted *of their own free will* and *with knowledge* of the prohibition on adultery (art. 64 of the Islamic Penal Code).

Furthermore, they must be '*Muhsin*': they must live together with their partner and have unhindered access to the partner (art. 83 of the Islamic Penal Code). For the woman involved, her marriage must have been consummated (she must have had sexual intercourse) when she was mentally sound to be considered as '*Muhsina*'. If, for example, the person concerned did not have access to the partner, because, for example, he/she was away on a trip or in prison, the punishment handed down is not the Hadd punishment of stoning (Art. 86) but the Hadd punishment of 100 lashes (art. 88).

In addition, the partner must be in *good health* to be able to have sexual relations. If therefore the person cannot have relations on medical grounds, death by stoning cannot be pronounced.

An appeal can be entered against any death penalty to the *Supreme Court*, which must *confirm* this penalty before it can be carried out (art. 233 of the Public Courts & Revolutionary Courts Procedural Law). The death penalty can only be executed once it has been confirmed by the Supreme Court or when no appeal has been entered. In most cases the Supreme Court does not confirm the death penalty but almost always refers the case back to another court of the same instance, which reviews the case. During the review of the case, the charge of 'adultery', which carries a Hadd punishment, is often commuted to 'illicit relations', for which a Ta'azirat punishment can be pronounced. A less severe punishment must therefore be pronounced for this, even though there is no legal obligation to do so.

When a person is charged with adultery, the *designation* of the charge of 'adultery' (for which a Hadd punishment can be handed down) is often changed to 'illicit relations' (for which a Ta'azirat punishment can be pronounced). The Ta'azirat punishment consists of lashes (up to 99 lashes according to art. 637 of the Islamic Penal Code). However, the punishment which is pronounced depends on the judge. He can make the lashes redeemable, and in this case he has total discretion to decide on a case-by-case basis. If the accused is ill and it could be dangerous to give lashes, this can constitute grounds for making the lashes redeemable.

As we mentioned earlier, there are therefore few cases of stoning for adultery. Most sources were not aware of such cases. Only one human rights organisation specialising in women's rights knew of six cases of stoning for adultery in the year 2001.

In some provinces (such as in Lorestan and Khuzestan and in the south of Iran, but much less elsewhere and hardly ever nowadays in Tehran), 'honour killings' still take place on a regular basis. Sometimes girls are forced to set themselves on fire if, for example, they refuse to marry the candidate selected by the father. So even if a person is not condemned by the court for adultery, there is always the risk that they will be killed by the family to save the family's honour.

2. Illicit relations⁹ (articles 637-638 of the Islamic Penal Code - Ta'azirat)

The term 'illicit relations' means 'immoral acts' other than sexual intercourse.

When 'indecent' acts (kissing, etc.) are simulated *in public*, this is punishable for married and unmarried persons according to the Ta'azirat (Islamic Penal Code). According to art. 638 of the Ta'azirat, the

⁹ Sources: Conversations with five lawyers, a human rights organisation, a specialist in women's rights, a representative of a women's organisation and two human rights activists specialising in women's rights.

punishment for this offence is a prison term of ten days to two months or maximum 74 lashes. This punishment can be imposed in addition to the punishment according to art. 637 of the Ta'azirat for the act itself. If the act itself is not punishable but offends public decency, the punishment is reduced to a prison term of ten days to two months or maximum 74 lashes. The judge has discretion to decide on the sentence. He also has discretion to make the lashes redeemable.

If the illicit relations have taken place outside marriage (without the actual sexual act taking place, i.e. no penetration), according to art. 637 of the Ta'azirat, the punishment can be a maximum of 99 lashes. As this is a Ta'azirat punishment, the judge can also give a lighter punishment. Because the burden of proof for adultery is so stringent, the judge often changes the charge of adultery to illicit relations so that the acts can be punished. Proof of illicit relations does not require four witnesses (male or female), as with adultery. The testimony of one person can be sufficient if the indictments can be proved.

However, it seldom occurs that sentences are imposed because the judge changed the charge of adultery to one of illicit relations. The Ta'azirat punishment for illicit relations is lashes (up to 99 lashes according to art. 637 of the Islamic Penal Code). However, the punishment which is pronounced depends on the judge. He can make the lashes redeemable, and in this case he has total discretion to decide on a case-by-case basis. If the accused is ill and it could be dangerous to give lashes, this can constitute grounds for making the lashes redeemable.

For less serious forms of illicit relations, such as walking down the street with someone of the opposite sex who is not from the same family, in most cases fines are imposed (redeemable lashes), if the persons involved have already been taken into custody for this.

3. Divorce¹⁰

In principle, a woman cannot apply for a divorce in Iran. This right is reserved for men. However, it has recently been made possible for a woman to apply for divorce if her husband is mentally ill or impotent or if the husband is unable to support the family financially. Also, a woman can apply for a divorce if the husband is an alcoholic or a drug addict and this disrupts family life¹¹.

In other cases, the woman can claim the dowry at any time during the marriage. She has an absolute right to do so. She can also require that her husband pay her for the years that she has spent in his service. As many men are unable to pay this amount, the divorce is often awarded to the woman in exchange for not paying this compensation. In these cases, there can also be an arrangement concerning the custody rights over the children. However, this possibility is not often used. In practice it is still exceptional for women to apply for a divorce, especially in rural districts. There is still a strong social stigma, and many women are reluctant to go against social and family traditions.

4. Insults to Islam¹²

Article 513 of the Criminal Code states that the death penalty is imposed if the insults are considered as an insult to the prophet Mohammed, and a prison sentence of one to five years is imposed in the case of insults which are not directly aimed at the prophet Mohammed himself.

It is not clear from the legislation when there is an insult against the prophet Mohammed. The interpretation of insults is at the discretion and appreciation of the judge.

Insulting the founder of the Islamic Republic, Khomeini, or his successor, the Supreme Leader (now Khamenei), carries a prison sentence of six months to two years.

In practice, there are a number of cases in which the charge is 'insulting Islam', but in most cases this concerns journalists. The sources we consulted knew of virtually no other cases. However, the judge wanted to sentence Mr Eshkevari (a member of *Nehzat-e Azadi* and delegate at the famous Berlin conference) to death for 'insulting Islam'. The reason was that he had said that Islam does not require

¹⁰ Information obtained during a conversation with a specialist in women's studies and two women's rights activists.

¹¹ 08Jul2002 IRAN: Divorce made easier for wives of addicts in Iran. Source: AL-BAWABA NEWS 08/07/2002, <http://www.business.reuters.com/cgi-bin/tccentre.exe>, consulted on 12/08/02.

¹² Information obtained during discussions with various lawyers and a human rights organisation.

that women must wear the *hejab* (headscarf) or the *chador* (a garment that covers the whole body). However, under international pressure this penalty was not handed down. Nonetheless, Mr Eshkevari is still in detention.

One of the sources we consulted, a lawyer, had over the years pleaded a number of cases in which people were sentenced to between one and five years for insulting Islam because they had repeatedly spoken out against Islam in public (and not in a fit of insanity). However, the sources we consulted stressed that these were exceptional cases. After all, in Iran practically everybody talks about politics (and therefore also about religion), and the spiritual leaders are also often criticised. If this were still a punishable offence, practically every Iranian would have to be arrested and sentenced.

To judge whether someone should be punished, the intention behind the action must be examined. If the action was taken in a fit of insanity or when a person is *non compos mentis*, he is not prosecuted or sentenced. It is only when the principles of the Islamic State are challenged that people can get into trouble. In such cases, the punishment which is imposed depends somewhat on the judge (whether or not he is conservative), the situation and the antecedents of the person concerned.

III. PARTICULAR ISSUES

1. Abadan¹³

The following is a report on the events during and after the water riots which took place in Abadan in July 2000.

Situation

The riots in Abadan began on Wednesday 5 July 2000 with a peaceful demonstration outside the office of the Governor of Abadan Mr Nazemi, close to Bassij Square, which was formerly Taiib Square. Between 7,000 and 8,000 demonstrators (residents of Abadan) protested from 8 a.m. against the poor quality of the drinking water. The fact that the drinking water contained too much salt was a problem which was known to everyone.

Photograph 1: The office of the Governor of Abadan on Ghods Boulevard

The first three hours of the demonstration went by peacefully. Riots then broke out on and around Bassij Square, and the tone of the demonstration became political rather than social. The people called for opposition to the regime and demanded that the government resign. Many people began to destroy public property and to set fire to buildings (not so much government buildings; even the building of the water department was left more or less untouched). Also, some shops were looted.

Photograph 2: Bassij Square in Abadan (formerly Taiib Square)

On the first day the riots lasted until evening, when the government forces managed to bring the situation under control with the help of government forces from other cities. On the next day the riots began in the morning and did not let up until the following evening. The rioting was mainly concentrated around Taiib Square and in the district of *Ahmad Abad*. Peace was restored thanks in part to the intervention of the popular police chief of police station 16.

It was rumoured that a few people were killed¹⁴.

Arrests

A total of around 300 people were arrested. These arrests were made during the actual rioting and in the fortnight that followed. This was based on video footage taken by the authorities during the riots. A (not completely exhaustive) list was drawn up by the police and the court with the names of those who were arrested, charged and sentenced by the police and the court, but this is confidential and could not be obtained.

Only those who had disturbed the peace (by stirring up people and calling for the regime to be overthrown), had looted shops or had destroyed public property were arrested. Because so many people had been arrested and the places in the prisons of Abadan were limited, some people were sent to the prison in Ahwaz. There are two prisons in Abadan: the prison of the 'information department' (secret service), which can accommodate about ten convicts, and the prison in the police station.

¹³ Sources: Interview with two persons who worked in the legal field in Abadan and Ahwaz and a few local eyewitnesses. For security reasons, the identity of these sources cannot be revealed.

¹⁴ The sources I consulted could not confirm this. The official figure has never been released by the authorities. According to other sources (06Jul2000 IRAN: 'Two people reported dead in Iranian water riot'. Source: 'Tehran Times' in English 6 Jul 00. BBC Worldwide Monitoring/ (c) BBC 2000. Consulted on 18 July 2002 via <http://www.bbc.com/business/reuters.com/>), two people are reported to have died.

Legal prosecution

These three hundred people who were arrested were first made to appear before the second chamber of the Public Court of Abadan (Abadan has eight chambers in the 'Public Court' and one 'Revolutionary Court'), which referred all the cases to the Revolutionary Court in Ahwaz, where their cases would be handled. These were ordinary citizens of Abadan and, more particularly, very poor people, since they were too poor even to buy bottled water.

Most of the people who were arrested (around 15) were released on bail after a month to 45 days. Some remained in detention for two or three months. After 5 or 6 months, these people were ordered to pay 50,000 to 60,000 touman (around 75 dollars). One source mentioned the case of a man who claimed that he had done nothing but had been detained for three months. However, the video footage revealed that he was one of the persons who had stirred up the crowd.

The around 15 other people who had committed serious acts of violence or were regarded as the instigators are still being held. They have not yet been given any penalties. There is certainly hard evidence against them because of the video footage.

Those who have been found guilty have been deprived of their civil rights and can therefore no longer have a job with the government or have any other post which requires the approval of the government.

Characteristics of Abadan

- On Taiib Square (now called Bassij Square; see photograph) there is a fire station.
- Abadan's courthouse is in the fishing port on the Arvand river.
- The office of the Governor on Ghods Boulevard is between Taiib Square and the square with two coffee pots and two cups in the middle before the bridge that crosses Bahmanshir river.
- The Governor's office (see photograph 1) is on Ghods Boulevard. On the other side of the road there is the housing scheme for workers at the oil refinery (see photograph 3).

Photograph 3: Houses for the workers at the oil refinery, Ghods Boulevard, Abadan.

2. Corruption¹⁵

There is a lot of corruption in Iran. It affects all levels of society. One of the reasons for the corruption at low level appears to be the economic plight of many people. A normal salary is often no longer enough to keep a family. The question has arisen to what extent this corruption can be reported to the authorities and to what extent people are then protected by the same authorities.

The fight against corruption has been high on the political agenda in Iran for some time. The 'State Inspectorate Organization' (SIO) was set up with the aim of combating corruption. However, this has so far been in vain.

Charges of corruption are not widespread in Iran. Sometimes these charges are used as a political football in the standoff between the conservative and reformist camps. For example, Mr Karbashi, the very popular reformist former mayor of Tehran, accused the conservatives of corruption. He was eventually convicted and sidelined.

At low level, where it is unlikely that people are protected by either of the camps, people are afraid to report corruption, as some people are protected by powerful persons. Most people are afraid of losing their job or having other problems. At lower level, people who complain of corruption go to the other camp, which then takes up the complaint (without mentioning the name of the complainant). There is no genuine protection if the camp against which the complaint is made is much more powerful.

¹⁵ Information obtained through conversations with four Iranian journalists.

Given the complaint system in Iran and the corruption that pervades the legal system, it is very possible that someone who has been accused of corruption will himself lodge a complaint out of revenge. It happens that people are then arrested for a few days without any investigation of the facts having been initiated.

3. Students¹⁶

Organisation

Every faculty has an 'Islamic Association of Students' ('*Ajoman Eslami Daneshjouian*') of the '*Daftar Takhim Wahdat*' ('the Office to Consolidate Unity', the umbrella students' organisation), which is elected by the students. This 'Islamic Association of Students' in turn elects a bureau for the entire university. Each university is in turn represented on the national council of the '*Daftar Takhim Wahdat*'.

For the past few months there has been a split within the '*Daftar Takhim Wahdat*'. Conservative elements have sought to gain a foothold within the structures of the mainly reformist students' organisation. Because this was unsuccessful, these conservative elements have broken away and set up their own organisation under the same name.

The 1999 student riots

Many students were arrested during the student demonstrations in July 1999 and the subsequent repression by the authorities. The questions facing the CGVS were, firstly, the fate of the majority of the students who were then taken into custody and, secondly, the current situation of the students' organisations in Iran.

For the moment there are 7 or 8 students in prison. A few of them have been in prison since the student demonstrations in July 1999, while others were arrested about two years ago in Khoramabad. A national assembly of the '*Daftar Takhim Wahdat*' ('the Office to Consolidate Unity') was held there. Khadivar and Tadj Zadeh, the former Vice-Interior Minister, came to speak at this assembly. The Bassij burst in and arrested several people who were present. As happened at the time of the student demonstrations in July 1999, most people were released after a short time. In 1999 legal proceedings were instituted only against a few persons. The vast majority were arrested only because of the security concerns that applied at the time and were simply released after a few days.

The current situation

For the moment, the various students' organisations can go about their business unperturbed. There has been a certain depoliticisation of the student population¹⁷. Students are losing interest because the political situation is not changing, and the centre of gravity of their activities has shifted towards cultural and social initiatives. For example, the students at the 'Amir Kabir' University (which is known to be the most politicised) has organised 'flute competitions', and a bazaar is organised every Tuesday with dancing and concerts, including flute concerts. The Bassij have already burst into these events a few times because the conduct of the students was considered to be unislamic.

Every university has a 'bureau de guide', which in most cases is run by people from the reformist camp. They often give financial support to students' publications. These publications are often very reformist (in all fields, including political, social and cultural) and often go much farther than the reformist newspapers. As a result, they are often closed, journalists are taken into custody (some have been detained for a few months) or students are suspended for a few months.

On 27 June 2002 a sit-in with a hunger strike was held outside the main building of the Ministry of Justice in Tehran by a few members of the central bureau of the '*Daftar Takhim Wahdat*', namely Sa'id Razavi-Faqih, Reza Ameri-Nasab, Abdollah Mo'meni, Mehdi Aminizadeh and Davar Nazar-Ardebili. They wanted an investigation into what had happened to the students who were still being detained and their release. Two elected representatives visited the hunger strikers and informed them of what had happened to their

¹⁶ Information obtained during a conversation on 11/06/02 with an Iranian journalist from an international radio station and on 03/07/02 with two representatives of the '*Daftar Takhim Wahdat*'.

¹⁷ Information obtained during a conversation on 11/06/02 with an Iranian journalist from an international radio station.

fellow students. After 31 hours they were removed by the police and released. This action had no further consequences for those involved.

4. Cultural affairs¹⁸

When someone wants to make a film or a play, they must have the permission and approval of the Ministry of 'Ershad' (Ministry of Islamic Culture and Guidance). It is not always clear what criteria are used. Things which are permitted once may not be permitted a second time. Certain issues are taboo, and the Islamic code must always be respected.

Before a play can be performed in public, it must be seen and approved by a representative of the Ministry. Very often, certain scenes have to be changed, and it sometimes happens that the Ministry gives its approval, but the performance is then disrupted by conservative groups.

Furthermore, films too cannot be shown without the permission and approval of the Ministry. Very often, certain scenes have to be cut out or changed. The 'Film House' (Khanieh Cinema) is a group of actors and film producers which endeavours to defend them and to mediate in discussions with the Ministry.

The two sources have not yet heard of any film producers or actors who had been given prison sentences because of their work. However, it regularly happens that a certain play or film cannot be shown.

5. The legal process¹⁹

What follows is not an exhaustive description of the entire legal procedure and the practices of the different courts. Rather, we will simply mention a number of points that may be helpful as a background to the handling of asylum applications.

- Legal proceedings often begin with a complaint to the police. In the first instance, the police will therefore take the case seriously and summon the persons concerned. Depending on the case, if the person concerned responds to the summons, the police will take the person concerned to the court, where the different cases will be distributed among the judges. The judge will decide what is to be done with the person concerned in the first phase of the legal process. The judge can decide to release the person pending a later session at which the case will be handled. In very clear and straightforward cases, it can happen that the judge passes judgement already at this point. Finally, the judge can decide to detain the person temporarily or release him on bail.

The judge will impose bail, which must be paid before the person can be released. There are various ways of paying this deposit: by making a cash payment or by submitting a property deed. The judge will then send an expert to assess the value of the property before releasing the person. If immovable goods are given as security, a declaration of the court must be sent to the 'office of the property registry' stating that the property has been submitted as security to the court. This declaration should be attached to the property deed so that it cannot be sold until the deposit has been lifted.

As long as the judge is of the opinion that further inquiries must be carried out to complete the dossier, the dossier remains with the police. As soon as all the inquiries have been completed, the dossier is transmitted to the court, where it is inscribed in the register and given a dossier number. From that point on, any further inquiries will be ordered by the court, and all the documents (e.g. summonses, etc.) concerning this case will be issued by the court.

- A copy is always made (with carbon paper) of any summonses to appear before the police or before the court. The person who delivers the summonses to the person who has been summoned (a policeman, for summonses issued by the police, or the bailiff, for those issued by the court) will in all cases put the original back in the dossier and leave the copy at the home of the person who is summoned. If the person

¹⁸ Information obtained during conversations with a sound engineer and a film producer.

¹⁹ Information obtained from various Iranian lawyers. The first lawyer has a reputation in the international community in Tehran for considerable expertise in the field of authentication of legal documents. The second lawyer is a specialist on Iranian criminal law. The third lawyer has already defended several opposition leaders. These persons were separately consulted, all have many years of experience in the legal field and are known to be reliable and independent experts.

who is summoned or a family member is personally present, the summons will be handed over to one of them. Otherwise, the copy will be left on the door.

- An appeal can be made in certain cases against the decisions in criminal law cases of the ordinary public courts of first instance and the Revolutionary Tribunals (article 232 of the 'Public Courts & Revolutionary Tribunals Procedural Law'). The provincial court of appeal handles appeals against the decisions of the ordinary public courts of first instance and the Revolutionary Tribunals. The appeal is handled directly by the Supreme Court only in the cases mentioned in article 233 of the 'Public Courts & Revolutionary Tribunals Procedural Law'.

Article 232 of the 'Public Courts & Revolutionary Tribunals Procedural Law' reads as follows:

Judgments pronounced by public courts and revolutionary tribunals concerning penal matters shall be final, excluding the following cases which shall be capable of reconsideration and rehearing:

- a. *Crimes and public offenses the legal punishment against which shall be execution or lapidation.*
- b. *Crimes and public offenses the legal punishment against which shall be penance (the Islamic punishment laid down by the Quran) or retaliation.*
- c. *Forfeiture exceeding Rls. 1,000,000 (one million rials) or confiscation and expropriation.*
- d. *Crimes and public offenses the legal punishment against which shall involve payment of blodwyte (blood money) exceeding one-fifth (1/5) of full blodwyte.*
- e. *Crimes and public offenses the legal punishment against which shall be imprisonment exceeding three (3) months, or flogging/lashing or pecuniary punishment to the amount exceeding Rls. 500.000 (five hundred thousand rials).*
- f. *If the guilty shall be sentenced to removal from office.*

Article 233 of the 'Public Courts & Revolutionary Tribunals Procedural Law' reads as follows:

The court which shall be competent to reconsider and rehear the judgments pronounced by public courts or revolutionary tribunals affiliated with judicial complexes, shall be the relevant provincial court of rehearing, excluding the following matters for which the rehearing forum shall be the Supreme Court:

- a. *Crimes and public offenses the legal punishment against which shall be execution or lapidation.*
- b. *Crimes and public offenses the legal punishment against which shall involve mayhem (amputation) or retaliation for life.*
- c. *Crimes and public offenses the legal punishment against which shall be imprisonment exceeding ten years.*
- d. *Confiscation and expropriation.*

- Arrest warrants are internal documents issued by a judge and court to the police or other security forces. They can therefore not normally be in the hands of the wanted person.

- Article 5 of the 'Law Concerning Formation of Public and Revolutionary Courts' states that the following cases fall within the jurisdiction of the Revolutionary Court:

Revolutionary Courts as may be required in number shall be formed in each provincial capital and in the districts, as determined by the Head of the Judiciary, and under the administrative supervision and legal authority of the judicial district, to investigate the following offences:

1. *Any crime against the domestic or foreign security of the Islamic Republic of Iran and corruption on earth.*
2. *Any act amounting to an affront against the Founder of the Islamic Republic of Iran and/or the Leader.*
3. *Any conspiracy or plot against the Islamic Republic of Iran or any armed uprising, terrorism or demolition of public buildings or installations with the aim of confronting the Islamic government of the country.*
4. *Spying for foreigners.*
5. *Drug trafficking or related crimes.*
6. *Suits filed under Article 49 of the Constitution. (Article 49 of the Constitution of the IRI: The government has the responsibility of confiscating all wealth accumulated through usury, usurpation, bribery, embezzlement, theft, gambling, misuse of endowments, misuse of government contracts and transactions, the sale of uncultivated lands and other resources*

subject to public ownership, the operation of centers of corruption, and other illicit means and sources, and restoring it to its legitimate owner; and if no such owner can be identified, it must be entrusted to the public treasury. This rule must be executed by the government with due care, after investigation and furnishing necessary evidence in accordance with the law of Islam.)

Given the sensitive nature of this type of case, the Revolutionary Court does not often send a summons to the person whom they wish to hear. Instead, the person concerned is informed by telephone when they are to appear.

Also, copies of the court order are seldom issued. This is to prevent reports of the court order from getting out of the country too quickly and creating a bad image of the Iranian Islamic Republic. The persons concerned (and their lawyer) are generally summoned to read the court order and to take down a written note of the part of the court order that concerns them. This applies in around 90% of cases. It is only in the 10% of less sensitive cases such as fraud, smuggling and the acquisition of property with money from criminal activities that the persons concerned will often receive a copy of the court order.

6. Afghan refugees in Iran²⁰

State of affairs concerning the repatriation of Afghan refugees from Iran to Afghanistan

Until recently Iran had an estimated total of 2.3 million Afghan refugees on its territory, but since April of this year a repatriation programme has got under way in cooperation with the UNHCR.

Between January and May 2002, 122,359 Afghans returned from Iran to Afghanistan, 58,807 of them through the repatriation programme that began in April 2002 and the rest on their own initiative.

This may be called a success, but it appears that the figures are falling. It is very important that the figures for these voluntary repatriations remain sufficiently high and that the UNHCR reach the target of 400,000 (for 2002). If this is not the case, Iran could adopt another position and move to a policy of forced return, which the UNHCR is trying to avoid. The total number of Afghan returnees from Iran pales before the number of repatriations from Pakistan (730,000 at the start of June). Several reasons have been put forward for this: greater integration of the Afghan refugees in Iran (not in camps but in the cities; often married to Iranians). The greater pressure exerted by the Pakistani authorities on Afghans is to return there, according to the UNHCR.

The practicalities of repatriation

Iran has agreed to work (in the first instance) only on the basis of VOLUNTARY return. This is laid down in the tripartite agreement between Iran, the UNHCR and Afghanistan. As far as we were able to ascertain and based on the answers we received from Afghans and from NGOs (including Médecins Sans Frontières on the ground in Dogharoun), this principle is being coherently applied, and no forced expulsions are taking place. Furthermore, the return process is well organised and very humane:

- the refugees are gathered in 9 different 'voluntary repatriation centres' from which they are bussed to Dogharoun in the north-east of Iran, and from there to Afghanistan.
- medical facilities are present (accommodation for one night), and food is given during the bus trips. In Dogharoun there is even a play tent for the children.

Information to Afghan refugees

The UNHCR is trying to give as much information as possible to the Afghans in Iran who request such information, but they recognise that the refugees themselves are often better informed of the situation in Afghanistan. Depending on this information, the repatriation figures can fluctuate.

For a description of the situation of Afghan refugees in Iran, I refer to the Dutch country report 'Afghans in third countries - Iran'²¹, which is still valid.

²⁰ Information gathered during a two-day mission on 18-19 June 2002 to Mashad and the border crossing between Iran and Afghanistan in Dogharoun (organised by the UNHCR).

²¹ Dutch country report 'Afghans in third countries - Iran' of 20 July 2001,
<http://www.minbuza.nl/Content.asp?Key=451095&Pad=257220.418336.257248>, consulted on 12/08/02.

IV. RELIGION²²

1. Christians

The Christian community in Iran is divided into different churches, representing a total of around 150,000 persons. The following churches are active in Iran (listed here with the address of their headquarters in Iran and the person responsible):

1. Association of 7th Day Adventists

address: Vali-e-Asr Ave., Rasht Alley No. 145, Tehran - Iran
Reverend: Rafie Keshishzadeh
Tel/Fax: 0098 21 640 45 25

2. Assembly of God (Armenian Pentecostals)

Address: Taleghani Ave., Ghods Str. No. 121, Tehran - Iran
Reverend: Edward Hovsepian Mehr
Tel/Fax: 0098 21 896 28 98

3. Assembly of God (Assyrian Pentecostals)

Address: Shahrara Ave., Bonbast-e-Kelisa No. 39, Tehran - Iran
Reverend: Victor Bet Tamraz
Tel/Fax: 0098 21 692 22 66

4. Armenian Gregorian Church

Address: Ostad Nejatollahi Ave., Karimkhan zand Str. No.121, Tehran - Iran
Bishop: Sebouh Sarkissian
Tel: 0098 21 889 26 17
Fax: 0098 21 890 16 34

5. Armenian Evangelical Church of Tehran (incl. the Presbetarian Immanuel Church)

Address: Mirzayeh Shirazi, 4th Str. No. 3, Tehran - Iran
Reverend: Rafie Keshishzadeh
Tel: 0098 21 890 34 58
Fax: 0098 21 889 29 19

6. Armenian Catholic Church

Address: Hafez Str. College Crossing, Ghazali Str. No. 22, Tehran - Iran
Bishop: Neshan Karakeheyan
Tel/Fax: 0098 21 677 204

7. Assyrian Evangelical Church of Tehran

Address: North Kargar Ave., Shahid Khosravi No. 75, Tehran - Iran
Reverend: Ninus Moghades Nia
Tel: 0098 21 800 61 35
Fax: 0098 21 802 77 14

8. Assyrian Chaldean Catholic Church

Address: Engelab Str., Forsat Str. No. 91, Tehran - Iran
Bishop: Ramzi Garmou
Tel: 0098 21 882 35 49

²² Information distilled from annexes 1 to 6.

9. Roman Catholic Church

Address: Neuphle le Chateau Str. No. 73, Tehran - Iran
Bishop: Ignazio Bedini
Tel: 0098 21 670 32 10
Fax: 0098 21 672 47 49

10. Episcopal Church of Iran (Anglican Church)

Address: Hafez Str., Shomali Kutsche Raveshe No. 145, Tehran - Iran
Reverend: Rafie Keshishzadeh
Tel/Fax: 0098 21 640 45 25

Situation

The situation of the Christians has improved over the last few years, and especially since President Khatami came to power. Generally speaking, there is no longer any repression or persecution. On the whole, it can be said that the Christians from the different churches are able to practise their religion undisturbed within their community of faith but that, like all other Iranians, they have to cope with the economic crisis. This is one of the main reasons, moreover, why many people who belong to these churches have left the country. Coupled with the fact that since the 1979 revolution many of their co-religionists have gone abroad, many see no more future in Iran and decide to leave. The leaders of the different churches in Iran are unhappy about this situation and are trying to stem the flow and thus ensure the continued existence of their church in Iran.

At a legal level, in recent years various initiatives have been implemented to end discrimination in the legislation and in the administration of justice. For example, very recently a law was passed which did away with the discrimination in the payment of blood money. Up until then, members of the 'religions of the book' (i.e. the Christians, Jews and Zoroastrians) were entitled only to 1/8 of the blood money that a Muslim would receive if a family member was killed through the fault of another person. They now therefore receive the same amount.²³

In the field of inheritance law, there is a rule that states that if one Muslim is among the successors (even if all the others are Catholic), the Muslim receives the entire inheritance. However, a court order was recently issued according to which the law of the person who died applies. This means that if, for example, a member of the Armenian Gregorian Church dies, Armenian inheritance law applies.

More generally, the Iranian government has permitted the Armenian community to refer certain legal disputes between Armenian Christians to Armenian courts which apply their own Armenian legislation. In addition to questions of succession, this applies more specifically to divorces and cases concerning personal and family law. The Iranian government accepts the decisions of these courts. Furthermore, there is no discrimination in the treatment of Armenian Christians by Armenian courts. Also, the authorities (Bassij, Pasdaran, etc.) are fairly tolerant towards Armenian Christians and, for example, allow them to consume alcohol at home.

Observers attribute this more flexible attitude on the part of the authorities to the fact that certain fractions within the government have become more sensitive to Iran's international image. The repression of this Christian religious minority, which has in total fewer than 200,000 members throughout Iran, would attract only negative attention. Furthermore, given the small number of Christians numerically they do not constitute a threat to the Islamic majority.

Proselytizing

Few of the churches in Iran are involved in any proselytizing. The most active are the two 'Assemblies of God' churches and the 'Episcopal Church of Iran (Anglican Church)'. These churches do engage in active proselytizing.

²³ Interview on 03/07/02 with Dr. Hovanesian, Legal Advisor of the Armenian Apostolic Church in Tehran.

Other churches admit new members only when the person concerned is married to a member. The Armenian Gregorian Church, the Armenian Catholic Church, the Roman Catholic Church and the Assyrian Church ('The Holy Apostolic Catholic Assyrian Church of the East') never admit converts.

Religious conversion is a long process in Iran. Interested persons who apply to join a church are first - as far as possible - vetted to make sure they are sincere (to avoid admitting government 'spies'). They are then required to follow a course in Christian doctrine which normally lasts 1 to 3 years. They should also take an active part in the activities of the church. This is to prevent people from applying for religious conversion for no other reason than to be able subsequently to request asylum in another country. The baptism ceremony is then carried out, in most cases with the greatest discretion.

Various churches issue baptism certificates to converts who request asylum abroad. However, the Assyrian 'Assembly of God' Church never issues such documents. Many of the documents submitted to the CGVS, when checked by the churches concerned, are found to be fake.

Conversion from Islam to another religion is forbidden according to Iranian law and is in theory punishable by the death penalty. However, the sources consulted had no knowledge of any sentences handed down to persons because they converted or because of their proselytizing. They certainly had no knowledge of any executions in the last six years on the grounds of conversion or apostasy.

The authorities are often aware of conversions but do not do anything to oppose them. As long as the religion is practised privately and the person concerned is not too obtrusive, in principle there is no problem. It is only if the person practises his religion publicly and actively attempts to convert others that he could be in trouble. However, this applies more to small towns, where it appears that members are sometimes questioned²⁴, than to Tehran, where things are somewhat easier given the anonymity of this big city. One of the sources related that one of its members was currently in detention for distributing Bibles and because of open proselytizing²⁵. None of the other sources we consulted had any knowledge of such cases.

Muslims regularly attend services in the different churches. In most cases this is known to the authorities, but they do not make any problems.²⁶

During this mission various churches were visited in Tehran. Please consult the annexes for a report on the visits to the different churches.

²⁴ See annex 'Assembly of God - Armenian'

²⁵ See annex 'Assembly of God - Armenian'. On the other hand, a representative of the Assyrian Assembly of God Church was caught printing 5,000 Bibles. These were simply confiscated. Otherwise no particular legal action was taken.

²⁶ Conversation on 3 August 2002 with Dr. Hovanesian, Legal Advisor of the Armenian Apostolic Church.

V. ANNEXES

Annex 1: ARMENIAN GREGORIAN CHURCH²⁷

1. Organisation

There are three prelatures in Iran:

1. Tehran

His Eminence Bishop Sebouh Sarkissian
Armenian Church, Sarkis Cathedral, Ave. Ostad Nejatollahi 311, 15988 Tehran, Iran
Tel: (98-21) 88-97-980/981; Fax: (98-21) 88-92-617

2. Tabriz

Very Rev. Fr. Neshan Topouzian, Vicar
Armenian Archdiocese, P.O. Box 51355-4455, Tabriz, Iran
Tel: (98-41) 53-532; Fax: (98-41)-60-655

3. Julfa-Isfahan

His Eminence Bishop Sarkissian
Armenian Cathedral, P.O. Box 81735-115, Julfa, Isfahan, Iran
Tel: (98-31)-24-34-71; Fax: (98-31)-27-09-99

2. Situation

The Bishop is concerned about the emigration of Christians from the Middle East to Europe and the US. This appears to be mainly for economic reasons, not because of religious problems. In particular, the Armenian Christian community in Iran can practise its religion without problems.

The Bishop was very clear on the question whether his church admits converts. The church believes in dialogue between itself and the Iranian authorities and in showing respect for each other's beliefs. Furthermore, the Armenian Gregorian Church is a national church and accepts only people who are of Armenian nationality or descent. They also do not encourage conversions of Armenians and are very reluctant to countenance contacts with non-Christians who want to discuss religious matters. Muslims are **NEVER** allowed to convert to their religion and can **NEVER** be part of their community of faith. All other questions concerning baptism certificates of converts, their situation, profile, knowledge of Armenian, etc. were therefore answered with the statement that such questions do not arise as the church does not allow conversions.

He complained that certain Evangelical churches, which he branded sects, were engaging in the conversion of Muslims and Armenian Christians. He condemned this practice in the strongest terms.

As regards the situation of the members of his church in Iran, he emphasised that they have no problems with the authorities. Like any other minority in the world, they are of course seen as being different by the native population, but there is no mistreatment or discrimination.

In addition, the Iranian government has permitted the Armenian community to refer certain legal disputes to Armenian courts which apply their own Armenian legislation. This applies more specifically to cases of succession, divorces and cases concerning personal and family law. The Iranian government accepts the decisions of these courts (of course, as long as the 'disputes' involve only Armenian parties). Furthermore, there is no discrimination in the treatment of Armenian Christians by Armenian courts. Also, the authorities (Bassij, Pasdaran, etc.) are fairly tolerant towards Armenian Christians and, for example, allow them to consume alcohol at home.

²⁷ The following information was obtained from his Excellency Bishop Sarkissian during a conversation with him on 20 May 2002.

The information which the Bishop gave was later largely confirmed by two of the Bishop's co-workers. The only additional details which they added was that Armenian Christians sometimes receive heavier punishments than Muslims for serious offences (murder, etc.), especially if the victim is a Muslim. If the victim is an Armenian Christian, they are often given less compensation than an Islamic victim.

Finally, they mentioned that there are 25 schools in Iran for Armenian Christians, two of which have Armenian Christians as headmasters.

Main entrance of the Sarkis Cathedral

Interior of the Sarkis Cathedral

Annex 2: **ASSEMBLY OF GOD CHURCH - ARMENIAN**²⁸

1. Organisation

The headquarters of the church are close to the University of Tehran (Address: Ayat. Taleghani Ave. 121, Tehran 14177, P.O. Box 13145-1165). The head of the Church, the Superintendent, is Rev. Edward Hovsepian Mehr. His assistant superintendent is Rev. Vartan Avanesian. There is also a 21-member 'board' at the headquarters. Twelve members of the 'board' are pastors who are paid by the church, while the others are volunteers.

At the headquarters there are two church services on Friday (at 4 p.m. and 6.30 p.m.) and one on Sunday at 6 p.m. What is striking is that many more young people attend these church services than those of the Armenian Gregorian Church.

In addition to the headquarters, the Assembly of God Church has three churches in Tehran: NARMEK (where the services are in Armenian), MADJIDIEH (where the services are also in Armenian) and JANNAT ABAD (where the services are in Farsi).

They also have 7 other churches in Iran: Rasht, Isfahan, Urumiye, Ahwaz, Busher, Mashad and Kermanshah. There used to be one in Shiraz, but this church ceased to function when the pastor was deported. However, in that town, as in some other towns, meetings are still held in private homes.

According to Rev. Avanesian, they are still one of the recognised religions, even though they are no longer registered as such (as they were before the revolution). As a result, they are accepted, but they no longer receive authorisation to build new churches.

The church of the headquarters has around 800 members, of whom 500 have been baptised and 300 are preparing for baptism. 80% of the members are converted Muslims, and the other 20% are converted Armenian or Assyrian Christians.

2. Situation

²⁸ The following information was obtained from Rev. Vartan Avanesian, Assistant Superintendent, during a conversation at the headquarters in Tehran on 26 May 2002.

On the whole, the situation for the members of the church is good. It is certainly much better than it was 6 or 7 years ago. The pressure from the authorities has let up. Nowadays members are only rarely picked up for questioning. The last time this took place on a large scale was in the autumn of 1997 when around 30 members were taken in for questioning (Why did you convert? Who converted you? Who did you convert yourself?, etc.). The purpose of the exercise was actually to make the converts see the 'error of their ways' and to get them to return to Islam. In one case this worked temporarily, when an elderly woman was frightened into converting back to Islam but after one week went back in tears to the Assembly of God. Since then she has remained a member of their church and has had no further problems with the authorities.

At the present time there is only one member of their church who is being detained because of his activities. This man (whose name, for security reasons, was not revealed) was arrested because he was distributing Bibles to others who sold them on the street. He was also a zealous evangelist. He has been in detention for a month.

There are sometimes problems with the authorities in some smaller towns. In most cases the problem amounts to minor forms of intimidation. However, members are sometimes held for questioning for a few hours or a few days and then released and thereafter left in peace. They are sometimes asked to sign a declaration to the effect that they promise to stop making converts. In spite of this, most of them simply continue with their proselytizing activities, most of the time without any problems.

Two years ago pastor Omid Azgomi from their church in Rasht was regularly summoned by the authorities for questioning about his activities (proselytizing). At the start, the questioning was very tough, the aim being to intimidate him, but the tone subsequently became more friendly. After one year he was no longer required to appear.

If the authorities become aware that someone has been converted, this can lead to the person losing his job. This applies more to civil servants than to people who work for private businesses.

Among the believers there is a general atmosphere of fear, so much so that they tend to restrict themselves in their proselytizing activities. Also, members regularly stay away from the church to divert somewhat the negative attention of the authorities.

When asked whether there are any pending lawsuits against Muslims who have changed religion, Rev. Avanesian gave the following example: A few years ago a Muslim couple converted to Christendom. Under pressure from the wife's family, she returned to Islam three years later. She then instituted legal proceedings against her husband to dissolve the marriage. The judge dissolved the marriage and gave custody of the children to the woman, which is very exceptional (normally in cases of divorce the man automatically gets custody of the children). Furthermore, there were no legal consequences for the man. According to Rev. Avanesian, the decision of the court varies considerably from judge to judge in such cases depending on whether he is rather conservative or reformist.

The last time anyone received the death sentence because they converted, as provided for in Sharia law, dates from around seven years ago.

On the whole, the ordinary population have a positive attitude towards Christians. There are only rarely negative reactions. However, six or seven years ago the headquarters received a visit from a few members of the secret services who demanded that their Friday church services be stopped and that everyone who wanted to attend the church service on Sunday give his identity. However, this demand was refused by the church authorities, and they simply continued as before, without any further problems. Of course, they are well aware that the authorities are very well informed of their activities and that there are probably also spies among their members.

According to Rev. Avanesian, all the members of the church can at some time have problems with the authorities, even though the situation of most of the members is tolerably good. He understands that some choose to leave the country, but he rather puts this down to economic factors and the desire to lead an untroubled life. Those who have 'the true faith' choose instead to stay and to witness to their faith.

3. Proselytizing

The church is certainly open to new converts and to this end takes albeit limited but nonetheless active steps such as selling Bibles on the street.

If an interested person comes along, he is introduced to a few pastors who have an initial conversation with him to see if he is genuinely interested. This is to avoid admitting government 'spies' and to prevent people from applying for religious conversion for no other reason than to be able subsequently to request asylum in another country.

Before they can be baptised, interested persons have to follow a training course that lasts three years. They receive instruction about the Bible, liturgy, etc. and the most important holidays such as *Christmas*, *Easter* (which is called '*Aide Pak*' or '*Ghiam*' which means '*resurrection*') and *Pentecost*. The Assembly of God Church does not have a period of fasting. At the start they often receive instruction individually, but later in small groups (3 to 6 persons), in most cases once a week at the headquarters or in private homes.

The language used is Farsi.

After the course of instruction the convert is baptised. Baptism takes place by complete immersion in water backwards. In 90% of cases the baptism is carried out by Rev. Avanesian and Brother Edward.

According to the Reverend, people are considered by law as converts only if they have been baptised. Until that time they are simply 'students' and as such are not yet really converts.

Annex 3: ASSEMBLY OF GOD CHURCH - ASSYRIAN (THE 'PASSPORT CHURCH')²⁹

1. Organisation

The headquarters of this church are 37-39 Sattarkhan Street (tel. and fax.: 0098 21 692 22 66), next to the government department which issues passports, hence the name the 'Passport Church'.

The head of the community is Reverend Victor Bet Tamraz. At the headquarters he is assisted by two priests, Pastor David (a converted Assyrian Christian) and Pastor Bahram (a converted Iranian Muslim). There are also two helpers. This is the only church belonging to their community in Tehran. Elsewhere in the city they have 'cells', that is, private meetings of a small group of believers.

There are two masses on Sunday: one at 10.30 a.m. in Assyrian (because of the time not many people attend this service) and one at 6 p.m. in Farsi (only since a year). A month ago the Reverend introduced another mass on Friday at 5.30 p.m. (also in Farsi). In order to reach more people, the Reverend is making all the masses in Farsi.

The community in Tehran comprises around 200 persons, most of whom are converted Assyrian Christians. Over the years, many of them have fled.

In Urumiye there is another priest, who is called 'Father Robert'. In the past, the priest Khosrow Khoda Dadei was the head of their church in Hamadan. However, he left the country three years ago because he had been having problems for seven years with the authorities because of his activities. The priest in Kermanshah, Pastor Wilson, has been inactive for seven years. Because of the problems with the authorities he had to close the church seven years ago. Also, his passport was taken away so that he could not leave the country. He received his passport back only last year.

The church has no links with the American branch of the Assemblies of God. Rev. Tamraz is trying to establish closer ties with the Assemblies of God in the US.

²⁹ The following information was obtained from Reverend Victor Bet Tamraz during a conversation at the headquarters on 28 May 2002.

2. Situation

The general situation in Iran is very bad, especially at an economic level. In this regard, Christians are particularly hard hit because they are often unable to get a job because of their religion, particularly with the government. However, those who already worked for the government in the days of the Shah have kept their job.

In the church itself, the believers can practise their religion without any problem. The church is recognised by the government as a Christian and Assyrian church, but it is not registered as such with the authorities (it was registered before the revolution). One consequence of non-registration is that its priests must be re-elected by the faithful every three years, even though this goes against its principles. Government 'spies' within the church often seize upon these elections to disrupt them. In addition, the church is constantly under government surveillance.

Young people in the army also have problems because of their beliefs. For example, they are never given an office job because they are not trusted with confidential information. The government entertains the notion that the Christian churches are in a way embassies of foreign powers. Also, conscripts are often on the receiving end of insults.

At school the members of this church are forced to follow Islam in their lessons and are forced to read religious books in which Christendom is portrayed in a negative light. Also, Christianity is often presented as an 'empty' religion.

The Reverend knew of only one case of a member of his church who was currently having legal problems with the authorities because of his beliefs/conversion. This was a man who had worked for the government for years as an accountant for a salary of 400 dollars a month. When they found out that he had converted to Christianity, they reduced his salary to 100 dollars. He complained to the court, but there was no reaction.

3. Proselytizing

People who themselves make direct contact or who become interested by talking to one of the members are invited to the church. There they receive instruction in Farsi for a year to 18 months. There are classes for newcomers and for advanced students. These lessons are mainly given by the wife of Reverend Tamraz, by the Reverend himself and by Father David.

Once their instruction is complete, they are baptised. This is done by the Reverend himself by immersion in a 'swimming pool' in the headquarters of the church. The baptism is recorded in a baptism register, but the baptised person never receives a baptism certificate or any other document that proves that he is a member of the church. From the outset, the Reverend makes it clear to newcomers that only those who are genuinely convinced of Christianity and who go about their life as such will be baptised and that they will never receive a document in support of any application for asylum in another country. If an asylum authority wishes to obtain information concerning an alleged member of his church, they can always contact the Reverend, and he will give them all the necessary information.

For the moment, because they have not been active in this field for very long, the church has so far had no problems because of its proselytizing activities. As long as converts keep a low profile and are not very obtrusive about their new beliefs, in principle they have no problems (exception: see the experience of the accountant related above). However, converts who want to get married have problems when it comes to registering their marriage. Also, they cannot go through the conventional Christian marriage ceremony.

However, until seven years ago the situation was much worse. Members were regularly summoned for questioning and sometimes detained for several days. The situation has improved since Khatami came to power. The provision of Sharia law which states that the death penalty is imposed in cases of conversion has not been applied for years. Nowadays they use Sharia law only to frighten people.

Every month Reverend Tamraz used to print 5,000 Bibles in clandestinity (the New Testament). The secret police (*Etallaat*) found out about this and confiscated the entire load. The Reverend complained to the Interior Minister, who told him that they would remain confiscated but that no further (legal) proceedings would be instituted against him. He was given the good advice to keep his head down. The

Reverend says that he is not really afraid of being arrested, as it would not be a good move in terms of international reputation.

Annex 4: **ASSYRIAN CHALDEAN CHURCH**³⁰

1. Organisation

This church has three 'dioceses' in Iran: Tehran, Urumiye and Ahwaz (because the Bishop of Ahwaz was deported from the country after the revolution, this diocese is now under the Bishopric of Tehran).

Headquarters: the 'St. Joseph's Chaldean Catholic Cathedral - Tehran', 91 Avenue Moussavi (Forsat, Enqelab), 15819 Tehran, tel./fax.: 0098 21 88 23 549. The head of the Church is Archbishop Ramzi Garmou (of Iraqi descent).

In addition to the headquarters, where in addition to the Archbishop there is also Pastor Petrus Yelda, who is a minister, the Church has the following centres:

A centre in Tehran: the parish 'de la Vierge Marie', in south Tehran, where the Pastor is 'père Joseph' (of Indian descent).

In north Tehran they also have a place of prayer in the 'Communauté du St. Esprit'.

Pastor Vanyah (an Iranian) is the Church's representative in Hamadan. He is also responsible for Kermanshah.

Finally, Bishop Thomas Meram is responsible for their centre in Urumiye. In addition to this Bishop, there are Père Jean-Louis (who is French) and Père Thomas (who is Iranian).

The entire community is made up of around 6,500 persons, of whom 4,000 live in Tehran and 2,500 in Urumiye.

2. Situation

Since the revolution there has been a major problem of immigration of Christians in the Middle East and in Iran in particular. Half of the Christian community has already left. However, the exodus has tapered off somewhat. This is mainly due to the fact that in the wake of 11 September 2001 the organisation 'Hayyaz' was forced to discontinue its activities to a great extent as since then the US has been much more unwilling to issue visas. This organisation organised the exodus to the United States via Vienna.

In principle, the church is not restricted in the exercise of its beliefs. The members are free to engage in their rituals and give religious instruction in the church to believers. The only restriction is that they cannot engage in active proselytising.

³⁰ The following information was obtained from Mr Ramzi GARMOU, Archbishop of the Assyrian Chaldean Church in Tehran during a conversation at its headquarters on 22 May 2002.

Annex 5: THE ASSYRIAN CHURCH (THE HOLY APOSTOLIC CATHOLIC ASSYRIAN CHURCH OF THE EAST)³¹

1. Organisation

The head of the church is Patriarch Mar Dincha IV, who is also Bishop of Tehran. For the moment he is residing in the United States. His replacement as head of the church in Iran is Deacon Benjamin Dumara, who is also head of St. George's Church in Tehran.

In addition to the priest Dumara, two other priests are active in Tehran: the Rabi (or priest) Joseph Rashidi and the priest Ashur Tamraz of the 'Virgin Mary' Church in Tehran.

In Orumiye there are two other priests: Mar Younani (+/- 80 years old), who is also the head of all the priests in Iran, and the assistant ('Wise Bishop') of Bishop Mar Dincha IV and Darioush Azizian (+/- 28 years old). Orumiye also has their oldest church, the 'Saint Mary' Church, also known as '*Nane Maryam*'. They have also built a new church, also known as '*St. Mary's*', but most services take place in the old church. In the district around Orumiye there are a total of 82 churches, such as the very old St. Sergio's church and St. Thomas's church in the village of Barulan, which is a Kurdish village.

The church is referred to as 'holy' because it was founded by two of the direct disciples of Jesus Christ, Maradeh and Marmary. The apostle Thomas was the church's first patriarch. The community of faith of the Assyrian Church has 17,000 members, of whom 70% are members of the 'Holy Apostolic Catholic Assyrian Church of the East', and the other 30% are members of the Catholic Church, the Chaldean Church (20%), the Assyrian Assembly of God (2%) and the Assyrian Protestants.

2. Situation

Their church and religion are recognised by the Iranian government. There are legal discriminations only in respect of recognised non-Islamic religions. For example, they cannot become president or a minister, they cannot have a career in the army, and together with the Chaldeans they can have only one representative in Parliament, namely Jonathan Bet Kolian.

In addition, they receive only 1/8 of the blood money that a Muslim would receive if a family member were killed through the fault of someone else. Following negotiations with their MP and some of the highest Islamic leaders in the city of Qom, they received the support of 7 of the 8 leaders to do away with this inequality. Also, the Supreme Leader, Khamenei, is in favour of abolishing this discrimination. The bill now needs only to be approved by Parliament (N.B. The first court order has now been handed down in which members of the religions of the book, that is, the Christians, Jews and Zoroastrians, can receive the same blood money as Muslims).

In the field of inheritance law, there is a rule that states that if there is one Muslim among the successors (even if all the others are Catholic), the Muslim receives all the inheritance. Attempts are being made to rescind this rule.

3. Proselytizing

This church does not allow any conversions and has not made any conversions since the 12th century. Muslims regularly visit their church (to light candles, to attend mass, etc.), but this is not a problem. As the entire liturgy is in Assyrian, Muslims do not understand any of it. The church door is always open to everyone. However, Muslims do not receive communion, and no confessions are taken of Muslims.

³¹ Report on the meeting that took place on 17 June 2002 with the 'Board of Directors' of the church. In attendance: Priest Benjamin Dumara, substitute head in Iran, Priest Joseph Rashidi, Victor Barin, head of the Board of Directors and the other members of the Board of Directors.

Finally, in recent years this church also has not heard of anyone who has had legal problems (for example, the death penalty) because they converted to another religion.

4. Photographs

The Board of Directors with at the bottom second from the right the priest Benjamin Dumara; third from the right, the priest Joseph Rashidi and on the extreme left Victor Barin

Interior of St. George's Church in Tehran

Front of St. George's Church in Tehran

Annex 6: THE RUSSIAN ORTHODOX CHURCH³²

Address: Upper Taleghani
Attarat Street
Shahid Mofatteh n° 129
Tehran

Tel.: 0098 21 830 10 67
Fax.: 0098 21 830 10 67

1. Organisation

The Russian Orthodox Church currently has around 100 members in Iran who regularly attend mass. There are a few more, but they go to church only once a year, so the church does not know exactly how many there are. There is only one pastor in Iran, namely Father Alexandre. There is another church, the Church of the Holy Trinity at the cemetery of the Orthodox Christians (also Greek Orthodox, Bulgarians, etc.) on Dolap Street in Tehran, but they do not have a priest. Father Alexandre sometimes goes there to say mass.

In Anzali on the Caspian Sea there is another church, the Church of Saint Nicolai, but there is no priest there either, only a Russian Orthodox community of ex-pats. In Ahwaz and Isfahan there is also a meeting of Russians who work there. Prior to 1917 there were 15 churches in Iran.

2. Situation

The period from 1990 to 1995 was particularly problematic for Christians in Iran. In 1995 an Armenian Protestant pastor, pastor Mikalian, was murdered. According to the official version, he was murdered by the MKO, but not much credence is attached to this.

After the killing of Father Stephan, who was the pastor in Iran from 1990 to 1995, there was no pastor until Father Alexandre was sent in 1998. In the period from 1995 to 1998 a pastor was sent from the Armenian or Assyrian Church to say masses. During the Soviet regime the pastors were sent from the US. Father Alexandre was the first pastor who was sent from Russia itself.

3. Proselytizing

No converts have been baptised since Alexandre took up office. Father Stephan baptised converts now and again, but only in secret and with people he could trust.

However, a number of children from mixed marriages (Muslim - Russian Orthodox) have been baptised. Because anyone who gets married to a Muslim must convert to Islam, in principle this cannot happen. In most cases, partners who convert to Islam do this only for show and remain Christians in their heart of hearts (they would especially have problems with the authorities, but Father Alexandre was unwilling to expand on this question. However, he could have some understanding for members of the church who have fled the country because there is no future for their children in Iran). Father Alexandre himself has had no converts and could therefore not say anything about their situation.

Many Muslims ask to be baptised, but this is always refused. A few Muslims regularly attend mass. However, this is not a problem for the church or for the Muslims concerned.

4. Photographs

³² Report on a meeting that took place on 17 June 2001 with Father Igumen Alexandre, head of the Russian Orthodox Church in Iran.

VI. ANSWERS TO SPECIFIC QUESTIONS

CEDOCA REF.	: IR2002-164w
COUNTRY	: IRAN
SUBJECT	: GENERAL/LEGISLATION
KEY WORDS	: Lashes commuted to fines
DATE OF QUESTION	: 05/02
DATE OF ANSWER	: 04/06/02
ASKED BY	: AVM/HV
AUTHOR	: Raf ROSVELDS, deputy advisor
DOSSIER NUMBER	: General

→ QUESTION:

What punishments can be commuted to a fine?

→ ANSWER:

There are three types of punishments provided for by Islam/Sharia:

- 1) 'Hodud' punishments: these come directly from God.
- 2) 'Qasas' punishments: this punishment is based on the right of the family to compensation if a member of the family is killed. It is up to the family alone (and therefore not to the judge) to decide whether they want to punish the perpetrator (with the death penalty) or set him free.
- 3) 'Blood money': this should be paid by the perpetrator to the family of the victim of involuntary manslaughter.

In practice, blood money amounts to around 20,000 dollars for Muslim men, 10,000 dollars for Muslim women and 1/8 of these amounts for non-Muslims.

(If the 'Guardian Council' adopts a law recently approved by the Majlis (the Iranian Parliament), the blood money paid will be the same for all recognised religions (Christians, Zoroastrians and Jews).

In addition, there is the ordinary Criminal Code.

For 'Hodud' punishments, the judge cannot commute the sentence. These punishments are binding according to Sharia law. For all other punishments (except of course the 'Qasas' punishments and blood money), the judge has total discretion to decide whether he can allow the lashes to be redeemed. This consent must be mentioned in the court order, along with the amount that is to be paid for each lash. This

depends on the judge. The sum of 50,000 Rial per lash is not unusual. Alternatively, the judge can declare that only some of the lashes are redeemable.

Art. 22 of the Criminal Code allows the judge to invoke mitigating circumstances, so that he can hand down a lighter sentence. Mitigating circumstances can include the following: cooperation with the police, the fact that the perpetrator turned himself in to the authorities, etc. If the judge invokes mitigating circumstances to impose a lighter sentence, he must refer in the court order to the aforementioned article 22.

To prevent misuse in the past of the principle 'Father owns blood', whereby the father is given the right to kill his children if they have brought shame on the family (e.g. adultery), under certain conditions the father's act can be made punishable under the ordinary criminal code. This punishment imposed on the father has regularly been circumvented by having the family member in question killed by the brother. The father would then forgive the son (the victim's brother) ('Qasas' punishments), so that he also escapes punishment. To prevent this misuse, a new provision has now been incorporated in the criminal code which makes such acts punishable.

(Source: This legal information was obtained by a CEDOCA researcher during his mission to Iran from 16 May to 6 July 2002. To this end, on 3 June 2002 he had a meeting with four Iranian lawyers, including two specialists in criminal law, who together had over 100 years of experience before the bar. For security reasons, their identity cannot be given. This information was subsequently confirmed by another Iranian lawyer).

CEDOCA REF.	: IR2002-168w
COUNTRY	: IRAN
SUBJECT	: GENERAL/Legislation
KEY WORDS	: Permission for women to work
DATE OF QUESTION	: 30/05/02
DATE OF ANSWER	: 06/06/02
ASKED BY	: DWI
AUTHOR	: Raf Rosvelds, deputy advisor
DOSSIER NUMBER	:

→ QUESTION:

Do women in Iran need to obtain their husband's permission to be able to work?

→ ANSWER:

No, women do not need to obtain their husband's permission to be able to work. However, if he does not agree, he can of course make life difficult for her.

(Source: The following information was obtained by a CEDOCA researcher during his mission to Iran from 16 May to 6 July 2002. To this end, on 25/07/02 he had a meeting with a specialist in women's studies).

CEDOCA REF.	: IR2002-169w
COUNTRY	: IRAN
SUBJECT	: GENERAL/Legal system
KEY WORDS	: Convocations/Summonses
DATE OF QUESTION	: 11/06/02
DATE OF ANSWER	: 13/06/02
ASKED BY	: VEL
AUTHOR	: Raf Rosvelds, deputy advisor
DOSSIER NUMBER	: General

→ QUESTION:

What is the difference between a convocation (Ehzariéh) and a summons (Ekhtariéh)?

Does a convocation precede a summons? Does this apply to all offences? For what offences can the suspect be summoned to appear?

What is the difference? Is there any difference in form? Who can issue what? When is which form used?

→ ANSWER:

Convocation/summons

The convocation (Ehzariéh) and the summons (Ekhtariéh) are both forms of invitations to appear. However, an Ehzariéh simply invites the certain person to appear. In the case of an Ekhtariéh, this is also requested (or the person concerned is invited to do something, such as to pay his telephone bill or to pay the legal stamp which is to be paid when a complaint is lodged with the court). Also, there may be consequences if the invitation goes unheeded (e.g. the electricity is cut off, the complaint is not declared because the legal stamp was not paid). It is a kind of final reminder which specifies the penalty if the reminder goes unheeded (however, the penalty can also be specified in an Ehzariéh).

(Source: This legal information was obtained by a CEDOCA researcher during his mission to Iran from 16 May to 6 July 2002. To this end, on 12 June 2002 he had a meeting with an Iranian lawyer. This information was subsequently confirmed by another Iranian lawyer).

CEDOCA REF.	: IR2002-178w
COUNTRY	: IRAN
SUBJECT	: GENERAL/prison
KEY WORDS	: Soldiers/delivery of convocations
DATE OF QUESTION	: 01/06/02
DATE OF ANSWER	: 13/06/02
ASKED BY	: AVM/General
AUTHOR	: Raf Rosvelds, deputy advisor
DOSSIER NUMBER	: General

→ QUESTION:

1. Can a soldier who has been convicted serve his sentence in an ordinary (civil) prison?

2. Are the convocations to appear before the judge personally distributed to prisoners or are they handed over to the prison authorities?

→ ANSWER:

1. A military court rules only on cases involving soldiers or on military matters (in which ordinary citizens may also be involved). If a soldier is found guilty, he will always have to serve his sentence in a military prison. However, citizens who are found guilty in cases involving military matters serve their sentence in a normal prison.

2. A convocation will always be handed over personally to the prisoner, who then signs for receipt. Persons who are in temporary custody for serious cases are always entitled to a lawyer (perhaps a free legal aid counsel). The lawyer too should therefore always be informed of the convocation.

(Source: This legal information was obtained by a CEDOCA researcher during his mission to Iran from 16 May to 6 July 2002. To this end, on 12 June 2002 he had a meeting with an Iranian lawyer. This information was subsequently confirmed by another Iranian lawyer).

CEDOCA REF.	: IR2002-183w
COUNTRY	: IRAN
SUBJECT	: PA/demonstrations
KEY WORDS	: Demonstration by teachers - Tehran and other cities
DATE OF QUESTION	: 27/5/02
DATE OF ANSWER	: 17/06/02
ASKED BY	: VN
AUTHOR	: Raf Rosvelds, deputy advisor
DOSSIER NUMBER	:

→ QUESTION:

It appears that a representative of the parents of pupils (at his son's school) took part in the teachers' demonstrations in Tehran on 15/1/2002 (near the University), on 22/1/2002 (near the University) and on 27/1/2002 (from the university to the Parliament). It appears that he was not arrested during these demonstrations and that one month later he was wanted by the authorities.

Were the participants in these demonstrations prosecuted because they took part?

→ ANSWER:

At the start, these demonstrations were tolerated because they were exclusively social (demand for better salaries). At one point, angry teachers even 'stormed' the Parliament. The forces of law and order did not intervene repressively (*Note by Raf Rosvelds: One of the sources, a journalist, was personally present*). Once the scope of the situation became increasingly widespread and the movement threatened to get out of hand, it was banned. Nonetheless, there were a few demonstrations after that. Several people were taken into custody, but they were released after a few hours. No one was summoned to appear in court. These demonstrations quickly died out after the teachers received a 25% salary increase.

As a general principle, they said that demonstrations for social demands are not a problem. It is only when they threaten to become political that action can be taken against them.

(Source: This information was obtained by a CEDOCA researcher during his mission to Iran from 16 May to 6 July 2002. To this end, he had conversations with various journalists and lawyers and a human rights NGO).

CEDOCA REF.	: IR2002-184
COUNTRY	: IRAN
SUBJECT	: HR/women
KEY WORDS	: Organisation of conference/women's rights/University of Tehran
DATE OF QUESTION	: 18/06/02
DATE OF ANSWER	: 26/06/02
ASKED BY	: DEF
AUTHOR	: Kathou Wagemans and Raf Rosvelds, deputy advisor
DOSSIER NUMBER	:

→ QUESTION:

A candidate refugee claims to have organised a conference on 6/12/1379 (24/2/2001) at the Free University of Tehran under the auspices of the students' organisation Daftar Takim Wahdat.

It is claimed that during this conference (with the approval of the University), the following issues were discussed:

- inequality between men and women with regard to succession

- the fact that women cannot be judges
- imbalance between the rights of men and women.

The person concerned claims that because of the content of this conference he and two other organisers are being persecuted by the government.

He fears that he will be given a prison sentence.

Does it appear plausible that people are persecuted in Iran for such things?

→ ANSWER:

In principle, people who stand up for women's rights do not get into trouble. This is a very topical issue, and in recent years various laws have been passed which are designed to improve the position of women. Thanks to the influence of women's NGOs, Iranian members of Parliament are taking many women's issues to heart and things are changing considerably.

For example, the age at which girls can marry has been raised from 9 to 13 years (this law was approved last week), subject to the exception that a judge can give approval for the girl to be married at an earlier age if she is found by the judge to be 'physically fit' to get married.

Furthermore, in certain cases women can now have custody of their children (if the father is found to be unfit to bring up the children because of addiction or violence).

Also, if she is under strong pressure (especially economic pressure, e.g. if her husband deserts her and leaves the country), a woman can obtain divorce.

Much has been written on these issues (inequality, etc.) in newspapers and magazines.

It is therefore not very likely that someone who organises a conference in which women's rights are discussed would face problems, let alone persecution.

(Source: This information was obtained by a CEDOCA researcher during his mission to Iran from 16 May to 6 July 2002. To this end, on 25 June 2002 he had conversations with two activists from a human rights NGO who specialise in women's rights and the rights of the child).

CEDOCA REF.	: IR2002-201w
COUNTRY	: IRAN
SUBJECT	: GENERAL/army/military service
KEY WORDS	: Buying your way out
DATE OF QUESTION	: 24/05/02
DATE OF ANSWER	: 24/06/02
ASKED BY	: SIN
AUTHOR	: Raf Rosvelds, deputy advisor
DOSSIER NUMBER	:

→ QUESTION:

Can people still buy their way out of military service in Iran?

→ ANSWER:

Since around two years ago, it is no longer possible to buy your way out of military service. The reason for this is that it meant that only the rich got out of doing military service and this was beginning to undermine the morale of the rest of the troops. When it was possible, it cost 2 million touman (10 rial is 1 touman, 7960 rial is 1 dollar) to buy your way out of military service.

(Source: This information was obtained by a CEDOCA researcher during his mission to Iran from 16 May to 6 July 2002. To this end, on 5 June 2002 he had a conversation with the military attache from the Indian embassy. This information was subsequently confirmed during conversations with a few students).

CEDOCA REF.	: IR2002-203w
COUNTRY	: IRAN
SUBJECT	: GENERAL
KEY WORDS	: Health care in Iran
DATE OF QUESTION	: 25/06/02
DATE OF ANSWER	: 28/06/02
ASKED BY	: VEL
AUTHOR	: Raf Rosvelds, deputy advisor
DOSSIER NUMBER	: General

→ QUESTION:

What is the situation in Iran as regards medical care and treatment of serious illnesses (cardiac disorders, cancers, kidney problems, etc.), and what is the situation with regard to technological development in this field?

→ ANSWER:

Good medical care is available in Iran (open heart surgery, kidney transplants, etc.), but it costs the earth, and in private hospitals with good specialists, cash must be paid up-front. For example, a heart operation costs 3 million toman.

Sometimes, these specialists also work a day or two in state hospitals where the price is ten times lower but there are endless waiting lists. There are four very well equipped state hospitals in Iran: two in Tehran, one in Shiraz and one in Esfahan.

People also have to pay cash up-front in state hospitals, because otherwise they don't get treatment (it appears that this is also the case for emergencies). People who are insured can obtain a partial refund afterwards, but that takes a lot of time and a lot of toing and froing. For the poor, therefore, it is practically impossible to get good medical treatment.

(Source: This information was obtained by a CEDOCA researcher during his mission to Iran from 16 May to 6 July 2002. To this end, he had conversations with an employee at the Belgian Embassy and a lawyer).

CEDOCA REF.	: IR2002-136w
COUNTRY	: IRAN
SUBJECT	: GENERAL
KEY WORDS	: Trade unions/Sherkat Taavoni Haml Ve Naghl
DATE OF QUESTION	: 13/04/02
DATE OF ANSWER	: 25/06/02
ASKED BY	: HAN
AUTHOR	: Raf Rosvelds, deputy advisor
DOSSIER NUMBER	:

→ QUESTION:

1. How much trade union freedom is there in Iran?
2. Are there any known trade union activities in Shiraz (province of Fars), and have there in the past been any problems with trade union militants?
3. Do you have any knowledge of the trade union 'Sherkat Taavoni Haml Ve Naghl' in the state-run oil company 'Khodranandegan Naftkeshayeh Ostane Fars'?

→ ANSWER:

The sources I consulted had never heard of this trade union (whose name can be translated as 'Transport Co-operative company') in Shiraz or of delegates of this trade union having any problems.

More generally, they had no information concerning problems experienced by trade union delegates because of their trade union activities. According to the sources, the state might take action against a trade union only if it did something against the fundamental interests of the state. Otherwise, trade unions are not so well organised, widespread or active as in Europe.

(Source: This information was obtained by a CEDOCA researcher during his mission to Iran from 16 May to 6 July 2002. To this end, he had conversations with a few lawyers and 6 Iranian journalists who work for reputed international news agencies and national newspapers).

CEDOCA REF.	: IR2002-124w
COUNTRY	: IRAN
SUBJECT	: GENERAL/Security forces/Bassij
KEY WORDS	: Businesses
DATE OF QUESTION	: 3/5/02
DATE OF ANSWER	: 25/06/02
ASKED BY	: SIN
AUTHOR	: Raf Rosvelds, deputy advisor
DOSSIER NUMBER	:

→ QUESTION:

To what extent are the security services of the government present in private businesses?

→ ANSWER:

Immediately following the revolution, there was still a considerable presence of security forces in private businesses. However, for some considerable time this has no longer been the case, since these people also have to be paid (to do nothing). In public enterprises, in most cases there are still a few members of the Bassij or secret police. Of course, in private businesses it may be that there are still people who collaborate 'under cover' with the authorities, but in principle they are not recruited and paid for this work.

(Source: This information was obtained by a CEDOCA researcher during his mission to Iran from 16 May to 6 July 2002. To this end, he had conversations with a few Iranian journalists who work for reputed international news agencies and national newspapers).

CEDOCA REF.	: IR2002-112w
COUNTRY	: Iran
SUBJECT	: PA/Political events
KEY WORDS	: Dr. Ibrahim Khorsand/Rastgarayane Mazhabiane Tondro
DATE OF QUESTION	: 25/04/02
DATE OF ANSWER	: 08/05/02
ASKED BY	: VBE
AUTHOR	: Raf Rosvelds, deputy advisor
DOSSIER NUMBER	:

→ QUESTION:

It is reported that Dr. Ibrahim Khorsand was a professor of sociology at the Imam Khomeini University in Rasht. It is claimed that he was taken into custody on 20-2-1379 (10 May 2000) because of a student demonstration at the University of Rasht and that he was arrested. It is reported that there were also other arrests. It is claimed that Dr. Khorshand was executed on the central square in Rasht. Can this be checked?

Is there any information available on an organisation called 'Rastgarayane Mazhabiane Tondro' (which, it is claimed, is an extreme right-wing organisation)?

→ ANSWER:

None of the sources consulted had heard of the public execution of a Dr. Khorsand. A number of journalists made inquiries with colleagues from Rasht, but they had never heard of this either.

Also, none of the sources had ever heard of 'Rastgarayane Mazhabiane Tondro'. One of the journalists could say that the term 'Mazhabiane Tondro' was used as a general term for all religious security forces such as Ansar-e Hezbollah, Bassij, etc.

(Source: This information was obtained by a CEDOCA researcher during his mission to Iran from 16 May to 6 July 2002. To this end, he had conversations with a few Iranian journalists who work for reputed international news agencies and national newspapers).

CEDOCA REF.	: IR2002-104w
COUNTRY	: Iran
SUBJECT	: GENERAL
KEY WORDS	: Sepah hospital
DATE OF QUESTION	: 17/04/02
DATE OF ANSWER	: 25/04/02
ASKED BY	: PEA
AUTHOR	: Raf Rosvelds, deputy advisor
DOSSIER NUMBER	:

→ QUESTION:

- Who might find themselves in a Sepah hospital, and why?
- Do you possibly have any information on the Sepah hospital Imam Hussein in Kermanshah?
- Can prisoners if necessary be transferred to such hospitals, and what arrangements are made for supervision?

→ ANSWER:

Sepah hospitals are open to everyone. Sepah members and their families do receive certain privileges, such as discounts, etc.

Prisoners can indeed be transferred to these hospitals. It depends on the decision of the judge whether an individual is transferred to a hospital and whether they must be supervised. If there is a risk that the sick prisoner might escape, a warden will normally be provided.

(Source: This information was obtained by a CEDOCA researcher during his mission to Iran from 16 May to 6 July 2002. To this end, he had conversations with two experienced journalists who work for a national Iranian newspaper).

CEDOCA REF.	: IR2002-103w
COUNTRY	: IRAN
SUBJECT	: PA
KEY WORDS	: MONTAZERI/amnesty/book
DATE OF QUESTION	: 16/04/02
DATE OF ANSWER	: 18/04/02 17/06/02
ASKED BY	:
AUTHOR	: Raf Rosvelds, deputy advisor
DOSSIER NUMBER	:

→ QUESTION:

1. To which group of prisoners was amnesty granted around September 1998?
2. Was there in the year 2000 a new wave of arrests of Montazeri's supporters?
3. Is possession of Montazeri's book (memoirs) a reason for persecution?

→ ANSWER:

Every year there are around 6 or 7 occasions when amnesty is granted (e.g. for Nowrouz, for the anniversary of the death of Khomeini on 4 June, etc.). In most cases, amnesty is granted to prisoners who are behind bars because of a complaint lodged by another citizen, for financial offences, for those who have served half or a third of their sentence, for soldiers sentenced for taking absence without leave, etc.

In general there is no amnesty for political prisoners, unless it is their first offence and they have served half or a third of their sentence. For example, former minister Nouri was released, but subject to strict conditions.

(Source: This information was obtained by a CEDOCA researcher during his mission to Iran from 16 May to 6 July 2002. To this end, on 02/06/02 he had conversations with two experienced journalists who work for a national Iranian newspaper).

According to another source, a number of articles have recently once again started to appear in the press by or about Montazeri. It appears that two months ago a few of Montazeri's closest followers were arrested and held in detention for about a month because they were spreading his ideas and books. The last to be released was Ahmed Qabel. However, it appears that simply possessing Montazeri's books is not a problem.

Montazeri himself has recently once again been permitted to leave his house on a regular basis as long as he keeps a low profile.

(Source: This information was obtained by a CEDOCA researcher during his mission to Iran from 16 May to 6 July 2002. To this end, he had a conversation on 29/05/02 with a few journalists from BBC World Service).

CEDOCA REF.	: IR2002-147
COUNTRY	: IRAN
SUBJECT	: RE/Sunnism
KEY WORDS	:
DATE OF QUESTION	: 21.05.2002
DATE OF ANSWER	: 17/06/02
ASKED BY	: HV
AUTHOR	: Raf Rosvelds, deputy advisor
DOSSIER NUMBER	:

→ QUESTION:

1. Do you have any general information on the Sunnite movements *NAGHSHE BANDIEH* and *TCHASHTIEH* in Iran?

- Who are the leaders?
- What position do they occupy within the Iranian (religious) community?
- Who from these movements might be considered as a dissident by the Iranian authorities?
- Are individuals who belong to such movements persecuted by the authorities?

2. Can the *SHAFIGHI* family be considered as an important and persecuted family within any of these movements?

3. Is Mr HAROON SHAFIGHI a known figure within the Sunnite movement? It is claimed that he is an author/poet and that he died recently. It is claimed that he was persecuted in Iran because of his controversial views.

4. Can the following names be checked:

- MAUDOUDI or MODDOUDI, who comes from Pakistan
- Dr HASSAN MASSALI
- DANIEL SHAYESTEH
- Ayatollah ABOLFAZL BORGHEHEI
- Dr MOZAFARIAN
- Sheikh OSMAN NAGHSH BANDIEH

→ It is claimed that they are all connected with Sunnism as religious leaders or clerics.

→ Are they known within Iran?

→ Can contact with them lead to persecution within Iran?

→ ANSWER:

Naqhs Bandieh is a Sunnite Sufi sect which has supporters mainly in Kurdistan and Baluchistan. They were recently used for political purposes. Sunnite popular representatives, taking the lead from the

women, have recently been demanding balanced representation in government services. For example, the Minister of Foreign Affairs was questioned in Parliament about the fact that there are no Sunnite ambassadors. Sunnites are demanding these posts in Sunnite countries. However, it is very unlikely that this will have any negative impact on the Sunnite minority in Iran.

As Naqhs Bandieh have reverence for a number of elderly Sunnite leaders (for example Omar, Osman and Aba Bakhr) who are hated by the Shi'ites, they do not get much sympathy from the Shi'ites. Also, it is said that they are involved in the drugs trade.

Tchastieh is a very small group with a charismatic leader, Tchastieh. Like the Al Alahi sect, it is a social group rather than a political group. They are certainly not regarded by the government as a threat.

Many of these sectarian groups (and there are hundreds) make a small business out of 'healing' people. The charismatic leaders often claim to have supernatural healing powers. However, their support is often very small.

Shafighi is also a known Sunnite sect. They acknowledge 4 imams. They are also not regarded as a threat to the regime.

(Source: This information was obtained by a CEDOCA researcher during his mission to Iran from 16 May to 6 July 2002. To this end, he had a conversation with two journalists who work for a national Iranian newspaper).